INDIGENOUS CONFLICT RESOLUTION AND THE GENDERED ROLE OF AKAN QUEENMOTHERS IN GHANA'S PEACE AND SECURITY LANDSCAPE

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INTRODUCTION: WOMEN IN INDIGENOUS CONFLICT RESOLUTION

Historically, women have always been involved in indigenous conflict resolution in many African societies. This role, however, has been unrecognised and unhighlighted. Indigenous conflict resolution mechanisms typically employ methods that prioritise restorative justice, emphasising community justice and harmony over personal gain. These methods are grounded in customs, ritual practices and the application of dialogue and negotiations, among others. The neutral third party in these mediatory processes is usually performed by community-accepted leaders such as elders, customary leaders, chiefs, queens or other titled holders. Usually, community leaders are men; however, some cultures accept and visibly have female traditional leadership spaces where women are in charge and offer dispute mediation. These leaders act as moral guardians and custodians of social harmony. The main aim of such indigenous conflict resolution is to protect intergenerational links and make sure the harm caused by the perpetrator does not create tension, disrupt families and lead to full-scale conflict. Thus, their methods are more preventive than punitive.

In the past, women performed unconventional jobs like cooking, spying and tending to the injured during wars. They also served as troops in conflicts (Aboagye, 2010). UNSCR 1325 places a strong emphasis on conflict prevention and resolution, acknowledging women's roles as players in conflicts, and the value of women's representation in peace processes.

Women's roles as wives, mothers, sisters and aunts across lineages make them suitable to mediate disputes within families, between clans and communities. Disputes such as marital, land access and use and inter-ethnic conflicts can be best resolved with women as arbitrators. Among the Akan of Ghana, the Ohemaa is responsible for settling domestic disputes and is the main advisor to thechiefs In the market spaces, market queens represent womenfolk in the market space at both traditional courts and district assembly meetings. They often mediate over prices and territory, as well as other business interests on behalf of market women. These negotiations go across ethnic and political divides to ensure women’s economic interests are assured (Clark, 2018; King & Oppong, 2000).

In times of conflict, women are known for collective mobilisation, such as the Liberian Peace Movement, which employed the indigenous practice of going naked and denying their men sex to compel them to participate in peace talks. Liberian women for the end of the civil war. They pushed for peace negotiations in Ghana, participated in disarmament and ran a campaign for a female president (Disney, 2008). In order to address the needs of victims, particularly those who have experienced sexual violence as a result of conflicts, traditional justice systems can supplement formal judicial systems (Sheffield, 2022).

Another example is how women in Rwanda participated in conflict mediation and reconciliation, as well as post-genocide reconstruction activities through the Gacaca courts (Opiyo, 2023). The post-colonial governments installed the Gacaca courts to fight genocide, reconcile the nation and restore unity among Rwandans. The overall objective was to provide justice for post-genocide crimes. These courts were to employ homegrown traditions derived from the Rwandan socio-cultural fabric to replace imported divisive practices (Ingelaere, 2008).

According to Ndu, Nwafor, and Adama (2023), women in rural Nigerian communities are in charge of preserving harmony among families, but they are frequently left out of official peace talks. Among the Eziobodo people, the Oshi Ekwa group uses structured dispute resolution techniques, such as fining the guilty party, to demonstrate their capacity for peacebuilding initiatives. In order to accept the choice reached as a group, the process includes collective peace communication techniques among women in the group and the community. Additionally, these venues allow women from minority ethnic groups to express themselves and have their voices heard. Another example among

the Igbo of Nigeria, is how women exercise ''collective'' political autonomy as *Mikiri.* This female-run group employs a public shaming method called sitting on a man when men flout their orders. They are usually involved in collective decision-making regarding sanitation, market days and marriage disputes in their community (Van Allen, 1972; Thebe, 2018).

THE CASE OF GHANA

The Ghanian chieftaincy institution can be categorised into patrilineal and matrilineal systems. Usually, acephalous societies practice the patrilineal system of succession and inheritance, while centralised, mostly Akan societies, practice the matrilineal system. In patrilineal societies, xhiefdom positions are traced to male lineage. This does not mean women do not have a part to play, though minimal, as indicated by Odotei (2006). She argues that women often have to struggle for relevance even within the matrilineal system, as visibility of chiefdompositions is usually expressed through a male lens. However, the positions of female chiefs among the patrilineal Dagbon, for example, questions this female exclusion. The institution of female chiefs was not new to them. Women could, and did, rule over towns, and had male councilors and servants (Odotei, 2006; Ansah & Chigbu, 2020). Dade (2023) argues that certain socio-cultural practices, such as religious beliefs in Islam and African traditional religion, restrict women's participation in formal peace spaces, thereby, leaving them to participate in informal spaces among the Dagbon. Subsequently, Akwara (2024) also posits that, despite cultural norms and patriarchal structures mounted as barriers, Grusi Women sought informal ways, such as forming peace volunteer groups, performance of traditional rites, negotiations with local leaders and government officials, to ensure conflict resolution and peacebuilding among the Grusi of North-eastern Ghana.

Among the matrilineal Akan, women form an integral part of the Akan political structure. They participate in legislative and judicial councils and decision-making in their communities (Tandoh, 2023). Traditionally, in the Akan setting, women were deemed more important than men, as the propagation of the matrilineage depends on women. Thus, the importance of women rests within the matrilineal family system (Diabah & Appiah Amfo, 2015).

The matrilineal system ensures that stools belong to the females, hence, they are keepers of stools and leaders of matrilineages, while the men are deemed as caretakers (Hale, 2013). According to Hale (2013), the position of the *Ohemaa* fits directly into the role of women as being responsible for the continuity of matrilineage in the Akan worldview.

The basic unit of every Akan matrilineal society is the abusua. At this level, family disputes are deliberated on by the head of the family (*abusuapanyin*), who is usually male[1]. The next positions are the *odikro* and *obaapanyin*, rulers of small towns or villages, who usually answer to the Ohene and Ohemaa, who are leaders of major towns. As in the case of the Asante Kingdom, the Omanhene or Omanhemaa answers to Asantehene and Asantehemaa (Danquah, 1928).

Arhin (2023) asserts that the Ashanti political structure relies on the strength of the matrilineal system of inheritance, which places women at the centre of political authority. Other authors, such as Owusu-Mensah et al (2015), Brempong (2019) and Busia (2018), discuss the Akan chieftaincy system, how the matriarchal system works, indicating the central role of women in the social organisation and the important position of queenmothers within the political system. The most common roles are those of nomination of chief, installation of chief, performance of rituals, advisor to the chief and membership of the chiefs' court and council. They mention that every Ohemaa has her court, assisted by male and female councilors, where she adjudicates most domestic matters.

[1] Most often, the family head is a male, but with a complementary female leader

This makes the sytem more peculiar than other Akan groups. Among the Ashanti, just like any other Akan group, the basis for hereditary succession to the stools is matrilineal. The traditional political system is also centralised and complex. The Ashanti, just like any other Akan group, practises the matrilineal system of inheritance as the basic social and political organisation (Stoeltje, 2021). This accounts for the position and roles of Asante queenmothers, which includes:

The Asante queenmother is the female counterpart of the ruler of a village or town in *Asanteman*[2]. The Asante practice what Stoeltje (2021) calls a *dual gender system*. Hence, among the Asante, stools are hereditary, and authority is parallel, where the *Ohene* and *Ohemaa* complement each other. The female ruler of lower status is referred to as *Obaapanyin* (female elder). Asante queenmothers are female monarchs who operate in a hierarchical social system under a centralised authority (Stoeltje, 2021).

Every *Ohemaa* in Asante is addressed by the name of her town or village[3]. For example, the queenmother of Ejisu is addressed as *Ejisuhemaa,* while the queenmother of *Onwe,* under the Ejisu paramountcy, is addressed as *Onwe Obaapanyin*. This distinguishes their position and ranks with the *Asanteman* umbrella. Consequently, the queen of *Asanteman* is addressed as *Asantehemaa*. As dual authority to the *Ohene*, the *Ohemaa* performs a combination of political, social, cultural and ritual roles as discussed below.

In this paper, I focus on the political and judicial roles of the Asantehemaa as an Akan queenmother, how these roles feed into her court, the application of indigenous conflict resolution mechanisms at her customary court and how her customary court contributes to Ghana's peace and security landscape

METHODOLOGICAL APPROACH OF THE STUDY

This paper uses a qualitative approach to understand Akan queenmothers as peacebrokers and agents of peacebuilding in their communities. It examines indigenous dispute resolution strategies in customary courts, the basis for applying customary laws to various disputes, and the types of disputes reported. Through qualitative methods, it explores why citizens prefer customary avenues for dispute resolution over state courts.

Qualitative research best suits this study as it examines the complex relationship between customary systems and modern state justice systems and their operations within the context of legal pluralism (Schensul & LeCompte, 1999). The field site was the Asantehemaa's court. The justification for the choice of the court was the fact that Asante constitutes one of the major sub-groups under the Akan umbrella. Second, Asante's centralised system makes the Asantehemaa's court peculiar when dealing with customary arbitration. The target group consisted of major stakeholders of the court. They consists of, but not limited to, the chiefs and queenmothers vividly conducting dispute resolution as co-judges in the court; litigants who reported disputes to the court; witnesses, and court functionaries such as ahenkwa.

Ontological / Epistemological assumptions

The methodological approaches employed consisted of observations of customary arbitration in the Asantehemaa's court. These observations were complimented with the writing of field notes (Emerson, Fretz & Shaw, 2011) . The field notes informed the kinds of questions I asked litigants about their experiences with the court. Subsequently, interviews were conducted with key

[2] Asanteman refers to Asante Empire. The Asante Empire grew in strength between the 16th and 18th centuries. Now, the empire stretches from the Ashanti Region to parts of Bono, Bono East, Ahafo, Oti and the Eastern regions of Ghana.
[3] This is the same with the male stools.

informants such as chiefs and queenmothers affiliated to the court; court functionaries; litigants, and persons with lived experiences in the Asantehemaa's court. Interviews were recorded by writing notes or using a voice recording device in accordance with ethical practices. Also, permission was obtained from the interlocutors.

Interviews were conducted using semi-structured interview guides that related to the main objectives of the study. Interviews were conducted outside the court space. I took the initiative to approach litigants after their cases were done. I explained my reasons for speaking to them, requested contact information, and home / work locations. I then scheduled a suitable day and time to speak to them. I acknowledged that tensions were high in some instances; therefore, speaking to a litigant who just lost a case at the court may not be appropos. Thus, seeking to speak to them in the confines of their home or location that they preferred ensured that the respondents would calm down and feel secure enough to grant me the interview. Interviews were conducted in a conversation style. Thate enabled respondents express themselves freely and to ask me questions if they wanted to.

Ethical consideration was made during the interviews. Cultural sensitivities were adhered to as I understood the importance of entering a cultural space and ensuring that the person within those spaces does not see me as a threat or disrespecting their space. I was schooled on, and adhered to, taboos, dressing code, acknowledgement of varied functionaries, their duties, and interests in speaking to me. Ethical considerations included the court entry process, such as submitting a formal introduction letter to the court registrar, an open introduction to the court by one of the court functionaries, answering basic questions regarding the reason for my visit, and adhering to the strict use of space and interview mode ascribed to me.

Data analysis began after long days of observation. I listened to recorded cases, made notes and read observation notes. This included conversations that happened among members of the public who came to observe the court proceedings. Data was analysed thematically in a note form whilst I built on sub-themes from responses I received from interlocutors.

Work Plan

I purposively sampled respondents, as my aim was to interview participants who engaged in the court (litigants, witnesses, family members) and co-judges who constituted the panel. However, during interviewing with co-judges, I was constantly snowballed to other chiefs and queenmothers who are well-versed in Asante cultures, historie, history of the court and ritual practices. I had to identify participants (sampling): workers at the court, chiefs / queenmothers affiliated to the court or others under the jurisdiction of Asanteman. I did this through prolonged observation and conducting discussions with court functionaries. Also, key informants were kind enough to suggest other chiefs or queenmothers to talk to. After conducting in-person interviews, I transcribed audio recording and teased out themes for analysis.

POLITICAL AND JUDICIAL ROLES OF AKAN QUEENMOTHER

In the Asante political system, there are two stools – one occupied by the senior woman, and the other belonging to her kinsmen[4] (Hale, 2013). As a dual political authority, Teiku (2020) asserts that the presence of the *Ohemaa* signifies a traditional institution that allows women equity in governance and space for their concerns to be heard. However, the male stool is given more political recognition[5]. As the senior female of the royal matrilineage, she is saddled with the responsibility of

[4] That is the stool the male occupies
[5] Inclusion of women in the House of Chiefs requires dialogue – President https://www.ghanaweb.com/GhanaHomePage/714602

nominating the *Ohene* from the pool of eligible males, and enstoolment of a chief. Selection is normally done in consultation and discussion with clansmen (Rattray, 1923; Stoeltje, 2021). The chief's position depends on the queenmother's nomination and acceptance by kingmakers (Owusu-Mensah, Asante & Osew, 2015).

As a woman, the Ohemaa represents the women in her community. She is also interested in the welfare of women (Stoeltje, 2021). Her role as guardian of women is exhibited when domestic disputes, such as marriage and spousal maintenance, are reported to her court. This is also exhibited as the traditional owner of market spaces in Asanteman.

THE ASANTEHEMAA'S COURT

Asante chieftaincy structure places the *Ohemaa*[6] as an automatic member of the Ohene[7] court and council. She participates in judicial and legislative processes at the Ohene's court as his chief advisor. This role means the Ohene is mandated to consult his councilors, including her, before taking major decisions that can affect the state (Stoeltje, 2021). The *Ohemaa's* main legal role is the settling of disputes. She has her court, and this system of settling disputes is replicated throughout Asante (Diabah & Appiah Amfo, 2015). As the head of the royal matrilineage, she uses this space to settle disputes between her attendants; *Ohene* and his wives, and the royal matrilineage.

The *Ohemaa's* court consists of both male and female stool holders, including *Adikro* and *Mbaa Panyinfuo* of smaller communities who are under her jurisdiction (Stoeltje, 2021). The choice of who serves as an official in her court is up to her. The *Ohemaa* has her own *Ntam*[8], *Akyeame, and judicial panel members* in her court, just like the *Ohene* does in his court. There are a few variations as to the members or number of officials in her court as compared to the court of the *Ohene*. In the case of Asantehemaa's court, in addition to the above, she has Ahenkwa / Mbogywafuo[9] and Nkonnwuasuafo[10], and she is the chief arbitrator[11] (Amoah, 2023).

Asantehemaa's court sits every Tuesday and Friday except on public holidays or upon the death of a royal family member or co-panellist. However, disputants can report cases every day to the court. A resident registrar will record the case and invite the disputants on court sitting days. The open access of the court makes it easy for non-Asante who live in Kumasi and its environs to report disputes if they so wish. The main language spoken in the court is Asante-Twi or other Akan dialects. If a litigant or witness does not speak or understand the language, an interpreter, usually an accompanying person, would be admitted during the proceedings to assist that litigant or witness. As mentioned ealier, sex is not a barrier to accessing the court; however, due to Asantehemaa's role as defender of women's rights under Asante customary law, and traditional owner of the markets in Asanteman, more women are often seen throbbing her court. Still on market space, her ritual role of ensuring the preparation of food to feed the gods keeps her in constant links with market and commodity queens. These market queens ensure that a constant supply of food items, such as yams, pepper and palm oil, is provided from the market women for the celebration of ritual days like *Akwasidaɛ* and *Awukudaɛ*. This relationship with the market women means she also resolves disputes among them.

[6] queenmother
[7] chief
[8] oath
[9] Male and female servants
[10] Stool carriers
[11] At the time of this study, the panel of judges was headed by Kaasehene. Asantehemaa has gone to the ancestors.

GENDERED ACCESS TO THE COURT

Access to justice also means parties get a fair trial on the principles of natural justice (Appiagyei-Atua, 2013; Ntuli, 2018). This marginalised group usually include the poor, children, youth, women, people living with disabilities, minorities, or indigenous groups (Ntuli, 2018). Although ADR has enabled women to access some form of justice, there are existing cultural and historical contexts and gender biases that still affect women. The Asantehemaa's court provides women with the space to access justice / seek redress, especially in matters of marriage, inheritance, access to property such as land, and cultural practices like widowhood rites that may go against their human rights. This does not mean men do not have access to the court. They can also seek redress in issues of marriage or spousal benefits. However, in a traditional court that operates within the confines of the matrilineal inheritance system, it may seem that women have more rights in this female-owned court than men do.

Stoeltje's (2000) study indicated that men visit Asantehemaa's court but less frequently than women. She explains that men may avoid going to the female-owned court lest they show signs of weakness, and these kinds of gender ideologies govern gender relations in everyday interactions. And because men are given superior status over women, it is expected that they would benefit from the Asante justice system more than women. That is not the case in the Asantehemaa's court, as women are more likely to benefit from a system that favours men over women. The Asante legal culture provides women with space to be heard and grants them access to justice (Stoeltje, 2021). Since the traditional role of Asantehemaa is concerned with the welfare of women, they are more likely to report their disputes to her, knowing that their case would be taken seriously (Obeng and Stoeltje, 2002).

Cases reported

Asantehemaa's court, which deals with *efisem*[12] such as interpersonal disputes and issues that border on social justice relative to Asante customary laws, whilst Asantehene's court focuses on *Amansem*[13] (Manuh, 1988).

I categorise these cases observed at the court as follows:

Succession – – Chieftaincy matters (destoolment charges), customary succession, Allocation of stool property (land, power struggle among chiefs, queenmothers and other subordinates.

Interpersonal / Domestic – Disputes among family members, marital disputes (spousal neglect, abuse, child neglect, divorce settlement), high cheating (*kwasiabuo*) and insults (*atenndie*).

Resource – Land-related dispute. such as access, ownership and use of land for farming or commercial use, land boundaries; access, sale and use of residential or commercial assets, business disagreement, market-related disputes such as store allocation, disputes between market women, and Kumasi Metropolitan Assembly and nomination of marke / commodity queens

Ritual – Imprecations (*duabɔ*), witchcraft accusation, spiritual illnesses, indigenous priests

The cases include marital conflicts, spousal maintenance, neglect of children, market-related disputes, *Abusuasem*[14], imprecations or *Duabɔ*, witchcraft accusations[15], to some resource-related disputes. The *Ohemaa* has jurisdiction over certain cases where males are litigants. For example, customary succession, inheritance disputes and marriage. Her position as 'pleading queen' means that male litigants can seek the assistance of the *Ohemaa* to plead on their behalf on matters at the *Ohene's* court (Stoeltje, 2021). Also, Asante's customary law permits the transfer of cases from the

[12] House matters or domestic disputes
[13] State matters
[14] Family-related disputes
[15] Why do we have the Asantehemaa's Court in Asante? Interview with Sumakwahene Baffour Asabre Ababio Kogyawoasu, March, 2020.

Ohene's court to her court,[16] where the court fines are lower compared to the *Ohene's* court (Manuh, 1988).

HOW INDIGENOUS CONFLICT RESOLUTION FUNCTIONS AMONG THE ASANTE

The Asante society recognises that as humans, we offend each other directly or indirectly, which can lead to disputes or conflict. Conflict in the Asante language is referred to as ***asem***. The process involved in dispute mediation and resolution is known in Asante as ***asem di or asem ka.*** Dispute resolution refers to the process of deliberations (***'asem ka'***) which would eventually lead to reconciliation (***'asem sie sie'***), where the issues are dealt with after which judgment is given in a manner that leads both parties to amend their relationship. This does not mean the guilty party would not be punished. Punishment is given to the as a means to make amends, hence, the concept of '***dwantoa***' or pleading one's case for reduced punishment. The dispute resolution tool used depends on the kinds of conflict reported or the gravity of the issue. ***Asem di*** or mediation is usually applied to domestic-related disputes, such as disputes between spouses or siblings, or extended family members. ***Asem di*** is also applied to disagreements and insults.

When disagreements or insults degenerate, they can lead to fights. Arbitration is best applied. Ritual-related disputes are regarded as disastrous and can lead to death; hence, rituals form an integral part of the resolution process. As observed, disputes are a common phenomena and part of Asante's socio-legal life. Disputes are unavoidable but their resolution is necessary for societal cohesion. In attempting to analyse disputes resolved at the Asantehemaa's court from the position of the litigants, I got a clearer understanding of the features of Asante society and its dispute resolution practices. Some of the important aspects of dispute resolution in Asante is the need for compromise, forgiveness and reconciliation. Resolution strategies employed include deliberation, cross-examination, dialogue, apology, compromise, ritual-related fact-finding, forgiveness and ***dwanetoa***.

Burton argues that some conflicts are protracted because traditional processes of mediation are used (Brew et al., 2022). Such methods often lead to settlements without solving the root causes of the conflict. In the case of Asantehemaa's court, indigenous mediation techniques referred to as '***ye ka asem'*** relate to a chief or queenmother mediating to to get the parties come to an understanding. In the traditional mediation practice of Asante, the mediator does not leave the parties to agree as is widely known or done in international mediation circles. However, the chief or queenmother facilitates dialogue and negotiates a truce while he or she makes both parties understand who is at fault and why. When a party accepts fault, the offended party is also required to accept the offender's plea for forgiveness.

Indigenous dispute resolution practice of the Asante court seeks to get to the root cause of the dispute and resolve it. Conflict in the Akan sense is not only visible or physical, but it can also be spiritual. Thus, a resolution is achieved by applying both physical mediation methods and spiritual or ritual processes. The ritual processes, in most cases, are what bind the agreement to resolve the issue. In Asantehemaa's court, these ritual processes may include the swearing of oath[17] (***kokoniwa***), slaughtering of sheep and payment of a fine accompanied by pleas for forgiveness. And because the Asante worldview is influenced by the belief in the spirits of the dead, once this ritual is performed,

[16] In my interview and observation, it has been stopped by the current Asantehene. Key informant N.K explains that Asantehene felt this practice was being abused by the populace, most especially his sub-chiefs, when they break the customary law, tend to use the concept of Dwantoa to plead for leniency. He feels it inhibits him from cracking the whip on his sub-chiefs and subjects.

[17] The oath attached to Asantehemaa's stool. This oath is read by the Okyeame and repeated by the litigants and witnesses before deliberations can commence at the court. The Kokoniwa oath, just as Ntam kese, can also be invoked by a complainant to force them to appear before her court.

it is believed the ancestors bear witness that the issue has been resolved; hence, their blessings are needed as such. Sometimes, the ritual is needed to pacify the offended party or cleanse his or her soul.

POWER DYNAMICS AND DECISIONS OF THE COURTS

The Asantehemaa's court, though a female-owned court, comprises both male and female panelists who act as co-judges on cases. The performance of customary arbitration at her court is considered part of ***esom***[18] to Asantehemaa, Asanteman and ***Sika Dwa*** [19].

The presence of male panelists does not signify less recognition of female panelists. The male panelists and Okyeame[20] are usually the ones who conduct the deliberations between litigants, while the female panelists are usually quiet. The collective decisions made are not overshadowed by the male counterparts, as private consultations are sometimes made with the female panelists before arriving at a decision. Asante custom does not prohibit female involvement in decision-making. However, it is believed that a queenmother's power should be covert and not overt. This belief is expressed in the court, as male chiefs seem to speak for their females during deliberation.

The Asantehemaa's office is independent of that of Asantehene. However, they are expected to consult each other. Both complement and scrutinise each other. A classic example is the dissolution of the court in May 2019. Asantehene put out a statement that due to allegations of corruption, her court had been dissolved[21]. The panel was reconstituted, in consultation with her. In Asante customary law, Asantehemaa has access to the Asantehene's court, but he does not have access to hers. She can veto decisions at the Asantehene's court, but he cannot do same at her court.

This position is hinged on matriliny, and the idea is that the stool belongs to the matrilineage. Asantehemaa is the face of the matrilineage; Asantehene is a caretaker. Therefore, power relations are not static. They are fluid, negotiable and involve consultation with the council of elders.

Against the prevalent norms of masculine dominance in the chieftaincy space, some novelty arises within the Akan culture where institutions like the Asantehemaa's court enjoy some level of autonomy without interference, in delivering their assignment. Over the years, the court has proven to be effective in conflict resolution and dispute management, ensuring communal harmony and satisfaction of ritual mandate.

The study provides a framework: given the necessary support, the Asantehemaa's court can contribute to the discourse of conflict resolution and the gendered aspect of traditional dispute resolution. In essence, human security is guaranteed, as community and personal security is advanced, thereby, reducing grievances, which are part of indicators of broader conflict scenarios. This then feeds into the de-escalation of tensions, hence, promoting global peace and security, as well as satisfying Sustainable Development Goals 5 and 16.

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CONTRIBUTION TO COMMUNITY PEACE

Akan queenmothers are part of grassroots-level governance, as they already resolve disputes within and among families, and lineage crises. They are gatekeepers within their communities. Through their customary courts, they offer a level playing ground for parties to dialogue and negotiate.

[18] service
[19] Golden stool
[20] spokesperson
[21] Otumfuo dissolves Asante Hemaa's court over corruption claims. Starrfm Online, 2019

Furthermore, they provide proposals on how they deal with issues at hand. What comes out as resolution from the court is a result of individual agreements, third-party engagements and background negotiations usually done by the queenmother and her elders. These negotiations can be done through private meetings of parties involved, joint negotiations, pleas, ritual performances and oaths, or compromise before hearing of case. This process takes time and acknowledges every person involved. The end result is to ensure harmony and reconcile the parties involved. The focus of the court is to mend relationships that may have been harmed due to a dispute or offence. Also, as a customary space, the resort to ritual practices such as swearing of oath before deliberation commences and ends signifies belief in ancestors and their role as mediators among the living. The chiefs and queenmothers are considered as the living representatives of the ancestors, hence, they sit on ancestral stools.

Reconciliation

The whole customary arbitration process is hinged on restorative justice, which focuses on reconciliation. The apology aspect of the process, which attests to reporting the dispute to the court, evidently shows that interlocutors already accept that they want reconciliatory justice and not a punitive one. Most of the disputes reported are interpersonal in, linked to relationships such as friends, spouses and family memberss. Thus, respondents were clear on the type of justice they were seeking. Second, Asantehamaa's court prides itself with providing alternative justice that is part of their culture. Using Asante customary laws handed down from generations, they do not only provide justice but also perform their duties as intermediaries between the ancestors and the living. They believe that conflict is essential for social cohesion and that the court has to be open for reconciliation. Therefore, the court begins deliberating disputes with reconciliation in mind. The use of ***mpata, fa kye*** and other indigenous mechanisms is geared towards reconciliation and community harmony. Justice is then conceptualised as a communal gain and not individual right.

Community-focused

The whole dispute resolution processes is not about winner-takes-all or loser being hurt. It is about charting the path of a homemade solution for reconciliation though negotiation, pleading (***dwanetoa***), acceptance of guilt (***di fɔ***), compensation (***mpata*****)**, rituals; involving families and elders within the community, this takes away tension and avoid strict litigation that characterizes formal court. The deliberation process is hinged on constant communication, rituals, oaths and acceptance of resolution over punitive justice. The process focuses on restorative justice principles to avoid the cycle of revenge and rather encourage the rehabilitation of offenders and accepting them back into the community. This process is effective as customary court enjoys legitimacy from age-old traditions. Asante customary law has general recognition and trust in the court.

As a community-focused avenue for dispute resolution, families are included in the deliberation, while grievances are heard, and litigants and witnesses are allowed time to express themselves. This prevents misinformation, ensures fairness and encourages collective contribution to the whole peace process.

Application of ritual / religious rites

The resort to oath-swearing and ritual pacification signifies the customary nature of the court. Disputes that border on imprecations cannot be conceptualised at the formal court.

The court further addresses family-related, resource-related and succession disputes before they escalate. The court, therefore, operates as a conflict prevention space and intervenes to prevent conflicts.

The customary arbitration process reinforces the ability of grassroot / community-level litigation / governance systems in solving disputes, thus, addressing issues of community conflict and promoting peace – a critical parameter for district, metropolitan, regional and national security. This is a critical local governance issue. These government sectors, such as unit committees, district assemblies and even the formal court systems and police, sometimes recommend customary arbitration when certain disputes arise. These institutions can be regarded as partners in local governance and contributors to the national peace and security apparatus.

SIGNIFICANCE OF CUSTOMARY COURTS IN GHANA'S HYBRID SYSTEM

In Ghana, the formal legal system has proven inadequate for the provision of justice to a critical mass of people. The Asantehemaa's court is example of an indigenous justice system that falls within the Alternative Dispute Resolution (ADR) system in Ghana. The court provides justice within the ADR concept to marginalised groups of people. Thus, it complements the formal system, which is unable to provide justice to all. ADR has gendered implications for access to justice. The Asantehemaa's court provides gendered access to both men and women. However, women experience and use the customary court differently from men, as observed. Thus, as an alternative to the formal court system, the Asantehemaa court serves as one such avenue for women to access justice. Access means barriers marginalised people face in their quest for justice are remedied or removed.

Access to justice also means parties get a fair trial on the principles of natural justice (Appiagyei-Atua, 2013; Ntuli, 2018). This marginalised group usually include the poor, children, youth, women, people living with disabilities, minorities, or indigenous groups (Ntuli, 2018). Although ADR has enabled women to access some form of justice, there are existing cultural and historical contexts and gender biases that still affect women. The Asantehemaa's court provides women with the space to access justice / seek redress to grievances, especially in matters of marriage, inheritance, access to property (such as land) and cultural practices (such as widowhood rites) that may go against their human rights. This does not mean men do not have access to the court. They can also seek redress on issues of marriage or spousal benefits. However, in a traditional court that operates within the confines of the matrilineal inheritance system, it may seem that women have more privileges in this female-owned court than men.

The study evidently shows that customary courts, such as the Asantehemaa\s cpirt, provide alternative justice route for people who seek a non-punitive justice system. The study showed that sometimes disputants seek a relational approach, such as apology and acceptance of guilt, and not necessarily arresting the culprit, especially when s/he is a friend, relative or spouse. Family bonds may inform litigants choice of arbitration over the formal system.

Also, accessibility to the court was open to all. However, it was easier for non-elites, poor, rural dwellers and market women to seek justice at the court rather than deal with the police or formal courts.

Subsequently, disputes that are complex, such as imprecation, and witchcraft accusation, are best resolved in such customary courts. This is because the belief system of a people influences the kinds of disputes they engage in and how they want them resolved.

Sometimes, the customary space informs / contributes to how culprits are apprehended. It is common practice for Asantehemaa's court to invite disputants, and upon listening to the case at hand, they may involve the police (in cases of physical assault or threat). The complementary nature of both justice systems cannot be overlooked.

According to Ntuli (2018), African societies operated their indigenous justice systems that employed ADR mechanisms, such as mediation, arbitration and settlement, to resolve their disputes. However, it was set aside, made inferior to, and replaced with, the formal legal system.

In the Ghanaian example, the argument seems to be whether Ghana has a wholly legal pluralistic system in the sense that the customary space does not have enforcing power, but leans on the police or state court to enforce some of its decisions. As observed, the police presence at Manhyia Palace feeds into this claim. In some instances, the court has relied on the police to arrest litigants who refuse to honour an invitation to the customary court.

There is also the argument that court decisions can be disobeyed, and no legal ramifications will take place. However, the court disagrees with these assertions, insisting that it ensures the court's rulings are adhered to because of the swearing of oath before deliberation commences and after agreement has been made. They believe the restorative justice-seeking interest of litigants is enough for the ruling to be adhered to.

However, from a legal point of view, an express constitutional review is needed to accord customary courts the powers to enforce their ruling backed by law. At the moment, the scope of powers of customary courts to enforce decisions is very limited, if not non-existent. The court's viability can be enhanced when we draw parallel regimes so that similar indigenous structures of non-Akan or patrilineal systems can have the same powers as district or magistrate courts.

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