

**Ghana: Property Rights Take Centre Stage**

The much trumpeted African Renaissance process, which seeks an open awakening of the African culture for progress, will come in multifaceted ways. Nowhere is it seen more than the opening of African traditional laws within the structures of the dominant neo-liberal penal legal codes.

It is in such remembrance of Ghanaian traditional laws that I read an inspiring report published by Ghanaweb that the Asantehene (King of the Asante ethnic group), Otumfuo Osei Tutu suspended the Asomfohene (head of the Asante King's domestic services, an equivalent of the Department of Public Works or Services), Nana Osei Kwabena, for contravening the authority of the Great Oath (one of the higher laws of the Asante ethnic group) by selling his peoples' swathes of lands.

This demonstrates the increasing challenges facing traditional laws in the face of development pressures. The restorative, reconciliatory and developmental nature of Asante (and African) traditional laws is at the centre of the Asante King's application of the Great Oath to redeem the lands wrongfully sold. It demonstrates a King driven by traditional moral reasoning and his new developmental doctrine, rising to one of the serious developmental challenges to Asantes' and Ghana's ultimate progress.

Driven by inclusiveness and fairness, the Asantehene's suspended Nana Osei Kwabena with the aim of resolving the most serious developmental challenges facing not only the Asante ethnic group but also the entire Ghana – how to use ancestral lands, as property for loans.

The Peruvian economist Dr. Hernando De Soto, author of *El Otro Sendero (The Other Path)* and *The Mystery of Capital* argues that ancestral lands, most times under the clutches of inhibiting traditional values, could be freed, and appropriated, for progress by the poor by using it as collateral for loans from financial institutions.

Dr. De Soto's opinion extols the skillful use of traditional property in the country's progress. In his interview with Daniel Yergin and Joseph Stanislaw in "The Commanding Heights: The Battle for The World's Economy" (2002), Hernando says that "It's about building capital and loans on property rights. And what we've forgotten, because we've never examined the poor – we've sort of thought that the poor were a cultural problem – that the poor don't have property rights. And when you don't have the rights, you don't have a piece of paper with which to go to market."

Dr. De Soto's analysis reflects the challenges of the rural, indigenous poor, like those between Asante ethnic group's clan of Asomfo Stool and Atwima Agogo, whose land troubles, under the clutches of some hindering traditional values, the Asante King is trying to resolve. The Asante King's traditional judicial concerns about the selling of his poor subjects' lands in violation of Asante traditional laws is equally the subject of reviews internationally to re-think existing traditional land practices within the development processes of developing societies. It calls for creating institutional foundations for the new rules, drawn from the societies' norm, values and traditions. This is the challenge and opportunity for the Ghanaian government and traditional rulers/institutions as they search for new ways to take Ghanaians to a higher level of progress.

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