

FORCED MARRIAGE AMONG THE KONKOMBA OF THE NORTHERN REGION



Report on the findings of a research conducted by



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Abstract

This report is based on a field research conducted between March 10 and March 19, 2008 in the Northern Region of Ghana. It was carried out by the Commission on Human Rights and Administrative Justice (CHRAJ) to examine the status of human rights violations arising from marital systems practiced among the Konkomba people. The main objectives of the research were to present a holistic picture of the current situation and to understand why forced marriages are so prevalent among the Konkomba. Various interviews were conducted with Nongovernmental Organisations (NGOs) and other actors to find out who actually is involved in the process, and to identify the “activists” working on the ground. It became apparent that *Action Aid* (a NGO) and *Songtaba* (a coalition), which work very closely with the district offices of CHRAJ, are the leading “activists” working to subdue forced marriages in the area. The researchers recognized two major projects which have been accomplished by these two main “activists” within some Konkomba communities: the establishment of local advocacy groups in ten communities, and the modification of the dowry system in five communities through the implementation of a communiqué.

During the community visits, which took place at several locations within the districts of Yendi, Nanumba North and Saboba, the researchers interviewed community members, chiefs and elders, women and victims of forced marriage to gain insight into the various problems that arise from the practice. Against the background of a general introduction to Konkomba culture, this paper analyses the research findings, defines the problem areas and brings light to current developments in order to propose definite strategies for future procedures. During the interviews, various key issues emerged which, in the analysis, can be attributed to social, economical, religious, gender and educational dimensions of the marriage systems. After an even closer inspection, the research observations served as the basis of a theory that tries to explain the sets of problems that became obvious through the investigation. The theory asserts that a differentiation between “interior” and “exterior” factors illustrates the social necessities, economic dependencies and organisational difficulties as well as the impacts of family relationships, especially between fathers and daughters. A lack of communication and consultation within a household, for instance, may explain the high number of cases of forced marriage when looking at the “interior” factors. The social pressure to conform and the lack of a centralized political authority can, on the other hand, be considered as root causes of the “exterior” factors. Key recommendations, following requests and proposals from the persons

concerned, include the organisation of a forum to assemble as many opinion leaders as possible from the various areas. The objective of such a forum would be to propose some sort of a uniform change in the marital systems practiced among the far-scattered groups of the Konkomba.

Acknowledgement

I am greatly indebted to Commission on Human Rights and Administrative Justice for giving the required approval for the conduct of this research. I am particularly grateful to Mrs. Lilian Ayete-Nyampong, the Deputy Director of the Public Education Department for proposing this area of study, upon my expression of interest to research into forms of cultural practices that violate the dignity of women. Her courage to risk a research of this nature being entrusted to an intern and her willingness to provide the required support for the conduct of the research in spite of the narrow time schedule is much appreciated.

Essential to this research were the efforts of Mr. Mohammed Ishaque and Mr. Alhassan Seidu. Mr. Mohammed Ishaque, a native of the Northern Region himself who at the time of the research was a National Service Person attached to the Public Education Department, accompanied me for the field visit and assisted in the collection and collation of research data. Mr. Alhassan Seidu, Principal investigator of the Northern Region regional office of the CHRAJ in Tamale played a key role in the organisation of the community visits. The commitment and the purposefulness he displayed were unique, and his presence was a true asset to the research team.

I am extremely thankful to all the community members who openly and patiently shared their knowledge and assessments with the investigators. Their hospitality and kindness created an enjoyable atmosphere during the meetings, and their open and honest contributions form the nucleus of this paper. To improve, and not to disturb, their situation is what all this is actually about. The researchers deeply hope that the recommendations are also accepted by those brothers and sisters who were unable to share their point of views.

Furthermore, I would like to thank Mr. Alhassan S. Danladi (District Director at the Yendi office), Mr. Sa_Ib Augustin (District Director at the Bimbilla office) and Mr. Short – or Mr. Gershon M. Nagbija (District Director at the Saboba office) for their readiness to pave the way and introduce us to the various informants. The engagement of all other participants is highly valued, particularly the dedication of Mrs. Rahinatu Fusheini (*Action Aid*) and Mr.

Enoch Cudjoe (*Songtaba*). The trustworthiness of Mr. Alidu Imoro and the help of Mr. Inusah Iddrisu, both from the regional office in Tamale, are heartily appreciated as well.

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1. INTRODUCTION

Times are changing. New problems arise from old traditions, and some people of Ghana's north may agree with what the great Nigerian author Chinua Achebe once wrote – “Things fall apart“. Where old customs and practices vanish, there is space for something new; and as cultures are always constructed by man, socially created, it is in their very nature to be subject to change. Those cultural changes may be slow and soft, almost unseen from within. They may as well be abrupt, confusing, or even cause arguments. A change in culture can start from the inside of a society itself, or it can be brought to it from outside; indeed it can be a mixture of both, absorbing impulses from outside and generating something new on its own. A culture probably always is in motion – only at times too quiet to recognize. At other times, however, a culture may be aroused ruggedly, the changes occurring at a great speed, aloud and surprisingly.

The Konkomba, an ethnic group living in the eastern corridor of Ghana's Northern Region, are experiencing a rather trembling period of cultural change these days. The processes of transformation have both been due to interventions from the outside world and because of internal evolutions. The matter now is to consciously deal with the change, as the Konkomba may be facing more and more problems with their marriage systems. In order to evade marriages which have been arranged without their accordance, Konkomba girls have been running to the offices of CHRAJ, especially in the districts of Yendi, Nanumba North and Saboba. The number of complaints concerning forced marriage has been increasing or at least has remained at an intolerable high level (see Appendix G). Not only is CHRAJ confronted on a very regular basis with such cases, but CHRAJ staff and other people have personally made private efforts to assist many of the girls.

It is for these reasons that this field research was conducted. After years of continuing problems or even cases of defilement, torture and rape it became apparent that capacities ought to be expanded to analyse the situation and come up with strategies on how to deal with the issue in the future. This paper presents the findings of the research and its analysis, embedded in a framework that includes aspects of Konkomba culture, the theoretical background of the relationship between human rights and forced marriage, and a closer look at the current developments and changes. Its goal is to provide a general overview of the subject based on the data gathered during the field study, and to discuss the results in order to define key recommendations for further action.

In the following chapter, the research project will be described more at length with a look at its major objectives. The access to the field will be taken into account and a review of the field research – conducted in Tamale and around the three districts of the eastern corridor – will be given. The methodological approach of the research is explained in Chapter 3, focussing on the various forms of data gathering and the forms of analysis. Subsequently, there is an introduction to various aspects of the Konkomba culture. After the literature review, the Konkomba society is observed predominantly with regard to socio-political matters, which will be beneficial to the understanding later. A look at the Konkomba psyche intends to uncover some characteristics concerning mentality and identity under consideration of the “Guinea Fowl War” with their neighbouring groups in 1994. Thereafter, the various systems of marriage among the Konkomba are observed, considering both our own research findings and information from the literature, most of which dates back to the mid-century.

In Chapter 5, what constitutes a “forced marriage” is first considered. Having achieved a working definition, the legal framework on which “activists” base their intervention is examined. A theoretical approach then offers a quick overview of the area of discussion on individual rights, on the one hand, and group identities and cultural practices on the other. The developments occurring in recent times within the Konkomba culture and the situation of CHRAJ are then examined, including more detailed quantitative data on the forced marriage cases. Chapter 6 then provides an analysis of the interviews conducted in Kpalgi Gbingi, Jagri-Do, Chamba, Tambong and Saboba. This section may be considered as the nucleus of the paper due the diverse data and the specific cultural views/perspectives it presents. It therefore includes original statements from those interviewed.

Subsequently, the main “activists” and their projects are presented to explicate what has been done so far with regard to forced marriages. It became clear that it is primarily *ActionAid* and a coalition of several “activists”, *Songtaba*, which are actively involved at the grassroots level. The most important projects they have conducted include the composition of “Community Advocacy Teams” or CAT, community members on the ground serving as local watch dogs; secondly, the implementation of a communiqué which lowers and transforms the dowry that has to be paid for the wives. General aspects on the cooperation among the various “activists” and CHRAJ are also included to explain the internal challenges which they are facing.

The results are discussed in Chapter 7, where a two-level approach theory is designed to help explain the causes of the persistence of forced marriage. Major problem areas are again identified and their relation to one another is analyzed. Recommendations are then

provided which may influence the further activities of CHRAJ and inspire its main partners. The paper therefore not only seeks to give a detailed and holistic overview of the subject, but also to make suggestions on the direction of future strategies.

2. THE RESEARCH PROJECT

2.1 Major objectives

“The Konkomba are the worst offenders of this crime”, stated Mrs. Fusheini – and the high numbers of complaints concerning forced marriages definitely confirms this. In fact it was urgent to conduct a research which gathered information/knowledge from the various stakeholders in order to gain a broader understanding of the practice of forced marriage. Due to a paucity of general investigations on the matter, it appeared necessary to talk to various actors to gain useful knowledge on and gain insight into the phenomenon. In addition, the Konkomba’s own view on the matter was needed to explain the practice’s persistency.

Hence, one general aim was to bring together the points of view from both “activists/observers” and the “persons concerned” as to give an overview of the current situation and evaluate recent developments. Another and more detailed objective was to find out why the Konkomba, despite the involvement of CHRAJ and other “activists”, still hold on to these marital practices. What causes a father to force his daughter into a marriage against her will? What underlying needs or social constraints sustain these systems of marriage, despite the apparent problems associated with them? Considering these questions, the researchers desired to understand the influence of economic aspects and the roles of women and men in society. Moreover, are there any socio-political factors that hinder the reduction of forced marriage cases? What is the communication like within a household? Is the belief system related to the marriage system in any way?

The research also examines interventions already conducted by various “activists” and analyses in which ways these interventions have effected change. Did the strategies fail, and have new strategies been mapped out to address the problems in an accurate way? Through an interpretation of the findings and the making of a theory that aims to explain the interdependencies between different factors, the prime objective of this paper is to define key recommendations.

2.2 Access to the field

After the activity plan was established and the budget for the research submitted, the researchers travelled to Tamale, the regional capital of the Northern Region. During the first days of the research, CHRAJ Senior Assistant Investigator in Tamale, Mr. Inusah Iddrisu, greatly assisted the research team by making arrangements with interview partners. He also kindly introduced the researchers to representatives of NGOs and governmental institutions. During the interviews, which lasted approximately one to two hours, the researchers were free to ask questions without any constraints, and all participants enthusiastically shared their knowledge and opinions.

For the second part of the research, the actual field study, the investigators were accompanied by Mr. Alhassan Seidu, CHRAJ Principal Investigator in Tamale and Public Education Officer. Prior to the arrival of the researchers he had already organised transportation, made some general arrangements, and furthermore ensured the cooperation of the CHRAJ District Directors in Yendi, Bimbilla and Saboba. The District Directors proved to be essential during the community visits. Through their engagement over the years they have forged relationships with numerous communities throughout the districts. They allowed the researchers to talk to victims, offered statistics on forced marriage cases and shared with them their experiences. Their consolidated knowledge and personal relations with the community members guaranteed that the investigators were well received in all communities. The District Directors functioned as bridges when introducing the researchers to the community members (an introduction that was always followed by a welcoming applause) and served as translators. During almost all the interviews, however, there were local translators, typically a younger man who came from the same town. Questions were directed either straight to this local translator or to the District Director. To use a local translator is considered to be a sign of respect and shows empathy – even though the District Directors often repeated the local translator's translation in English again for a better understanding.

In summation, the whole staff of CHRAJ has contributed to a successful research project. The researchers have greatly benefited from the assistance of local staff which enabled an interview setting characterized by openness and confidence towards the CHRAJ investigators from Accra and Tamale.

2.3 Activity report

2.3.1 Phase One: Talking to the “activists/observers”

The research was conducted in Tamale and in three districts of the Northern Region, between the 10th and 19th of March. The activity plan was set up in a way which was beneficial for the achievement of both main objectives: firstly, to collect general information on the issue of forced marriage among the Konkomba people, and secondly, to explain why this problem is (still) omnipresent among this ethnic group. In order to gain as much knowledge as possible, to consider assessments of various actors and stakeholders as well as to incorporate relevant information and include recent developments, the first days were used to meet with (non-Konkomba) informants in Tamale who showed promise to be helpful contributors. During the first meeting, in the *Centre for National Culture and Chieftaincy* in Tamale, the researchers had the opportunity to talk to three Deputy Directors, all of them traditional authorities from non-Konkomba ethnic groups: Chief Luciano, Abubakari Isaak Osman and Kombatt Fuzzy. The same day a meeting with Sister Fati Alhassan, Women’s Rights Coordinator of the NGO *Roomnet* and founder of another NGO, *Grassroots Sisterhood Foundation*, was arranged. The researchers were also cordially received by Mrs. Saratu Mahama, Programme Coordinator of the NGO *FIDA (International Federation of Women Lawyers)*. The Regional Director of the Department for Women's Development in the Ministry of Women's and Children's Affairs, Mr. I.P.S. Zakaria, was also interviewed. When visiting another NGO called *Gub-Katimali*, Sheik Yakubu Abdul-Kareem, the Programme Coordinator, also shared his knowledge. The third day in Tamale the researchers were able to talk to Mr. Alhaji Hussein Zakaria, an awarded Islamic scholar, Director of the NGO *Codeyac* and Chairman of the Interreligious Dialogue, to learn about forced marriage issues from an Islamic perspective. Mrs. Hajia Azara Telly, Regional President of *FOMWAG*, the *Federation of Muslim Women's Associations of Ghana*, also willingly expressed her assessments.

Another key location for the field study was Yendi, where the research team met with Mrs. Rahinatu Fusheini, the Programme Officer for Gender and Women’s Rights in the *ActionAid* office, together with the coordinator of the local coalition *Songtaba*, Mr. Enoch Cudjoe. As the forced marriage issue is one of *ActionAid*’s main concerns in Northern Ghana and *Songtaba* was partly founded due to the problems arising from the marital systems of the Konkomba, this interview showed to be highly informative. There was a crucial need to discover why the number of complaints of forced marriage among the Konkomba remains

high, and therefore the districts of the eastern corridor – the main Konkomba area – needed to be reached to meet with chiefs and elders, young men, sisters and mothers, and also victims of forced marriage from various Konkomba communities. As mentioned above, in all the community visits the researchers were accompanied by a District Director whom they met in the office and who also provided them with a lot of interesting material.

2.3.2 Phase Two: Talking to the “persons concerned”

In Yendi, the researchers were directed by the District Director, Mr. Alhassan S. Danladi to Kpalgi Gbingi, where they first met with Chief Mayamba Nigir, his elders and other male members of the community in the chief’s palace. Subsequently, the researchers visited a family compound to talk to the father, the mother and their daughters. Only recently did this family successfully settle a dispute; CHRAJ served as the mediator (see Appendix A). In Yendi district there was a second community to be visited the following day, called Jagri-Do. In this settlement, apart from a meeting with about two dozen male community members in the chief’s palace, the researchers congregated with a group of women and talked to them concerning different issues in great detail. (see Appendices B and C). After leaving Yendi district the same day, the research team met the CHRAJ Director of Nanumba North district, Mr. Sa_Ib Augustin, in Bimbilla, and continued to Chamba town. This session, too, was highly successful, Subsequently, a gathering with CAT members, an assembly woman and some victims took place. In the commission’s office in Bimbilla, the team encountered a young girl and her boyfriend seeking help with regard to their marriage; the researchers briefly interviewed them. The next destination was Saboba, where the researchers were accompanied by District Director Mr. Gershon M. Nagbija, who is an ethnic Konkomba as well as the actual successor to the chief position, had he not declined. Quite a long distance had to be travelled to meet a group, consisting of both men and women, from Tambong community in a rural school (see Appendices D and E). Furthermore, Mr. Gershon M. Nagbija, widely known as “Mr. Short”, enabled an interview with Pastor Peter Braimah from the *Assembly of God* in Saboba, and introduced the researchers to four young girls, all of them victims of forced marriage (see Appendix F). Finally he also arranged a gathering with two more opinion leaders in Saboba town.

3. METHODOLOGY

3.1 Qualitative methods

The whole research has almost exclusively been conducted by making use of qualitative methods. While quantitative methods do have advantages in terms of comparability and representation, in this particular context the only quantitative data used are statistics on the cases of forced marriage (proportional to total cases) in the districts of Yendi, Nanumba North and Saboba (see Graphs I-III in Chapter 5.4). When implementing a study about complex cultural matters and social developments, the use of questionnaires alone does not seem sufficient – in this case, questionnaires could at the most have been used complementarily, but did not seem worth considering due to the narrow time schedule. Contrary to quantitative research, a qualitative approach does not put prime priority on the quantity of information, but rather the contextual analysis and interpretation of complex information. Regarding the situational and structural contexts of the data gathering, only qualitative methods accounted for the need to work differentiated.¹ Still, there are many methods of the qualitative approach, and the researchers made use of a methodological mix, fusing and modifying the appendage of various theories.

Central to the methodology of this research was the application of semi-structured interviews. Such interviews consist of questions which ensure that certain topics are brought up, but at the same time are designed and handled in a flexible manner and open enough so that a lot of space is left for the participants to determine the content of the talk themselves. The strategy when drafting the interviews with both the “activists/observers” and the “persons concerned”, the former mainly NGOs, the latter local community members, has been the same for the most part. Specific guides for the semi-structured interviews were designed for NGOs, religious authorities, government institutions as well as for the community visits and the meetings with the victims.

However, the modality, the characteristics and course of the interviews, differed greatly. The interviews with the “activists/observers” could be defined as expert interviews. These interviews aim to tap the surplus of knowledge of the interviewees. These interviews were employed to find out which activists and NGOs look into the subject, and how they deal with the topic of forced marriage. This was necessary in order to achieve a full picture of the situation. It also proved beneficial to take into account the experts’ opinion on the current

¹ See: Anselm L. Strauss / Juliet Corbin: Basics of Qualitative Research. Techniques and Procedures for Developing Grounded Theory. Newbury Park / London 1999.

situation. The nature of the community visits, on the other hand, was similar to what Hughes and DuMont² characterised as “focus groups”, describing them as “in-depth group interviews employing relatively homogenous groups to provide information around topics specified by the researchers” (Hughes / DuMont 1993:776). According to Janeth Smithson³ the “data obtained in this method is neither a natural’ discussion of a relevant topic, nor a constrained group interview with set questions, but it has elements of both these forms of talk” (Smithson 2008:358). Characteristic features of a group discussion were identified during the community meetings when, at times, it became obvious that it was the manner in which things were said which motivated individuals to provide responses/opinions. As Smithson asserts, an “often-stated advantage of using focus groups lies in the fact that they permit researchers to observe a large amount of interaction on a specific topic in a short time. They are sometimes viewed as a quick and easy way to gather data.” (2008:358) In contrast to a true discussion however, the researchers were generally expected to determine the direction of talk by posing specific questions. It can therefore not be seen as an exclusively self-acting discourse which developed on its own and was actively encouraged by the researchers. Furthermore, at times the researchers themselves did not hesitate to express their own point of views.

The point mentioned in the quotation of Hughes and DuMont – the group being “relatively homogenous” – can clearly be confirmed in this case, as women traditionally do not take part in meetings of those kinds. Only in Tambong there was a composition of participants of both men and women. Although the sampling of participants ranged from young men aged about 15 (who mostly sat opposite to the elder men) to the chief (who usually sat on a small pedestal), the group can still be characterised as very homogenous, given the relatively egalitarian and decentralised form of Konkomba political organisation. Hence, the sampling was conducted in a “natural” setting, in which the researchers did not have any influence.

The meetings with the women – always in the presence of at least a couple of male community members⁴ – ranged from a quick talk no longer than a few minutes to an effective “focus group” in Jagri-Do. During the interviews with the victims the behaviour of girls and women were observed. The roles different females played in the community were also recognized. The researchers noticed how uncomfortable the women were to express their

² Diane Hughes / Kimberly DuMont: Using focus groups to facilitate culturally anchored research. In: American Journal of Community Psychology, vol.21, no.6, 1993, pp.775-806.

³ Janet Smithson: Focus Groups. In: Pertti Allassutari / Leonard Bickman / Julia Brannen (ed.): The SAGE Handbook of Social Research Methods. London 2008, pp.357-370.

⁴ This was not only due to the fact that the local translator always was a young man. It is difficult to estimate the intensity of social pressure and control to which the women are exposed in such situations. See chapter 6.5.

personal views when they were encouraged to speak freely. They were, above all, shy and insecure to speak for themselves.

3.2 Data analysis

Throughout the duration of the research, well over 18 hours of conversation was recorded. Given the amount of collected data and the narrow time frame, the researchers decided to make use of various forms of analysis. Since the community visits formed the nucleus of the research, interviews were transcribed on paper, word by word, enabling the researchers to conduct a detailed analysis. Apart from the focus groups, some of the more significant interviews with the “activists/outsideers” were also transcribed, especially the interviews with *ActionAid* and *Songtaba*. Altogether, about half of the interviews were transcribed (this made the basis of this report), while the other half were examined by the researchers who focused on the central motives provided in these interviews.

The methodology of the *Grounded Theory* provides the theoretical foundation of this report.⁵ As the *Grounded Theory* has become the standard theory of many sociological and anthropological investigations, the actual core of this theory, which was introduced by B.G. Glaser and Anselm L. Strauss in 1967,⁶ has often been forgotten, and its unique method misunderstood. It is therefore necessary to admit that this research, though being deeply inspired by the *Grounded Theory*, rather takes it as a theoretical approach that is used in a highly modified and adjusted form, serving the special requirements of this research. The *Grounded Theory*, in its simplified form, uses imaginative interpretation in order to come up with a theoretical explanation of a matter – in this particular case, the explanation of the persistent problems arising from the marriage system among the Konkomba. The *Grounded Theory* emphasizes “action and process” (Charmaz 2008:471). In this regard, the process of coding is central to the whole theory, as codes are the most important tool to achieve an adequate interpretation. Those codes “show how we select, separate, and sort data to begin an analytic accounting of them” (Charmaz 2006:45). It needs to be pointed out that when applying this theory the researchers employed a constructivist approach. Using “focused codes” which not only help to “sort large amounts of data”, but also “construct tentative

⁵ For an overview of the Grounded Theory see:

Kathy Charmaz: *Constructing Grounded Theory. A practical guide through qualitative analysis*. London 2006.

Kathy Charmaz: *Reconstructing Grounded Theory*. In: Pertti Alasuutari / Leonard Bickman / Julia Brannen (ed.): *The SAGE Handbook of Social Research Methods*. London 2008, pp.461-478.

⁶ B.G. Glaser / Anselm L. Strauss: *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Chicago 1967.

categories” (Charmaz 2008:472), the researchers actively re-organised the information in a comprehensive manner.

While analyzing the information gathered from the “persons concerned”, several codes were identified to organize the information . The codes that were used were labelled *social, economy, belief, gender, education* as well as *marital system, change* and *change/CHRAJ*. The first five categories served as the basis of the analysis in Chapter 6, while the latter three were mainly included in Chapter 5. The original statements of the contributors are presented as accurately as possible in these chapters. The interpretation of the findings presented in Chapter 5 and 6 is made in the discussion found in Chapter 7.

4. THE CULTURAL BACKGROUND OF THE KONKOMBA

4.1 Literature review

Literature on the Konkomba people is scarce. The first written sources which provide insight into the Konkomba culture date back to the early colonial period, when the area inhabited by the Konkomba was under German occupation. In 1896 and in 1904, Julius Graf von Zech released two books⁷ based on his notes and the information he gathered during his travels in the northern region of the former German colony Togoland. Rudolph Fisch, a German missionary and medical doctor, in 1911, also published the findings he gained during a journey he undertook in the region.⁸ In his travel report, he described the Konkomba and neighbouring groups in a more detailed way than his predecessors had done. After the Germans lost their colonies in the First World War, the territory of the Konkomba was split in two parts, one falling under French rule, and the other coming under the authority of the British governed Gold Coast. Here, it was mostly the District Commissioners of the northern territories who, after consultation with their superiors, gathered more information on the people over whom they ruled. Among others, the results of Alan W. Cardinall and Captain Robert S. Rattray are of particular importance. Cardinall, who was the District Commissioner of Navrongo and Zuarungu as well as the Commissioner of the Southern Province (northern territories), in his book from 1920, provides a survey of the culture, society and language of the northern area. He assumed that the peoples in the area were mostly homogeneous in their appearance.⁹ Rattray, an anthropologist from Oxford University, published a two volume handbook with information on the northerners, structured along ethnic lines.¹⁰

Towards the end of the colonial period there was a fundamental change in the methodology of anthropological work, as well as in scholars' ambitions. Well known anthropologists, like Meyer Fortes or Jack Goody, started doing research in the north of the British colony Gold Coast, and they continued after the country reached independence. While Goody was mainly working in the North West of the country¹¹, Fortes became famous for the

⁷ Julius Graf von Zech: Vermischte Notizen über Togo und das Togohinterland. In: *MFGdS*, vol.9, 1896, pp.89-161.

Julius Graf von Zech: Land und Leute an der Nordwestgrenze von Togo. In: *MFGdS*, vol.17, 1904, pp.107-135.

⁸ Rudolph Fisch: Nord-Togo und seine westliche Nachbarschaft. Basel 1911.

⁹ Alan W. Cardinall: The Natives of the Northern Territories of the Gold Coast: Their Customs, Religion and Folklore. London 1920.

See also: Alan W. Cardinall: Some Random Notes on the Customs of the Konkomba. In: *Journal of the Royal African Society*, vol.18, no.69, 1918, pp.45-62.

¹⁰ Robert S. Rattray: The Tribes of the Ashanti Hinterland, 2 volumes. Oxford, 1932.

¹¹ Among the studies considered to be of big significance are:

research he did among the Tallensi.¹² Northern Ghana has since been a quite popular area for anthropological studies. In respect of the Konkomba however, there have been rather few publications in the course of the last fifty years. By far the most important name here is David Tait, who implemented his research among the Konkomba during the 1950s. His numerous publications on religious, political and linguistic aspects as well as on matters of territory, family and kinship, still provide a basis for any examination of Konkomba culture.¹³ Apart from his findings in “*The Political System of Konkomba*”¹⁴, the research on forced marriage issues he provides in two articles titled “*The Family, Household, and Minor Lineage of the Konkomba*”¹⁵ are of prime interest. At about the same time that Tait was working among the Konkomba of the northern Gold Coast, Jean Claude Froelich was studying the Konkomba living in the then French ruled Togo.¹⁶ Froelich worked during 1940 and 1948 as “Chef de Subvision” in French Togo, and his descriptions still served Hans Peter Hahn – about half a century later – a reliable guide for his comparative studies on the material culture of the Konkomba, Kabyè and Lamba in northern Togo.¹⁷ Calling it a “re-study” of Froelich’s work, Hahn approved the correctness of those chapters relevant to his own investigation in 1996. In the context of the research on forced marriage however, Hahn’s work can only be helpful in providing a complementary background. The findings of Tait and Froelich, on the other hand, offer a reliable retrospection of family life and marital issues among the Konkomba, both living in Ghana and Togo, during the mid-century. Hence, these studies can be very useful

Jack Goody: *The Social Organisations of the LoWiili*. London 1956.

Jack Goody: *Death, Property and the Ancestors: A Study of the Mortuary Customs of the Lodagaa of West Africa*. London 1962.

¹² The work of Fortes is, together with the works of Malinowski, Radcliffe Brown and Evans Pritchard, seen to be a prime example of the functionalist approach. His famous works on Tallensi culture include:

Meyer Fortes: *The Dynamics of Clanship among the Tallensi*. London 1945.

Meyer Fortes: *The Web of Kinship among the Tallensi*. London 1949.

¹³ David Tait / Jack Goody (ed.): *The Konkomba of Northern Ghana*. London 1961.

David Tait: *The Role of the Diviner in Konkomba Society*. In: *Man*, vol.52, Nov.1952, pp.167-168.

David Tait: *Konkomba Sorcery*. In: *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, vol.84, no.1/2, Jan.-Dec.1954, pp.66-74.

David Tait: *Konkomba Nominal Classes*. In: *Africa : Journal of the International African Institute*, vol.24, no.2, Apr.1954, pp.130-148.

David Tait: *Konkomba ‘Osuo’*. In: *Man*, vol.55, Oct.1955, pp.152-153.

¹⁴ David Tait: *The Political System of Konkomba*. In: *Africa: Journal of the International African Institute*, vol.23, no.3, Jul.1953, pp.213-223.

¹⁵ David Tait: *The Family, Household, and Minor Lineage of the Konkomba, Part I*. In: *Africa: Journal of the International African Institute*, vol.26, no.3, Jul.1956, pp.219-249.

David Tait: *The Family, Household, and Minor Lineage of the Konkomba, Part II*. In: *Africa: Journal of the International African Institute*, vol.26, no.4, Oct.1956, pp.332-342.

¹⁶ Among others: Jean Claude Froelich: *Les Konkomba du Nord-Togo*. In: *BIFAN*, vol.11, pp.412-437.

Jean Claude Froelich: *La tribu Konkomba du Nord Togo*. Mémoires de l’Institut Français d’Afrique Noire, no.37. Dakar 1954.

¹⁷ Hans Peter Hahn: *Die materielle Kultur der Konkomba, Kabyè und Lamba in Nord-Togo. Ein regionaler Kulturvergleich*. Cologne 1996.

when the Konkomba marital systems, together with the changes they may have been undergoing, are to be examined.

In recent times, the Konkomba have gained notoriety due to their involvement in several tribal wars, most notably the so called “Guinea Fowl War”. In his highly illuminating research¹⁸ “into conflicting cultural pathways” (Kirby 2003:166), Jon P. Kirby asserts that in 1994, “Ghana experienced its most violent and destructive ethnic war ever.” (Kirby 2003:165) The death toll of this war has been estimated between 10.000 and 20.000, with many more people left homeless, wounded and insecure. Many articles can be found on the internet, but few have made it to international print media. While the results of some investigations could go to press and be made public in journals and anthologies, there are numerous unpublished research reports almost impossible to access.

Down to the present day, however, the marriage systems of the Konkomba have not been subject to any research. In fact, the works of Tait and Froelich are the only ones which offer information on Konkomba marriage customs – but that was long before CHRAJ came into existence, and long before the Konkomba were confronted with the problems they are about to face today.

4.2 The Konkomba society: An overview

The territory of the Konkomba people is stretched out across both Ghana and Togo, with most of the area and people located on the Ghanaian side of the border. While Tait, in the 1950s, localised the area inhabited by the Konkomba between 9° and 9°50’N. as well as between 0° and 0°50’E. (Tait 1953:213), the latest data indicates (as can be seen in Map I) that the territorial expansion reaches both further north (10°50’N.) and west (0°50’W.).¹⁹ Population numbers vary greatly. In 1954, Froelich wrote of approximately 44.000 Konkomba in total, with about 24.000 of them living on the Ghanaian side. However, the British census was less precise than the French (Froelich 1954:24). Tait estimated a total population of about 45.000 (Tait 1953:213). Meanwhile, current figures estimate 250.000 Konkomba in total, with 220.000 of them living on the Ghanaian side of the border and about

¹⁸ Jon P. Kirby: Peacebuilding in Northern Ghana: Cultural Themes and Ethnic Conflict. In: Franz Kröger / Barbara Meier (ed.): Ghana’s North. Research on Culture, Religion, and Politics of Societies in Transition. Frankfurt a.M. 2003, pp.161-205.

¹⁹ <http://www.ghanaweb.com/GhanaHomePage/tribes/map.php>

50.100 in Togo.²⁰ Their language, “Likpakpaln”,²¹ is a Gurma language and belongs to the Gur (or Voltaic) family of the Niger-Congo linguistic group.

The Konkomba, who speak of themselves as “Bikpakpaln”, are predominantly subsistence farmers. They live in dispersed settlements, with single compounds usually located about one hundred and fifty meters away from each other. Only rarely do more than three generations live in the same compound. In the majority of cases, the sons move into their own compound which does not directly border with that of their parents (Hahn 1996:50f). “The largest compact hamlets”, according to Tait, “do not count a population of more than 200, and many clans are dispersed in as many as eight small hamlets scattered about the district.” (Tait 1953:222) According to Hahn, the Konkomba identify to a much higher degree with their own particular clan than they do with the Konkomba group as a whole (Hahn 1996:42). Tait described the clan as the “most important unit of the social and political system”, occupying a territorial unit which Tait termed a “district”. Thus, one clan, which seldom numbers “more than about 250 souls” is situated in one district, which is “a stretch of land of up to 25 square miles” (Tait 1953:213). A clan is “conceived as a descent group, as the descendants of some remote, now lost, ancestor”. It is an imagined kin group, as the common descent of the various lineages that compose the clan can genealogically not be formulated (Tait 1953:214).

A clan is usually segmented into two major agnatic²² lineages, of which each is “conceived as a genealogical structure of some five generations’ depth”. The major lineages commonly are segmented into two minor lineages, themselves even further segmented. On top of each lineage there is an elder, who is the oldest man of the lineage. The senior of the elders of the two major lineages can be considered to be the clan elder (Tait 1953:213). As there is no authority above the elder of a clan, no council of elders on a higher level than the clan, the clan indeed is the “major unit of the political system”. It is a “morally conscious body within which there is a sense of moral obligation towards fellow clansmen and a sense of loyalty to a territory.” (Tait 1953:216) Several clans amalgamate to a tribe – a territorial unit which consists of the various clans’ districts, has its own name and asks for assistance among its clans in inter-tribal fighting. In the 1950s, Tait did not know of more than a dozen tribes, ranging from 2.000 to 6.000 members, on Ghanaian land (Tait 1953:220). Froelich

²⁰ <http://www.ghanaweb.com/GhanaHomePage/tribes/languages.php>

²¹ The Konkomba language is also called “Kom Komba” or “Kpankpan”. The latter, according to Kirby (2003:183), has been used – and still is used – as a discriminatory denomination by the neighbouring Dagomba. “Kpankpan” literally means “You [that] Konkomba!” and implies a superiority of the Dagomba, with the Konkomba being inferior to them. See: <http://www.ghanaweb.com/GhanaHomePage/tribes/languages.php>

²² Here, the term “agnatic” is meant to define the kin group / relatives of the family father.

specified five tribes on the other side of the border, calling them “sous-tribus” (Froelich 1954:32). A tribe is “a fusion of clans to form a structure of higher order than the clan”. Whereas clans only unite to tribes in inter-tribal war, the fusions of minor lineages to major lineages – and theirs to a clan – are due to activities related to the economy, politics and rituals (Tait 1953:220).

As far as the economy is concerned, a clan is seen to be self-supporting with its members valuing reciprocity in their working life, particularly with regard to farm labour (Tait 1953:215). The Konkomba are grain farmers, cultivating mostly sorghum (called *idi*) which is grown close to the compounds and, when a certain size is reached, hides the neighbouring compounds. Through cash-crops, most notably yams (called *lenul*) and cotton (called *tukukum*) which is sold on market days, they earn a living allowing them to buy cloths, hoe-blades and other kinds of industrially manufactured commodities. A lot of the farm work (like clearing and uprooting of the fields) must be completed communally. The compensation for the workers traditionally is in foodstuffs and beer, which is brought to the fields and consumed together (Hahn 1996:129-136).

As regards politics (decision making) and law (rules), the clan also forms a unit in which the role of the elder is “to insist on the observance of customary standards. He has no power to enforce a decision but he can pronounce what is the proper, the customary procedure on all occasions. His power to do so arises from his relation to the land, of which he is the guardian, and from his relation to the ancestors, for he is the closest to them. His power is therefore ritual and moral, not judicial.” (Tait 1953:216) The elders are, above all, ritual and moral heads who ensure that the standards of behaviour deemed morally acceptable are maintained. It needs to be pointed out that in Konkomba society there does not seem to be an existing law – there is no enforcement by any executive, no official legislature and no interpretation by any judiciary. The political and legal system of the Konkomba can therefore, according to Tait, be defined as “a system of social control” (Tait 1953:215).

In the most important ritual activities of the agricultural year, the clan also forms one unit. This is of special interest in the main rite of the dry season – a sowing rite even though it is held well before the planting season; “an offering to the land on behalf of the clan” (Tait 1953:215). On the other hand, the harvest rites are carried out separately by each compound head; however, here it is the elder of the minor lineage notifies the other compound heads that it is about time to perform the rite. All of the most important shrines, moreover, are clan shrines – the ones devoted to land, water and the fertility of women (Tait oct1956:334).

4.3 The Konkomba psyche

The typical fragmentation (from tribes to clans, to major lineages, to minor lineages, to family compounds) and the lack of a central political ruler or aristocracy, as well as the high level of economical subsistence make the Konkomba a brilliant example for an “acephalous” people. Their form of social organisation stands in stark contrast with that of the Dagomba, their immediate neighbours. Kirby compares the main characteristics of the Konkomba with those of the Dagomba in his study about the 1994 “Guinea Fowl war” and the process of peace-building, naming four cultural themes that explain the differences between the two rivalling groups. The Konkomba are illustrated as “small people”, “run people”, “earth people”, and people of a “tribal god” (Kirby 2003:199). They are small people because they are non-chiefly organised, with the only two hierarchical levels constituted by people who do send, and those who are sent. “Gender, age, descent and sometimes spirit-election are the only criteria for determining who sends whom.” (Kirby 2003:181) They run because they tend to submit to provocation or try to avoid it (Kirby 2003:168); they run to preserve their freedom (Kirby 2003:172) and retaliate only if they are sure to win (Kirby 2003:170). They are “earth people” due to their spiritual relationship to the land. They do not think they can own the land on which they live “because it is not theirs. It belongs to the Earth, the ancestor, and the Creator.” (Kirby 2003:186) Finally, they are people of a “tribal god” because they are tied to the ancestral spirits and attached to the earth which is “a sacred physical expression of a metaphysical reality.” (Kirby 2003:192) They are not, like most other people in northern Ghana, predominantly Muslims, but hang on to their traditional, earth-bound religion.

In fact, Alhaji Hussein Zakaria, an awarded Islamic Scholar and Chairman of the Interreligious Dialogue, told the researchers that the number of Konkomba Muslims is negligible, with the few of them located exclusively in the bigger towns like Yendi. It was also discovered that, even though the number of Christians among the Konkomba is increasing, they still are much fewer than the traditionalists. Kirby states that due to conversion to Christianity a “desire for greater organisation and their own brand of chieftaincy” has been evolving (Kirby 2003:196) “As more of them are being educated, taking on new achieved statuses, forming their own hierarchies, constructing their own identities and building their own status ladder, as it were, they are also seeking their own paramount chieftaincies.” (Kirby 2003:185f) The new statuses, non-traditional in their very form, become clear in the “assemblymen”, other local officials or Christian pastors of Konkomba origin. As Kirby supposes, they “are preparing the way for chiefs” (Kirby

2003:181). But until now, as the researchers were told in several occasions, the Konkomba still lack any form of centralised organisation. Although the clan elders and elders of major lineages have been addressed to as “chief” for quite some time now, they are far from having any power or general validity. “For the Konkomba”, says Kirby, “it is unthinkable to tell another person what to do or to constrain him or her to your will.” (Kirby 2003:172) This point Kirby even stressed again when he called “the most basic rule in their egalitarian world: respecting each other’s freedom.” (Kirby 2003:177) These conclusions may also be of some relevance when the issue of forced marriage is surveyed further below.

4.4 The Konkomba systems of marriage

The researchers found out from the community interviews as well as from other informants²³ that, presently, there are four different forms of marriage practiced among the Konkomba: betrothal, exchange, elopement, and free range. A fifth one, the inheritance of widows, used to be practiced according to Tait’s studies (Tait jul1956:226ff). “When a man dies”, he writes, “his wives are distributed over the minor lineage, his young wives going to the younger men, his middle-aged wives going to the older men and his elderly wives entering the households of their married sons” (Tait jul1956:231). Unfortunately the researchers did not take the opportunity to focus on this issue. Only once, in Tambong, the question came up whether widows can also be forced into marriages. An older woman reacted astounded, saying that “whoever tried to force me into any marriage, my deceased husband would come and kill him.” The fact that the issue of widowhood inheritance was not mentioned by any of the community members may indicate that this practice either has discontinued or is still widely accepted and has so far not been considered to cause any problems. The same applies to even another form of marriage mentioned by Tait: marriage by purchase. Tait added that very occasionally the Konkomba “buy” wives from the neighbouring Kabre (Tait jul1956:221), but this was not brought to the attention of the researchers.

The traditional (and original) system of marriage in the Konkomba culture is the betrothal of infant girls. As the researchers were told during the community visits, young men befriend the father and the mother of a baby that is yet to be born; they may become friends

²³ Usually in all the community interviews (or “focus groups”) the participants were, at the very beginning, asked to explain their systems of marriage. A lot of information could also be received from the CHRAJ District Directors, from the interview in the Centre for National Culture and Chieftaincy, and from Pastor Peter Braimah in Saboba. This chapter tries to bring together the recent findings from the research and the more detailed information from Tait’s *“The Family, Household, and Minor Lineage of the Konkomba”* from 1956.

and start a closer relation. The man may buy *pito*, salt or pepper for the mother in the market, “hoping that one day if she delivers a girl, it may be betrothed to him.” The parents, too, can arrange the betrothals for their sons; there may already be a friendship between two families, and a bonding of them through a marriage may be appreciated. In Chamba, the community added that it is not only the daughter but also the sister that can be used for betrothal. The future husband is informed as soon as the girl is born. He cuts some firewood, which is used to boil the water in which the girl is bathed, and brings millet and a guinea fowl to give to his in-laws. The betrothal itself is called *Bi twi opi* (lit. “they promise a woman”), meaning that “a contract has been entered into to exchange a girl against goods and services”, as can be read in Tait’s article. There is no difference between fiancée and wife, both are referred to as *pu* (Tait jul1956:220). Once the girl is born, it was explained in Jagri-Do, the man drinks *pito* – the first pot is drunken together with his in-laws, the second pot by only the future husband, and the third pot of *pitu* is the “drink of the validation” of the betrothal. Subsequently, the man has to go and farm on the fields of his in-laws annually, until the girl is mature and ready to go to her husband. Overtime (as the girl grows) the man has to “increase the number of hands” to work on his in-law’s farm, thus bringing more and more of his brothers or other helpers with him. At the time he receives his wife, the number of hands “should have gone up to nine or ten”. In addition, when an in-law loses an elder, the man has to attend the funeral and bring *pito* and gunpowder following a ritual setting. This also applies for the matrilineage, if an elder of the mother in-law dies. If the household has a social problem, then the man also comes to assist. Before the girl moves to the house of the man – “there is nothing in Konkomba that can properly be called a wedding”, Tait states (Tait jul1956:220) – he provides the girl’s mother with three pots of millet. Nothing more is given until she leaves the compound of her parents; then they are given another four pots. “When a fiancée is considered old enough to go to her husband, at about eighteen or when she is pregnant, whichever occurs first, she joins him in his hamlet.” (Tait jul1956:221)²⁴ The researchers discovered that, in both marital customs, betrothal and exchange, the girl is only sent to her husband when she is pregnant. The pregnancy demonstrates that she is now old enough to leave her father’s compound. Her husband does not despise the child she brings into the marriage but treats it like his own child, “by the tradition”.

Among the Konkomba customs and traditional practices vary from place to place. What most of the Konkomba communities do have in common, however, is the gradual

²⁴ Froelich also observed that the girl goes to her future husband without any special ceremony; noting however that the age of the girl is thirteen (Froelich 1954:150)

decline of the betrothal system. Even though it is still practiced in some communities, the researchers have been told that “it is a thing of the past”. In Kpalgi Gbingi it was said that, years ago, they had decided to adopt another system – the exchange system. They had realized the difficulties of the system, and the Konkomba Youth Association (KOKOYA) pressured the Konkomba to stop practicing infant betrothal. According to Mr. Cudjoe from *Songtaba*, “that is when the exchange system came, and it is taking over the betrothal system.” Marriage through exchange therefore is by far the most common way to start a family life these days. When a man wants to take a girl or a woman as his wife, he usually has to offer one of his sisters to the brother of his future wife in return. In very few cases, if for example he does not happen to have a sister, he can also use one of his daughters or another girl from his closer kin group in order to replace the sister of his in-law. According to Pastor Peter Braimah, who calls it “the simplest way of marriage”, the practice started around Saboba approximately one hundred years ago. Tait and Froelich were both aware of exchange marriage among the Konkomba, but it can clearly be seen from their works that, by the 1950s, it was not entirely apparent. Froelich only mentions that the exchange of women is rare (Froelich 1954:149). Tait alludes that the exchange is the only occasion where two extended households are allowed to be connected with each other through more than just a single marriage (Tait oct1956:336).²⁵ Elsewhere he writes that a clan that has lost a promised wife due to a “runaway union” (elopement), but that has in turn also promised to give a wife to the other clan, will withhold the woman and give her “elsewhere in an exchange marriage” (Tait jul1956:221). Thus, it is clear that the exchange system is a fairly recent development among the Konkomba. The betrothal of baby girls, as explained, has declined, but it has also encouraged the rise of the exchange system.

The third form of marriage is elopement. This practice has also been addressed by Tait, who calls it a “runaway union”. Additionally, he states that there “is no possibility of confusing mere love affairs with marriage. All fiancées have love affairs with members of clans other than that of the fiancé.” (Tait jul1956:221) The only chance for lovers to live together is through elopement. According to Tait, the girl’s suitor usually approaches the girl’s father indirectly through his own brother in order to become accepted. The father normally agrees, what makes the marriage commonly accredited and valid – this can be confirmed by the research findings. It can be assumed that this form of marriage has gained in importance during the last years/decades.

²⁵ In Jagri-Do it was concordantly said that in former times once a man went into a family for a wife, none of his siblings could go into the same family to marry.

The perceptions of love and marriage seem to have changed. What Alfred R. Radcliffe-Brown correctly recognized in the mid-century and which was “considered a watershed”²⁶ in the treatment of traditional marriage issues, may be challenged by a new generation:

“The African does not think of marriage as a union based on romantic love although beauty as well as character and health are sought in the choice of a wife. The strong affection that normally exists after some years of successful marriage is the product of the marriage itself conceived as a process, resulting from living together and cooperating in many activities and particularly in the rearing of children.”²⁷

What can, however, still be confirmed to be true is “that when a woman marries, she marries a minor lineage.” (Tait jul1956:226) Indeed in most of the expert interviews the researchers were told the importance of the communal character of a marriage. It is widely acknowledged that a marriage is not between two individuals, but between families.

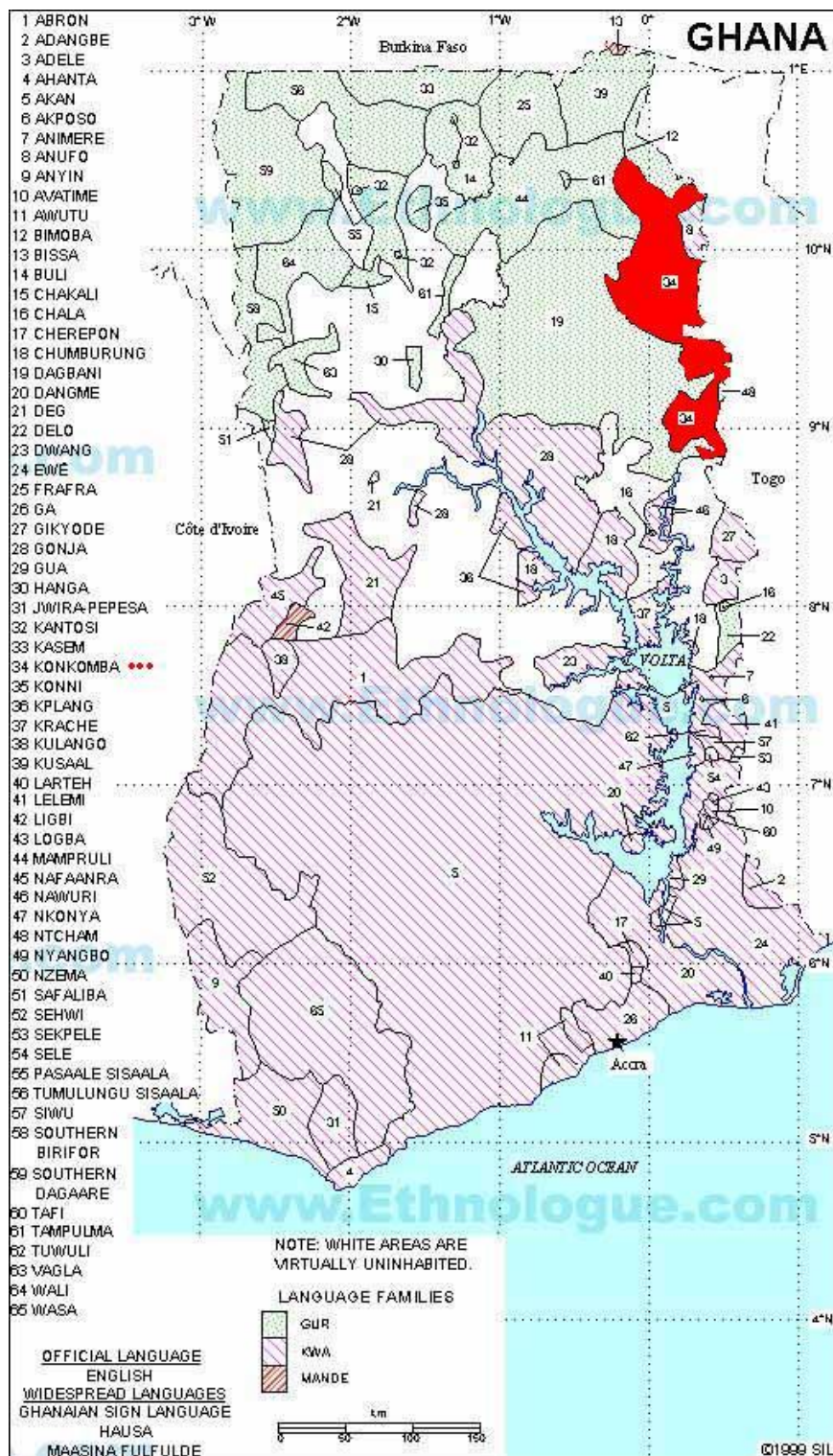
Elopement is closely linked to the fourth and last form of marriage among the Konkomba: free range. In this system the decision of a girl or woman to marry any man of her choice is respected by both her own family and the family of her suitor. The payment of a dowry, which is also obligatory in the exchange system, serves as a compensation for the girl’s family. It is difficult to approximate when this practice came to be, but it can be assumed that it is also a rather current development, as neither Tait nor Froelich mentioned it in their works. During the community visits, the researchers realized that most of the younger girls are still promised to other men, either through betrothal or, more likely, through exchange. Due to the importance accorded to age, the knowledge and wisdom of elderly persons in Konkomba society are highly respected; single-handed decisions by younger people are frowned upon. They are seen to lack the experience, and they cannot communicate to the ancestors as the elderly do. Their activities therefore are expected to be in accordance with the will of the fathers and the other elderly. This also becomes obvious when talking about love. Chief Luciano, whom the researchers met in the *Centre for National Culture and Chieftaincy* in Tamale, announced that “when we talk about love in the African context, it only grows with old age”. The perception of love growing with old age, and of younger people not knowing anything of love, leads many people to ignore the wish of their daughters and sisters. The girl’s suitors will frequently be denied the marriage. Instead she will be

²⁶ Isidore Okpewho: *Understanding African Marriage: Towards a convergence of literature and sociology*. In: David Parkin / David Nyamwaya: *Transformations of African Marriage*. Manchester 1987, pp.331-345.

²⁷ Alfred R. Radcliffe-Brown: *African Systems of Kinship and Marriage*. London 1950, p.46.

required to enter the marriage that has been arranged for her by one of her family members. Moreover, in many of those arrangements, the young girls are supposed to marry old men. As the “ideal family is polygynous, or more precisely duogynous” (Tait jul1956:221), and the men have traditionally been first betrothed to a baby girl at around twenty, and then again about ten years later, the disparity of age is enormous – the second wife may be thirty or more years younger than her husband. It is not uncommon for a teenage girl to marry a man two or three times older than she is. Free range, however, is increasingly becoming the desired form of marriage among young people.

Map I. Konkomba territory



source: <http://www.ghanaweb.com/GhanaHomePage/tribes/map.php>

5. FORCED MARRIAGE AND HUMAN RIGHTS

5.1 Defining Forced Marriage

At the *Centre for National Culture and Chieftaincy* in Tamale, the three interviewees were invited to tell the researchers about the issue of forced marriage in Ghana's north. Both Abubakari Isaak Osman and Chief Luciano from Wa claimed that "there is no forced marriage". Kombatt Fuzy then briefly described the various forms of marriage (see Chapter IV). He also explained, with regard to the exchange system, that only if it "is against the girl's wish, it would be called, by us, a forced marriage." Chief Luciano also agreed; he provided an example of a young couple required to relocate as they were no longer accepted by the parents. In case the family would then "send somebody to grab the girl and force her to marry the first choice", that is, the man she has been promised to, Chief Luciano said "that this is the only instance we can call forced marriage."

In his initial presentations prior to the interviews both in Tambong and Saboba, District Director Gershon M. Nagbija explicitly used the term "forced marriage" when talking to the community members, so the researchers took the opportunity to find out whether the participants actually agreed with this very expression. In Saboba, the opinion leader Mbui Upual responded with "yes, the name fits", and in Tambong they also accepted the use of the term. A contributor in Tambong stated that "sometimes we say it is forced marriage, but it is only when disagreements arise that it becomes a forced marriage." The researchers then asked whether they meant that "we shouldn't criminalize the system as such, but only if the marriage is against the girl's wish". Everybody agreed, and it was added by someone that there is forced marriage "only when the disagreements come, where both interest areas are not met." The very same thing was mentioned in Saboba, when the opinion leaders announced that "where there is disagreement and the girl is forced, that is where we call it forced marriage." Thus, according to Mbui Upual, if "I call my daughter and tell her that I want to give her to a man to marry, and she agrees and they marry, there is no force in it." He further explained that "where the forced marriage actually applies is where the girl doesn't know the man, and the man doesn't know the girl either, and out of the blue the man emerges" to take the girl which has been promised to him – even though the girl says no.

So the question now stands: what exactly should be considered as a forced marriage? Should the whole system be considered a “Dehumanising Cultural Practice”²⁸ or should this instead be decided based on the particularities of the situation one is faced with? Given the similar statements from various places, the researchers decided to follow a definition which is consistent with the assessments made by the “persons concerned”. Therefore, forced marriage shall here be defined as the fulfilment of any marriage arrangement which has ignored and goes contrary to the wish of any of the two spouses.

5.2 The legal framework

The dignity and the physical inviolability of any individual which may be at risk due to the enforcement of a marriage arranged without his or her consent derives from several legal foundations. At a universal level various United Nations Human Rights conventions provide an ideological, ethical basis for regional charters and national acts. Article 16 of the *Convention on the Elimination of All Forms of Discrimination against Women*²⁹, for instance, proclaims in paragraph 1:

“State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution; “

Paragraph 2 moreover refers directly to the issue of child betrothal and child marriage:

“The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.”

²⁸ On page 83f. of CHRAJ’s annual report from 2005 it is announced: “The inhuman treatment of women and girls through the practice of trokosi (ritual servitude), female genital mutilation (FGM), forced marriages, (which takes the form of childhood betrothal; exchange of sisters; early marriage of young girls and marriage by inheritance), cruel widowhood rites and trial by ordeal of women suspected of witchcraft and other dehumanizing practices in the name of culture and tradition are all vestiges of inhumanity and constitute a scourge on the conscience of the nation.”

See: <http://www.chrajghana.org/chraj/files/ANNUAL%20REP%202005%2061-90.pdf>

²⁹ Convention on the Elimination of All Forms of Discrimination against Women. Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of December 18, 1979. Entry into force 3 September 1981, in accordance with article 27(1).

See: <http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>

The *African Charter on Human and Peoples' Rights*³⁰ also sets certain standards on the rights and duties of families in the African context:

- “1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.”

On a national level there are several legal standards dealing with the rights of children and women as well as with cultural practices. The *Constitution of the Republic of Ghana*³¹ from 1992 also includes cultural matters. Paragraph 1 of Article 26 states:

“Every person is entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject to the provision of this Constitution.”

However, the following paragraph restricts these cultural freedoms by implicitly referring to a universal ethic based on international human rights:

“All customary practices which dehumanise or are injurious to the physical and mental well-being of a person are prohibited.”

According to Mrs. Saratu Mahama, Programme Coordinator of *FIDA* (International Federation of Women Lawyers) in Tamale, “the law recognizes three types of marriages”, which are marriage under the marriage ordinance, marriage under the mohammedan ordinance and marriage under customary law. “All are now recognized.” Of special interest is the law on *Customary Marriage and Divorce*³² from 1985, in which the lawfulness of traditional marriages is acknowledged. It provides that a customary marriage shall be registered and a certificate of marriage issued. The law, however, puts emphasis on the fact that a customary marriage is contracted exclusively if both the man and the woman agree to marry. “Although you may think the betrothal and other practices are under the customary

³⁰ African [Banjul] Charter on Human and Peoples' Rights. Adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986.

See: <http://www1.umn.edu/humanrts/instate/z1afchar.htm>

³¹ Constitution of the Republic of Ghana 1992.

See: <http://www.ghanaweb.com/GhanaHomePage/republic/constitution.php>

³² Customary Marriage and Divorce (Registration) Law P.N.D.C.L. 112.

marriage”, says Mrs. Mahama, ”this is not the case. The law recognizes certain things about the customary marriages, and consent here is very important.”

Also of great legal significance is the *Children’s Act*³³ from 1998, with a child being defined in Article 28 (5) of the constitution as a person under the age of 18. In Article 11 of the Children’s Act a definition of the right to opinion can be found:

“No person shall deprive a child capable of forming views the right to express an opinion, to be listened to and to participate in decisions which affect his well-being, the opinion of the child being given due weight in accordance with age and maturity of the child.”

Of paramount importance, however, is Article 14, where the right to refuse betrothal and marriage is legally anchored:

- “1. No person shall force a child –
 - (a) to be betrothed;
 - (b) to be subject of a dowry transaction; or
 - (c) to be married.
- 2. The minimum age of marriage of whatever kind shall be eighteen years.”

Although Konkomba marriage practices violate the law of Ghana, relative few sentences have been made. “Most of them are misdemeanours”, Mrs. Mahama mentioned. It is only those cases “that involve the criminal aspects” like rape, torture or defilement which are handled by the police, and from the police, “it goes to court”. Yet there is more need for discussion concerning the dualism between the rigorous enforcement of individual rights for one, and the acceptance of traditions.

5.3 Group identity and individual rights

At the heart of the conflict between national legislation based on international ethics on the one hand and specific practices of ethnic groups and cultural entities on the other, there is a theoretical debate between two different schools of thought concerned with universal human rights: universalism and cultural relativism. While advocates of cultural relativism are of the opinion that traditional practices which do not respect human rights have yet to be viewed within their cultural context, supporters of the universalist school of thought argue that human rights are basic and fundamental, and therefore, applicable to all humans regardless of cultural matters. Various African authors support an African concept of human

³³ The Children’s Act, 1998 (Act 560).

rights, arguing “that Africans are community or group oriented rather than individualistic, and hence the rights of the individual are not relevant to them.” (Howard 1990:160) Howard, on the other hand, brings forward the argument that, while agreeing with the importance of group identity in the African context, “this does not invalidate the applicability of human rights” (Howard 1990:162). Given the problems evolving from the marital systems in the Konkomba culture, it has to be asked whether individual rights, mostly rights concerning young girls, are irrelevant due to the communal character of their culture. Howard states that the communalism of many African cultures stresses the fulfilment “of one’s prescribed role in a group” (Howard 1990:166). Elsewhere he argues that, in order to enforce human rights to protect individuals, “if necessary, against their own social group” they needed to be removed “from the restrictive social roles of the past” (Howard 1990:182).

Considering a worldwide trend towards the inclusion of cultural issues within the framework of universal human rights³⁴, the perception of “culture” as such has to be further examined. Following the classic definition of Sir Edward Burnett Tylor from 1871,³⁵ culture shall here be considered as “that complex whole which includes knowledge, belief, art morals, law, custom, and any other capabilities and habits acquired by man as a member of society.” (Tylor 1958:1) This definition implies the perception, as man acquires certain capabilities, that culture is not inherent but acquired. Even though culture is mainly seen as the result of tradition and hence is a social heritage, its very nature can still be influenced and subject to change. During the colonial period, when the functionalist theory³⁶ strongly influenced anthropological studies, it was widely thought that the equilibrium of a society “could be severely disturbed if one part or another changed” within the cultural context. Nowadays, however, culture is mostly acknowledged to be dynamic, as “cultures can and do change; indeed, change is part of their nature as they are, above all, social creations.” (Howard 1990:172)

As far as the issue of forced marriage among the Konkomba is concerned, it appears that people refer to their culture as a justification for the pressure they put on the girls who try to resist. Portraying a specific case, Mrs. Mahama cited a father who legitimated his actions

³⁴ This has recently become more relevant through the *United Nations Declaration on the Rights of Indigenous Peoples* (by the way a resolution which has actively been supported by the African Union)

See: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

http://www.iwgia.org/graphics/Synkron-Library/Documents/InternationalProcesses/ACHR/42nd%20session/07-12-04ACHPRCommuniqueUN42ndNov2007_ENG.pdf

³⁵ Edward B. Tylor: *The Origins of Culture*. London 1958 [first published in 1871].

³⁶ See: Talcott Parsons: *The Social System*. New York 1951.

by saying that “it was a custom”. *FIDA*’s approach in this case³⁷ was that they told the father “that culture is dynamic, is changing. We had human sacrifice, and it has stopped; so some of those things should stop.” During the interview in Tambong the local translator analysed that “why the problem is still there is that they have lived with that practice for a very long time, and we want to truncate it. That is why it causes problems. It is a practice they have lived with for some time now, a very long time. It needs to be stopped gradually, but we want to stop it all at once. That is why they worry.” Summing up the observations of the research it becomes clear that, at least in the communities visited by the researchers, the Konkomba themselves are now aware of their culture being open to change. The impact of modernization and the growing idea that there exist certain rights which are inherent to every individual – Human Rights –, the Konkomba realized that they can not stop the time. On the other hand, they are now aware that it is up to them to determine the direction of the changes they are faced with. Nevertheless, many are caught between the upkeep of their traditions to conserve their old culture on the one hand, and the acceptance of a true change on the other. There is a younger generation growing up with ideas which have, to some extent, been brought to them by “activists”.

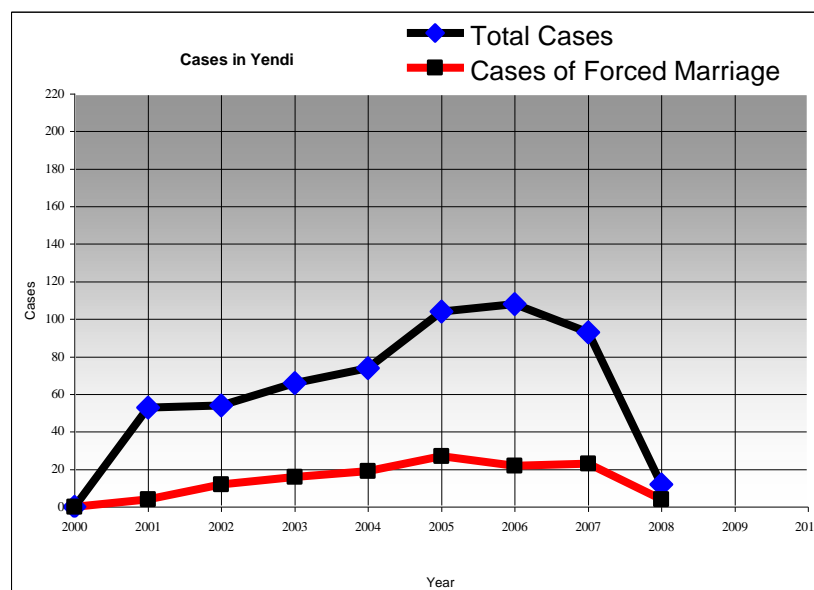
5.4 A changing culture and the role of CHRAJ

Over the last few years, CHRAJ has been confronted, especially in its offices in Yendi, Saboba and Bimbilla, with high numbers of complaints concerning the marriage system of the Konkomba. In Kpalgi Gbingi, the researchers wanted to find out how this development can be explained. Why do these problems now arise, even though the Konkomba have been living with their marital system for quite a while – seemingly without that many girls resisting the practice? It was then answered, according to the translator, that “in those days they did not have alternatives. There was no CHRAJ, there was no court. No law. So the women would still obey. But this time around, just because they are now very aware that there is an authority that is fighting for them, and the women are now supposed to marry the man of their choice, they have heard it, and they have begun to disobey.” Also, the researchers were told that “forced marriage has come to every notice”, and indeed, a lot of work has been done by CHRAJ and other “activists”, above all *ActionAid*, *Songtaba* and *Roomnet*, to create awareness on human rights. Based on the information given out by

³⁷ This was a Forced Marriage case among the Dagomba.

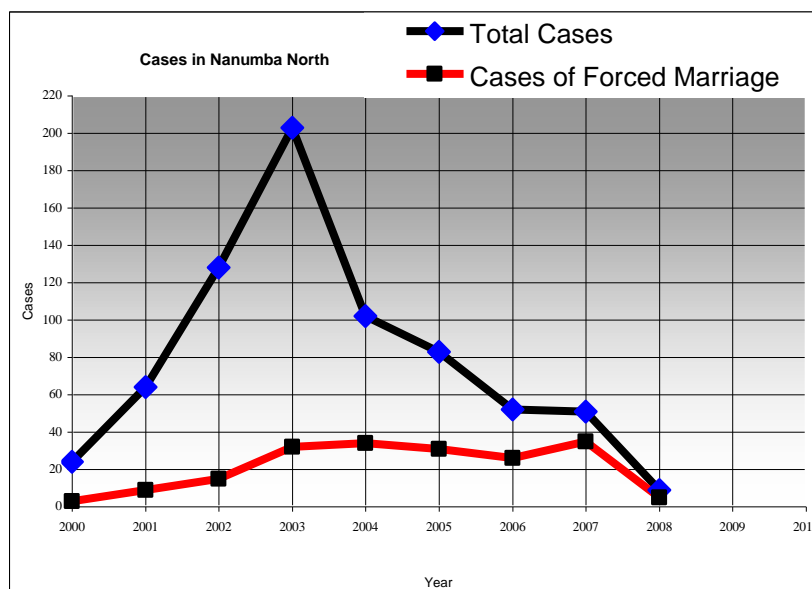
CHRAJ directors in the three districts, the following charts show the devolution of forced marriage cases in relation to the cases in total which have been received by the district offices. The steady rise of cases from the years 2001 to 2004 illustrate the growing awareness of girls due to the establishment of the district offices and the promotion of women's rights. Hence, an increase in the number of complaints does not necessarily reflect a growing number of practitioners sticking to their traditional customs, but rather shows CHRAJ's rising degree of popularity. In fact, a decline in complaints can be indicative of CHRAJ's growing prominence and influence.

Graph I. Cases in Yendi



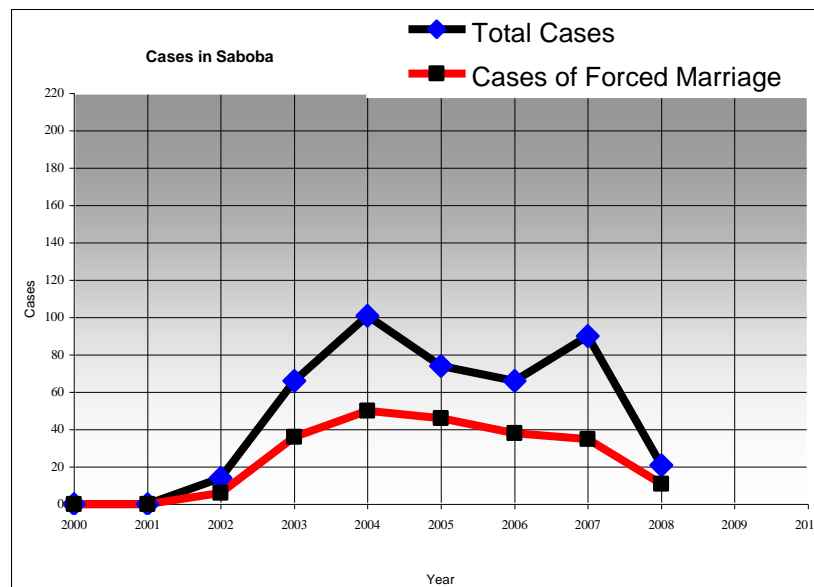
In Yendi district, as the graph illustrates, there has been a constant increase of forced marriage issues from 2001 until 2005. Since then, the quantity has slightly diminished in the last two years, particularly from 2005 to 2006 – with the total amount of cases even growing. Still, numbers of complaints related to forced marriage issues remain at a constant level at around 20 cases annually, representing about one-fifth of all incoming complaints throughout the last three years.

Graph II. Cases in Nanumba North



Within the district of Nanumba North, considering the increasing number of cases in total, forced marriage cannot be assumed to be the central issue from 2000 until 2003. The enormous explosion of cases in total brought to the office in Bimbilla during these years does not show any relation to the forced marriage. Since 2004 however, with the general number of cases rapidly decreasing, forced marriage clearly turns out to be the main problem. In 2007, far more than half of all cases were related to forced marriage. The average amount of cases of forced marriage exceeds 30 during the last few years.

The third graph shows the situation in Saboba. This district has witnessed the most cases of forced marriage related issues both in absolute and relative terms. The amount of complaints has averaged at around 40 a year, having even reached 50 out of 101 cases in total in 2004. In the years 2003, 2005 and 2006 far over fifty percent of the total cases received in Saboba were due to forced marriage. Nevertheless, numbers have slightly been decreasing since 2004.

Graph III. Cases in Saboba

The researchers decided to enter the communities in order to understand why there was such a high prevalence of forced marriage related issues in these three districts and the reasons why the practice persists. A contributor in Kpalgi Gbingi stated that the system of betrothal and exchange “was good because we did not have problems with it”; he mentioned the levirate system, where “brothers held the wives of the deceased” and so, helped the women. He said that “these days, problems are many, there are no sisters to exchange. Now every small girl knows of CHRAJ in Saboba and Yendi. When a girl is shown a man, the next hour she is running to CHRAJ, saying she doesn’t agree. But up to that time, things just went perfectly.” During the same interview, another speaker claimed that “the office is going to destroy our customs. Formerly, when we married, we were giving our daughters and they would obey. But because you have come to assist them, because this office came into existence, now all the girls know that this office is there to pick them. So if you give your daughter away, she won’t go, but she will run to this office.” It is assumed that many other individuals in these communities shared the same views on the matter.

Although the researchers gained the communities’ approval and respect while the research was being conducted, it is clear that CHRAJ is also recognized as an authority that disturbs their tradition. After the local translator, a young man, translated the man’s criticism, he added: “I am going to oppose him now. I also have my opinion. This office is there to help,

because we must have the right to marry any woman we want. If they give me a woman, and I do not have any interest in her, then I will not agree. Why is it that we want to force our daughters and sisters to marry someone they do not like? We have to give them rights, the free right to marry who they like.” As can be seen here, the whole issue can be interpreted as a generational conflict, with some older people unwilling to accept the changes being promoted by some younger people. Still, the vast majority has long seen the need to react to the problems arising, and while some do react with force, many have realized the need to start something new.

Given the opinion of CHRAJ “destroying” parts of Konkomba culture, it has to be accentuated that there have been cultural transformations, among the Konkomba as well as among any other ethnic group, since the beginning of time. It was explained in the previous chapter (see 5.4) that culture is seen to be dynamic rather than rigid. In Chamba someone made this clear when pinpointing the changes that the marital system has been undergoing. “This betrothal is not practiced anymore. It has died out for a long time, because they changed this betrothal to the exchange. Our people felt they should allow the girl to grow and let her agree that she wants to marry that person. That was the strategy of the youth; and when our people understood they continued with the exchange. Sometimes, however, if the girl doesn’t agree, they force her.” Obviously, as was elucidated earlier (see 4.4), the customs of marriage has already undergone change. When visiting a family compound where a case was successfully settled some time ago in Kpalgi Gbingi, the father, well aware that things are changing, explained that “giving your daughter to someone was a prestige during colonial times, but due to modernization everything has changed, and we have to adapt ourselves to that new machine.”

In Jagri-Do it was stated that the chief “has also begun telling them that they should stop the exchange”. Furthermore, it was mentioned that “you can not forget of the former tradition”, which is why, in their opinion, a young man who wants to marry a girl because of love should “just get ten or 15 people and go to work on her father’s farm. That is the demonstration.” This means, that the benevolence of the parents in-law should be gained through farming for them. Thus, some of the old customs (the connection between marriage and farm labour) can potentially be included into a new, open system of marriage. But, as they said, they have “just started with that; it is a recent development.” However, current changes sometimes are contrasted with the olden days and the positive aspects of the traditions in the past. Mr. Danladi described how a Konkomba chief once explained to him the good part of their system. “He told me I should look around, in the recent past, he could

never go walking in the market and see a beggar coming from the Konkomba tribe. You could not walk and see a prostitute coming from the Konkomba tribe. All of them were tied up to their families and the farm.”

In Saboba, Mbui Upual pointed out another development. According to him, “only some time ago, the issues were there, they could just be seen in the streets. But once the law has come into being, claiming the Forced Marriage to stop, it was reduced to a very small minimum.” He believed that marriages today “are through love, and not forced marriage”, and he furthermore explained that “at Yendi court, there used to be only Konkomba cases, marital cases. But nowadays there may only be one marital case in every three months.” In Chamba, a speaker also referred to the law, after the community was asked what should be done to better the situation. “What will actually better the situation”, the man announced, “is that we have the law governing us all. If somebody wants to force the daughter to marry a man, the law must take that person on, so that others will take lessons from that. That will die off the situation.” As it was also mentioned by someone in Chamba, the researchers found that during all the community visits the vast majority of participants supported the idea of “no more forcing the girls” into a marriage. If a girl agrees to go into a marriage which has been arranged for her, “then the girl will go and there will not be any problems”. But it was also made clear that “nobody will force her” anymore. This shows that, at least in the towns that were visited by the researchers, people have decided to accept new rules and transform their marital system to be more considerate of the girls’ needs.

One of the most significant insights gained during the research project definitely was the need for the Konkomba authorities to collude. It was made clear during the first interview in Kpalgi Gbingi by Chief Mayamba Nigir that the elders gave him the “advice that there was a need to assemble all the Konkomba chiefs in the Yendi district”, and together with CHRAJ they should “interact”. He stated that “it should not be one chief, it should be all of us; we need to come together and discuss the setting we will put into place.” Prior to this statement, the chief stated that there was the need to “know one way of everything”. A young man in Kpalgi Gbingi said that “the only way now to get married is for the office (CHRAJ) to help in spreading this information across all Konkombas that nothing and no one should come in the way of lovers interested in each other and who are contemplating marriage. This message must go down well with our elders so they do not compel people who are not in love to marry. So the help of CHRAJ was actively solicited in educating towards a uniform change that would seek to involve all people from the Konkomba community. This proposal was passed on, by the researchers, to all the other communities visited for their views. There was an

overwhelming support in every single community for the proposition to strengthen educational efforts. In Jagri-Do, the chief “supported the idea of coming together”. He said that “the suggestion is brilliant”. There will be the need to bring all the chiefs, CHRAJ and the government under one roof, so the thing can be discussed and a solution can be found.” In Chamba, Chief Biligban Bompil also supported the idea, saying that it would “be proper that all the chiefs are gathered, so that everybody is aware. Nobody could then complain and say he is not aware.”

6. ANALYSING FORCED MARRIAGE

6.1 Dimensions of a marriage: Findings during the community visits

6.1.1 Social dimensions

Most information relevant to the “social dimensions” of forced marriage³⁸ concentrate on the exchange system. In Chamba one of the community members stated, when referring to the practice of exchange, that “if you take somebody’s daughter, this man is always warning you every day he also wants to get a wife”. This again would force you to give that person a wife, “because if you do not give, you do not have peace.” In Kpalgi Gbingi, Chief Mayamba Nigir illustrated that already when “you approach a family for a woman to marry, this family will ask you if you have a sister for them tomorrow”, and “if you do not have a sister in the very future to give to them, they will deny you the woman.”

Disputes obviously emerge wherever a daughter has been promised but refuses to go. A point which became apparent in all communities was the bondage and the indebtedness of the men to replace the women they married. In Tambong a (potential) situation was pointed out where somebody’s daughter (or sister) “is fully married, she has given birth, maybe grown old”, and it would now be her husband’s “turn” to give the other man a wife as a replacement. In case the girl does not agree, and the father (or brother) is not able to persuade her to accept, the other man “can also come and collect his ancient daughter (or sister).” The very same incident was revealed by the dialogue partners in Jagri-Do, where the local translator even called it “the classic example”. It was demonstrated that “when your sister refuses, and she is not interested, you loose your wife and all the children. So to ensure that you keep your wife and your children, you persuade your sister to accept.” At a later date, when the researchers asked about the motivations of torture and beatings of resisting girls, they exposed a similar instance, where a man has received a wife and they have given birth to three or four children. The community members explained that, as someone’s sister “is in your house, your family, giving birth for you, it is now your turn to give your daughter or sister to him. So in order to save your wife from running back to her family, you need to take whatever means to ensure that your daughter accepts the exchange. That sometimes causes the beatings, that is why they beat the children.”

³⁸ Although it may seem difficult at first view to simply segregate social components from other, for instance economical or gender aspects, as all of them are part of and again influence the social conditions as a whole, it in fact seems appropriate to stress the most significant evidence of a statement in order to relate it to the category it fits best.

All these circumstances show that Konkomba men are under considerable strain to also give a girl, either daughter or sister, to the other family as a replacement. In Kplagi Gbingi a young man who also attended the meeting lost his wife and his children “for his inability to get a sister as an exchange”. The other family “recently came and removed the woman with the children.” During the interview in Tambong it was also argued that it was not always the girl’s family who forced her into the marriage, but sometimes also the members from the other family who “are personally coming to pick your daughter.” In Chamba, too, the same problem was addressed – a woman returning to her family if the husband was not able to replace her.

When in Tambong the question was raised on how to maintain the relationship between two families tied together through marital arrangements, but to refrain from using force with the girl, an individual stated that, while the girl herself cannot choose the family into which she marries, she should still be given the opportunity to choose the man she is to marry from within the family chosen for her. “When the girl grows up and can make her own choice”, so he said, “she is consulted who in that family she wants to marry.” Choosing a man at her own will from the family, after the girl has been informed of the situation and made aware of the “bride relationship” between the two families, would still maintain the relationship and solve some problems. After having forwarded this proposal to the women in the assembly, they expressed their agreement on condition that “the girl is given the option” and there is no force put on her.

The researchers also tried to get a deeper understanding of the perception of love and its role within the marital system. In Jagri-Do it was asserted that they “also fall in love”, but love affairs are challenged due to the exchange system, as “the person you have fallen in love with has already been exchanged to somebody.” So whether they fall in love or not, even the parents of the lovers would not support and “allow you to marry such a person.” They would rather let their sons understand that they “do not want problems”, and compel them to marry the girls who have been arranged for them. “So whether you fall in love with another person or not, you cannot bring that person to your family’s home. Even your parents themselves will not agree.”

6.1.2 Economic factors

The social problems mentioned above, describable as peer-group pressure, are directly linked in many ways to economic factors associated with the different marriage systems. In Chamba, Chief Biligban Bompil explained that “in our culture, if you do not have a wife, then

you do not have a house.” That brings with a marriage the commitment to replace the woman to enable the in-law to “also have a house.” Because of the tradition of working on the fields of the future parents-in-law, economic factors often play an essential role in the betrothal system. Even if there is no betrothal, as the practice has been stopped in many places by now, there are still dowries to be paid in the exchange system. This is also a significant aspect when a girl refuses to fulfil the obligation of marrying a certain man. “With time”, as it was stated in Tambong, “the parents will have taken dowry and other commitments, like labour on the field, money, and so on. Now the girl must go there because the parents are not able to refund those things. That is where the force comes in.” To stress the importance of this motive, the statement has even been repeated; it was added that “you have committed yourself, you have taken dowry, gifts, and a whole other things, and you are not able to refund those things. So it is now enforced that the girl must go into that marriage.” Subsequently, another individual announced that the Konkomba people “are peasant farmers”, and therefore “you need labour.” Assuming a father with five daughters, but without any sons, the speaker wondered that if the daughters “are not given out for marriage, who comes and farms for you?” According to the translator’s interpretation, it means that, “in another sense, these girls serve as cheap labour for them”. The same issue also came up in Kpalgi Gbingi, where an exemplary case was depicted in which a family delivers girls before any sons are born. These girls are given out “to different families to marry, hoping that once their male children are grown, those families will equally be giving women to marry.” But nowadays, they noted, these girls are more and more denied because “now there is freedom, and anybody can marry any person of choice.” By that time, however, one of the families would already “have suffered”, which is why “they sometimes come to the CHRAJ office asking that the family be compensated for their suffering”. Later in the interview, probably referring to the betrothal system, an old man stated that “he is sad and feels cheated to have suffered for another family for 15 or 20 years, waiting for the woman to say no to him.” He added that if CHRAJ “is really out to liberate the girls from being forced to marry men against their choice”, then CHRAJ should also guarantee that the “suffering” of 15 years should be forwarded to them.

Both in Tambong and in Jagri-Do stress was laid to the changing attitude of the younger men. In Jagri-Do somebody said that “the younger generation, they don not want to farm”. This man alleged that they “used to farm for their women, but this time around, if someone just has sisters, they are as lazy and do not go to farm for their in-laws, but when the sisters are grown, they will call on the sisters they want to exchange for a wife.” The same point was made when in Tambong a man announced that they “used to farm for the families

of the girls, but these days the men do not do this anymore. They do not do it. They have stopped farming for the girl's bringers." He further explained that, once the farming is stopped, the betrothal, too, will definitely stop. These days, even if a girl is promised to a man in return for his "farm hands", the man cannot be sure whether the girl marries him or not. "So how do you invest in her?" The translator amended that "naturally, these practices are stopping", and after inquiring the whole plenum, everybody else agreed with this opinion.

In Chamba, one elder shared his personal experience with the research team. He told the assembly that from among his daughters, those who have been put into the marriages arranged for them because they understood him and obeyed, are still living with their husbands. Contrary to that, those who married at their own will came back to him. As he is already old, he was wondering how he should feed them. In Tambong, an individual suggested that the suitors of the girls should come and support the family of their girlfriends. To make sure all the children of a family can be fed, and there is no more dependency on the exchange and betrothal, he proposed that the suitor should support the family in-law with "cash".

6.1.3 The role of the belief system

When, in Kpalgi Gbingi, the researchers asked the community members for their opinion on an "open system" of marriage, including inter-ethnic marriages with Dagomba, Mamprusi or Nanumba, the "religious basis" was identified as "another problem" in their marital practices. As indicated earlier, the Konkomba people are pretty much the only non-Muslim group in the north, surrounded mainly by Dagomba who practice Islam. Hence it was stated that "if you go in for a Muslim woman, it will be something that brings problems." Unlike those who migrated to the south and started to intermarry with other groups, they "do not propose" nor "have a reason" to marry a Muslim in the north. "That is why we only concentrate ourselves to marry within the same tribe", Chief Mayamba Nigir explained.

Another significant issue appeared during the interview in Tambong. The importance of the ancestors in the traditional belief system, their ability to intervene into the destiny of their descendants became clear when the following example was given: A man's father promised the man's daughter, that is, the old man's grand-daughter, to the relatives of the man's wife. "Now the father is dead. The girl is compelled to go into that marriage." The man today cannot allow his daughter to not go into the marriage, as it was the man's father who had already given out the daughter. If now the girl does not go, "it means the man is breaking

the relationship.” Because his father decided to give out the grand-daughter to other people, it is now up to the man “to make sure that the girl goes there. Otherwise the man will disobey the father, and the father will go and blame him. And that is why he puts the force. He does not want the father to blame him.”

Another aspect rooted in the religious conception (an aspect inherent to almost all African traditional religions) is the perception of sorcery, or the use of, “well, let’s say juju”, as the researchers were told in Tambong. Juju can be used by some men to marry a girl, and one community member even shared his own personal experience, when through “juju” his daughter “was picked away”. In addition to that, “cursing” was also mentioned in conjunction with adultery. In Jagri-Do, the Chief’s senior brother, Batimbe Bache, stated that “because the person has a husband, it is considered as cursing someone’s wife” if the woman commits adultery. In Chamba, a community member noted that “when our daughters refuse to listen, if you do not use them and they go their own way, we do not support them, we even curse them.” Because of these curses the “women cannot stay in the husband’s place, so they have to come back.”

6.1.4 Talking about education

“Times are changing. If you do not see it you will be left behind. Because nowadays, who wants to marry an illiterate person?” This statement by Simon Kojo, an opinion leader of Loloto (East Gonja district) whom the researchers met in Saboba, can definitely be confirmed when taking comments from other communities into consideration. In Jagri-Do, even at a point when the focus of the discussion was not on education – the researchers asked which problems may arise with the exchange system, after the elders had given a quick review of their various forms of marriage – an individual provided an example of a girl who refused marriage since she was being educated. “You are taking my sister, and I will come for yours, but because yours is going to school she will refuse. And that will cause a problem.” These comments indicate that there is a direct link, a connection between forced marriage and education. In Tambong, Chief Bilalikh Kpasa noticed that a girl who attends school “will appear more presentable than her sisters. So the sisters who do not have the chance to go to school and have gone to marry, they would rather look at those who have been to school and have married by choice.” The chief even supposed that their “marital form” would look “enviable” compared to the other one of those “who did not get the opportunity to go to

school.” The girls themselves would want to go to school, he said, and “even the boys now” considered going back to school as they are “envying those who have been to school”. Now, “schooling has put some life in them”, and they are aware that “life is not the same”. The chief further stated that, “if boys are in school, and girls are in school, nobody will make a choice for them. While they are being educated they begin to make their own choices.” Based on these estimations it can be concluded that educated girls are less vulnerable to forced marriage.

The researchers, in Jagri-Do, posed the question whether the community members saw it to be more important to send girls to secondary school or whether the girls are needed at home to help, and they responded that they are “now aware that education is better”. They added, however, that there is some “desperation”, as many of them cannot afford the school fees. The difficulties with the school fees were also mentioned by a different speaker. Another problem was brought to the attention of the researchers when someone stated that, “when the girls reach puberty age, they are supposed to stay in school, but they begin following men. The parents will realize that there is the need to withdraw them from school and force them into a marriage” instead of allowing them to do “whatever mess”. Before, another man explained that they “sometimes invest a lot to send a daughter to school”, but at times they realize the girl “is not performing in school, she does not even want to attend school.” This is why sometimes the parents may tell their daughters: “I better use you to exchange.”

During the visit with members of Tambong community, which took place in a rural school, the research team identified another major problem. Arriving at the meeting point the researchers encountered dozens of students, but not a single teacher. Had it not been for the visit, CHRAJ would not have learned of the situation the community was facing in regards to the difficulties with the teachers. The assembly man told the researchers that he “went several times to the District Director of education”, but he stated that he is “achieving nothing”. There are no teachers, and, worst of all, “nobody is listening to them”. Another person realizing the importance of education stated “fine, education is best, but where are the teachers?” The assembly man explained that “the teachers who are posted to that place are not willing to stay.” According to him they preferred to stay in urban centres rather than in the rural areas, which would inevitably lead to problems because of the distance they have to travel. Independent thereof, in Saboba Simon Kojo from Loloto also stated that “there is a problem with teachers, because they do not want to stay in the communities. But if we had good teachers”, he suggested, “they could also address the issues of forced marriage. I think we

need other recruitment measures for teachers. We would like to have Konkomba teachers in the Konkomba villages. Their wives should also be involved in the development.”

But the topic of education not only emerged in terms of schooling. Rather it was used to also refer to the promotion of new social standards, specifically when talking about the marital system. An individual in Chamba stated that “it is because of the modernization that things are changing. It is not only the Konkomba who practice the exchange system, but other tribes as well. Those people have stopped, and it is now for us to also stop. It is our duty now to make sure that we educate everybody to stop it, so that we have peace.” Chief Biligban Bompil said that he has “done a lot to educate people” on the marriage issues, and he feels that “at the moment we do not have these cases; it is actually minimized”

6.1.5 Aspects of gender

In Chamba, after the researchers proposed to give the girls more liberty within the marriage system, Chief Biligban Bompil contended that “it is the women who always bring the separation.” While the men want to be “united” and try to “consult” the women, he said, “they go their own way, and they will not understand.” The researchers asked him why, from his point of view, the women brought these problems. The chief then answered “that at times, in our culture, if you come to love somebody’s daughter, it is the brothers of the girl who know, but they do not make it known to the father.” He further stated that the girl may even leave the father’s home without him being aware of it, and when the father then tries to talk to the children, “even at that time, some will not tell you the truth”. Neither does the girl’s boyfriend approach the father; he “will not come near you” and admit that he has “picked” the daughter.

At another point, also in Chamba, when referring to his own case, an individual stated that daughters “failed to consult” the fathers, but rather “took their own sake to marry the person they like”. As it was announced in Tambong, sometimes “it is their mothers”. While the father has “consciously” put the daughter in school, “the mother will be at the background befriending the daughter for a man. At the end of it, the daughter drops out of school and runs into marriage. The mother has a hand in it, you, the father, have nothing in it. You have not taken anything from that person.” In Jagri-Do the community members were asked of the role and position of the women, and whether their opinion is or is not dismissed in decision making. It was then answered that they “normally ask of the opinion of the girl, and then the mother of the girl” before you promise the girl to a man. The question then followed what

action would be taken in case the girl does not accept, and they responded that the girl “has to marry the person by any means”. The plenum was asked whether everybody agreed, and invariably they did. “If the girl does not agree”, the translator commented, “they force her there”. The researchers wanted to know “what if the girl does not feel happy with the new husband?” The answer was that “she will be happy. That is a question of time.” If the girl is not happy she would run to CHRAJ office and complain, but usually, “with the passing of time, you are happy”. So assuming a girl had a contrary opinion, would they listen to her? “The only condition”, it was brought up, “would be that the girl apologizes to the father. After she had run away, when she comes back and apologizes to the father, they will accept her and allow her.”

The community in Jagri-Do was asked how they see the significance of love, and it was stated that “sometimes the love will be there. But the men have several options. You can still have a wife and go out for extramarital relationship.”

- “The men can?”

- “The men can.”

- “The women cannot?”

- “The women must not. But if the women also go out and have an extramarital relationship, the men can not tolerate that. This normally calls for the divorce.” It was further argued that the women’s action mostly is in response to their husband’s activities. “When they sense that the man is going out for an extramarital relationship, then they also get a man.” Subsequently the translator continued that “some people are agreeing that it is not fair. They are not fair to the women.” In fact it was acknowledged that women should have the same rights as men. Citing the translator, “they say what they are doing, they have been doing it, but they now realize that it is not fair. They are not fair to the women.” They furthermore added that they would not see anything wrong “with going to the open market to look for a woman to marry”; they rather called it “a good option”.

In Kpalgi Gbingi a similar issue came up when the community was prompted to explain why, in their opinion, those marriage systems have worked in the past, but do not work anymore these days. “It is because forced marriage has come to every notice. The information has come that it is the right of a woman to have the choice of a man – freedom. So the girls these days are aware.” This means, nowadays many Konkomba women think they should have liberty to express themselves. That is why the girls are likely to resist. As an example it was mentioned that a girl most likely does not want to marry a man who is “30 or 40 years older” than she is, or the girl may also “have a boyfriend she wants to marry.”

6.2 Through the victims' eyes

In the district office in Saboba, during a meeting in Chamba and another one in Jagri-Do, the research team was able to gain insight into women's views. While in Saboba the researchers met with four victims of forced marriage, in Chamba the interview was arranged with some CAT-members, a local assembly woman and a few victims together. The situation in Jagri-Do was fairly different, as the participants assembled within the hamlet and so, the male community members stayed close by. Regardless, the conclusion of the three meetings all point in the same direction with the family situations outlined largely in the same way.

The girls and women all agreed that a marriage should take place out of love. Hence, they would like to encourage the system of free range as the general custom of marriage. As some of them stated, they did not even know the persons they were supposed to marry through the exchange. When the researchers in Saboba tried to find out what the girls thought about the love situation of their parents, their perception of love, they admitted that the parents do love each other. However, it could not be compared to the situation today. "It is a completely different thing, 20 years back and now. We cannot relate to this now." What, to the girls, should then be the role the parents should play within a marriage? In Saboba a girl explained that, after proposing love to each other, the man should be introduced to the parents, he should support the father if he has a problem, and also support the parents upon request. In addition to that there is still the dowry. The man can also organise young men and help the father on the farm. "It is even better than the betrothal, because today they cannot even be sure to get the wives in the end. This one is even more fruitful."

It was the goal of these meetings to find out how the girls themselves see their role within the family, and what they think about their fathers, brothers and mothers. It was stated by one of the girls that "the will of the father is supreme." Even until now, the fathers would not sit down with the girls and discuss the matters of marriage. "They do not involve us at all." Indeed, if the girls were truly involved there would hardly be any case of forced marriage. The girls told the interviewers that there was "no consultation at all." When the girls turn to their parents and openly tell them that they do not want to accept this marriage, the girls explained that "they would not allow that." Considering the shy and passive behaviour of the girls, noted by the researchers, the girls can hardly be imagined to talk in defiance of their fathers' wishes. In fact, it came up that the parents are not willing to talk to them at all about those issues; after they were asked whether they were scared to talk freely to

their fathers, all the four girls in Saboba agreed. When they were invited to explain in their own words their relationship to their fathers, one of the girls said that “he is just a dictator. You have to do what he says.” It is not common for the girls to ask the father for anything. They follow their mothers, play female roles – just as the boys follow their fathers to farm and play male roles; so if the girls need anything they turn to their mothers.

The victims that participated in Chamba argued that “the mothers feel sympathy with us.” If the mothers however dare to interfere and say that it is not fair to beat the daughter, they “will also be beat up.” This is why another girl said that it is the mothers who “actually suffer it.” So even when the mothers have the same interest as the girls, and they would like to support their daughters, “it will not work.” It was explained that if the father sees the relationship between the mother and the daughter to be “too close”, or if the mother tried to denounce what the father proposes, he “will separate you.” Therefore, the mothers sometimes even have to leave. “It has happened several times”, Mr. Nagbija alluded in Saboba. “Because the daughter does not go and marry the man proposed by the father, and in case the mother did not support him in his efforts to force the girl, the mother has to leave the house.” As can be seen here, the mothers really have a problem if their daughters refuse a marriage. In other cases, they may advise the daughters to not “pick a man who is worse than the one who was proposed by the father.” So, the situation of the girls is directly linked to the powerlessness of their mothers within family affairs. “The mothers support the girls, but they cannot come out and fight for their daughters. It is impossible to oppose your husband.”

The women in Chamba and Jagri-Do all were of the opinion that there is the need to be included in decision-making. They want to contribute, to share their view. Yet, the assembly woman in Chamba stated that “in our custom it is seen to be negative if a woman is around when men take the decisions.” During the community visits the researchers also witnessed that always when they approached the compounds and hamlets it first was the women and children that came out. Quickly after the men showed up, however, they vanished. It was mentioned by someone that “in the house it is only the men who get up and discuss things. The women have no say at all, let alone the children.” But in the talk with women and victims in Chamba it was added that the men now have realized that the women also need to take part in decision-making and “say something”.

Dissimilar to the mother, the girl’s brothers also have a stake in decision making. The girl’s suitor needs to talk to them, he has to “offer them something”, give them “a packet” before he can have “a visa to enter the house”. As soon as they want to use her for the exchange, however, “the visa expires”. Sometimes, the brothers also beat the girls. It was

argued that “if it is not the father himself who beats the girl if she disagrees with him, he sends her brothers.”

6.3 The involvement of the “activists”

There is a vast array of NGOs in Ghana’s north, with many of them focussing on women’s and children’s rights. Forced marriage is primarily a problem among the Konkomba – and therefore found basically in the eastern corridor. As most NGOs are located in Tamale and would have to travel far distances to actually be on the ground, only few NGOs are actively involved in the matter. Even though other NGOs visited by the researchers, like *FIDA*, *Gub-Katimali*, *FOMWAG* or *Grassroots Sisterhood Foundation*, are all well informed and concerned about the difficulties prevailing among the Konkomba marriages, it is a subject which is, above all, addressed by *ActionAid* and *Songtaba*.

One of the principal objectives of the research was to find out why the Konkomba still hold on to their marriage systems, despite the various interventions of NGOs and CHRAJ. Mr. Cudjoe, the Coordinator of *Songtaba* in Yendi, analysed that “basically, most of the strategies have failed because we refused to consciously get the views of the community itself and the opinion leaders.” As it was realized by *ActionAid* and *Songtaba*, “the chiefs and the opinion leaders were saying that CHRAJ was disturbing their powers. They think that these are traditional issues, so they must be handled by the traditional opinion leaders.” It was therefore comprehended that there was the need to gradually and consciously involve the chiefs and the opinion leaders. “They are the custodians of the land and the belief. So if they buy into our ideas and believe that it is good for them, if they start wanting a change, then things really could change.”

Songtaba, meaning “let’s help ourselves”, is a coalition of 25 bodies including NGOs, decentralised government agencies and individuals. Members are, among others, the district personnel of CHRAJ, DOVVSU, Social Welfare, local assembly women and NGOs. The coalition was registered in 2006 with the objective to put resources together.³⁹ After only two years of existence, *Songtaba* has already done a lot of work in the Konkomba area. Ten “Community Advocacy Teams” (CAT, see 6.3) in two districts could be formed, with mandates of monitoring and addressing issues of domestic violence in their own communities.

³⁹ The coalition focuses on facilitating women and girls’ participation in decision making by building their capacities through training, lobbying and advocating for their inclusion. They are encouraged to take up leadership positions in their communities, schools and district assemblies. Other key thematic issues addressed by *Songtaba* are violence against women and girls in schools as well as economic empowerment of women.

About a dozen cases of forced marriage could be settled through mediation, and the school girls could subsequently be sent back to school. Of even greater importance, the coalition succeeded in establishing a significant change in the attitudes of the male community members. Because many of them now tolerate the women's views during community meetings, a much higher level of confidence can be achieved so that women can increasingly express their own opinions within their own communities.

The districts in which *Songtaba* operates include, among others, all the districts of relevance for this research – that is Yendi, Nanumba North and Saboba/Chereponi. *Songtaba* is *ActionAid*'s main partner in the eastern corridor: while the funding almost exclusively comes from *ActionAid*, all the work is done in cooperation with the coalition, which is responsible for most of the ground work. There are monitoring activities on a community level at least once every quarter. As Rahinatu Fusheini, Programme Officer for Gender and Women's Rights in the *ActionAid* office in Yendi, explained, the CAT-members "work very closely with CHRAJ, which also monitors their activities and reports to *ActionAid*. We then sort out the issues which need to be further monitored; we go into those communities and meet with CHRAJ and the CAT-members. Actually any time we meet with CAT, CHRAJ is also present." Mr. Cudjoe stated that "CHRAJ is supposed to be going to the communities. We support CHRAJ, so that every month the communities and CAT can be visited by the District Directors. At least three times a quarter there should be community visits by CHRAJ officers."⁴⁰

It became clear, however, that some difficulties within the coalition exist, especially concerning the information flow. "We are not getting the information we need. Before we can get any funds, we must prove that there is a problem; in order to do so, CHRAJ is supposed to help us gathering data which can be used to advocate. It is important for the funding, because to write a proposal statistics are needed. If we get the quantitative data, it will do a lot of good." Another issue that came up during the interview with *ActionAid* and *Songtaba* was the involvement of the state, especially DOVVSU and the police. For the purpose of dealing with the criminal aspects that sometimes arise from forced marriage, like rape, defilement or torture, there have been efforts to set up DOVVSU centres in the districts. It was widely acknowledged that a centre outside of Tamale would be necessary for CHRAJ, CAT, Social Welfare, *ActionAid*, thus for the whole coalition to "reinforce each others work" This process

⁴⁰ The researchers were told repeatedly by all District Directors that there is a notorious lack of financial means. The settlements lie far away from each other, and sometimes access is impossible. The situation could be improved however if more means for transportation were provided. In fact, mobility is of utmost importance to be on the ground and follow up with current developments.

however is complicated by the official structures and the bureaucracy. In addition to that, DOVVSU is perceived “as a place for criminal issues instead of issues of violence; that is why nobody actually wants to go there. The problem here is to segregate criminal issues from issues of domestic violence.” Furthermore, the activities of policemen at the district level may also hinder progress with regard to forced marriage issues. “There is a lot of corruption”, Mrs. Fusheini told the researchers. “Sometimes they just see what they can get from the offenders; they just manoeuvre their way, pick something from the people and let them go. When they tell the offenders that they can go to jail for several years for what they have done, then many of them just give the policemen something – instead of receiving the punishment they should actually get.”

With all the actors involved, there is a certain chain in the treatment of forced marriage cases; and among them, there even is a system of “checks and balances”. CAT, based in the communities, is “supposed to identify issues of forced marriage, violence, rape or defilement, and report them to DOVVSU or CHRAJ, which is supposed to come to the communities. If a settlement cannot be achieved with the community or through mediation headed by CHRAJ, then the issue goes to DOVVSU, and from there it goes to the police and finally to the court. CAT should follow up the development, even after it was passed on to CHRAJ, to see how far the case has gone. If there is a gap in the chain, the CAT-members come to *Songtaba* or *ActionAid* and report.

In all advocacy work programmes organized by *ActionAid* and the coalition, religious leaders were also invited. They take part in all the meetings, both the interactive meetings with the whole communities and the meetings with only community representatives. Mr. Cudjoe explained that they can be seen as “key collaborators” because they disseminate messages and are respected as authority persons. Besides *ActionAid* and *Songtaba*, there is another NGO, called *Roomnet*, also working on the issue of forced marriage. The researchers were able to talk to Sister Fati Alhassan, Women’s Rights Coordinator, who just recently founded the *Grassroots Sisterhood Foundation*. “*Roomnet* is coming out with some messages in the local dialect. Audio plays are recorded on tapes, and then played on market days. Everybody hears it, and when they go back home they bring their impressions to the communities. That causes discussions.” CHRAJ is also about to introduce “a new manual which tells legal aspects, the law and the Children’s Act in a very simplified way”, Mr. Seidu announced. “It is something that any illiterate person can hold on to.”

6.4 “Community Advocacy Teams” (CAT) as local watch dogs

In the efforts that have been made to solve the problems of forced marriage among the Konkomba CAT definitely plays a central role. As the researchers were told by a male CAT member in Chamba, “some of our people have problems, but they did not know where to address them. Now that they got to know we are here with them, and we are their community members, they can bring their problems to us at any time.” The establishment of the “Community Advocacy Teams”, almost exclusively referred to as CAT, was widely welcomed, and “it was actually the communities themselves who appointed people to be trained as watch dogs within their communities.” Their function is “to monitor issues of violence against women and girls, especially looking at forced marriage.” By now, “about ten communities” are cooperating with the CAT-project. The teams are usually made up of about a handful of community members, including men and women as well as the chief.⁴¹ “The chief is supposed to be a part of CAT, because you can’t do anything without the chief.” *ActionAid* offers training for the CAT-members in which mediation skills and knowledge on violence against women as well as on human rights issues are imparted. They are taught how to monitor such issues, and they are also offered refresher training courses. *ActionAid* “from time to time” goes around “to monitor, to find out about the problems and challenges they face and how to improve upon their work.” During the trainings, the CAT-members are also encouraged to speak freely to the chief, who is in return requested to be open to the other member’s suggestions. As Mrs. Fusheini stated, some chiefs are very powerful, and sometimes “people fear to speak against the chiefs”. She mentioned the chief in Garinkuka, a community around Chereponi, who used to be almost “dictator-like” but “has changed a lot through the many activities we have in the communities over there.” Mr. Cudjoe informed the researchers that “most of the chiefs, as we started with the activities, were torn between their culture and us. They did not know whether to go with us or to support their communities”; after all the communities have been following their marriage systems for some time now. But as the chiefs have been working together with the other CAT-members and the advocacy proceeds, the changes have now widely been approved. However, sometimes CAT also fails, as it was shown in one case where the future husband from an arranged marriage was supported by CAT in order “to prevent conflict between the two communities” of the man and the girl. But the few negative cases that occur do not derogate the great success that CAT has brought to the communities. “CAT was able to solve certain domestic problems, between

⁴¹ In Chamba the researchers were told that there are eight members, four of them being men and the other four being women.

husbands and wives, and even some forced marriage cases.” Although they still “lack certain skills”, they “gradually are doing well”. As most of the CAT-members are not literate, there is “the need to raise more funding” for further training, to teach them how to read and write and also teach them more about the criminal code. Mr. Cudjoe also says that “if we are not careful, community members will just come and pretend that everything is fine.” This is why a monitoring committee within the communities was set up to look at CAT. “If you are not careful, someone can be corrupt.” It is ensured that the chief and some “key woman leaders” are part of the monitor group reporting to *ActionAid* and *Songtaba* on the activities of CAT. “These structures help to minimise corruption, because we know it is there”, Mr. Cudjoe explained.

6.5 The communiqué on a new marital system

Another big step in order to forestall forced marriage could also be achieved through another activity of *ActionAid* and *Songtaba*. As Mrs. Fusheini conveyed they “lobbied the chiefs” and thus “were able to come out with some agreements especially on modifying the marriage system – the dowry system. “The dowry system”, she explained, “is too expensive, which is why sometimes the men see their wives as property.” After performing the various forms of dowry (work, foodstuffs, and money, among others) for a long time, needless to say the men are very eager to get their wives. “We suggested them to reduce some of the things that the man has to bring to the girl’s family, and they agreed.” After the chiefs had been lobbied, *ActionAid* and *Songtaba* went “back to the communities to share the lobby with all the community members. As most of the chiefs confirmed, indeed measures were actually added to our discussions. That was when the need to reduce the dowry came up, so that men could easily get married and actually not be in the position of maltreating their wives just because they have paid so much to bring them into their home. It was a step towards reducing the incident of forced marriage.”

The result, in late 2006, was a communiqué by the Chereponi, Tombu, Garinkuka, Wonjoga and Tambong communities on a modification of their marital system, signed and attached with a fingerprint each by the chief, an elder, a youth leader and a woman leader of every community concerned. The communiqué goes as follows:

“We the Chiefs, Elders, Opinion Leaders and people of Chereponi, Tombu, Garinkuka, Wonjoga and Tambong communities; today 27th November, 2006, after a consultative

meeting on the marital systems in our communities, and having realized that the following are inimical to the socio-economic development of the girl-child and the society as a whole,

- Exchange of sisters for wives
- Early marriages
- Betrothal
- Elopement/abduction
- Widowhood rites/inheritance

Resolve on the following as the modernised procedure for marriage in our communities that:

- After courtship, the fiancé should introduce himself to his fiancée's parents.
 - Fiancé should send someone to ask for a hand of his fiancée in marriage.
 - Parents of both fiancé and fiancée meet to confirm the relationship between suitors.
- Fiancé provides two hundred cola-nuts (200), half piece of cloth, one hundred thousand cedis, one pot of pito/minerals.
- Dowry is two pots of pito (2), one ram, one cock, one traditional cloth, one hundred cola-nuts (100) and one million cedis.
 - Anybody who impregnates a school-girl must be seriously punished.
 - Nobody should ask for the hand of a school-girl for marriage.
 - The age for a girl to marry is eighteen years.”

7. DISCUSSION

The high amount of forced marriage cases in the northern districts of Yendi, Nanumba North and Saboba can be seen as a result of the girl's growing awareness of CHRAJ. The fact that there is now a place to run to and seek help makes many girls realize that they have an option to resist their foreseen roles. Apart from the district offices of CHRAJ, which serve as contact points for many girls, a lot of grassroots advocacy has been done by *ActionAid* and *Songtaba* in collaboration with CHRAJ. However, the reasons why the numbers of complaints still remain high, in spite of all the efforts to improve the situation, are complex. It may be claimed that there has been no improvement, or even a change for the worse when looking at the statistics. On the other hand, an important finding during all the community visits was that the participants almost exclusively realized the problems and evinced interest to change some of their marital customs. In effect, the roots of the problems lie far deeper than it may be thought and therefore need to be examined at various levels. A main problem area could be traced back to the type of communication within the household itself – factors, that may be referred to as “interior” or private ones, existing at a low level. Again on a higher level there are various socio-political and socio-economical aspects, or “exterior” factors, which have serious impacts on the private or low level.

As to the “interior” level it became clear in the course of the research project that there is a big communication vacuum between the fathers and the daughters of families. While the girls often do not know the men they are supposed to marry until they have to move into the men's compounds, the girls themselves do not introduce their suitors, whom they may wish to marry, to their fathers. Even though the brothers and the mothers often are informed, they fail to approach the fathers and discuss the matter with them. Likewise, the suitors usually do not introduce themselves to the girls' fathers, let alone the involvement of the boyfriends' families to pave the way for a possible marriage. It has therefore been proposed by several community members that the suitors shall be officially introduced to the girls' families. In regards to the old traditions prevailing during the times of betrothal, it was suggested that a husband that is chosen by the girl herself – under consultation of the father – may again take over some of the functions that the girl's future husbands used to be obligated to accomplish.

Here, some of the economic factors come into play. Significantly, with the rise of the exchange system during the last fifty years, the obligation to work on the farm of the girl's family seems to have widely disappeared. As the farm labour can only be done collectively,

the development indeed proves to be quite negative in terms of the economy. This may also be the reason why exorbitant amounts for the dowry were introduced. Because the men could no longer be sure to receive the wives they were promised, farm labour was no longer performed. It can therefore clearly be seen in the recent history of the Konkomba how some of their cultural practices underwent changes. With the exchange system, which probably became the common form of marriage only because it was the easiest way to get wives, negative problems by far exceeded the positive aspects, and thus, the current system also needs to be transformed. One of the two most promising opportunities in this regard is the modification of the dowry system; the other one could be the invention of a new tradition: to include the girl's suitor (and his family) into family affairs; to let him win the benevolence of his future in-laws and introduce him to "traditional" roles of the future son-in-law.

At this point, however, some of the "exterior" aspects have already played a decisive role. Even though it can be said that by now, most Konkomba men no longer support the idea of forcing the girls into a marriage, many of them still do not have a choice. The social pressure to respect the bargain is just too strong. In fact, oftentimes the men cannot help but force their daughters or sisters into a marriage unless they want to lose their own wife and even their children. If a girl is not given in return, there is no peace. So even in cases where the girls are consulted and listened to, there may be no agreement, the girls would still be forced to go – and run to CHRAJ in the end. In order to solve some of the very difficult cases it would be of great help if the family of the girl that is being forced is offered financial aid through the funding of the "activists" or CHRAJ to enable a compensation for the other family's lost dowry. It is, after all, not only the girls who are confined to their roles in society, but also the men. Not only do family fathers feel disgraced if the daughters refuse to obey – still, there is a firm and explicit hierarchy based on age – but they may also fear a bad reputation in the wider community, and thus, most definitely may have problems to get wives for their sons in the future. This, in return, is of great significance as a lot of descendants are needed in terms of the belief system and, of course, the economic situation.

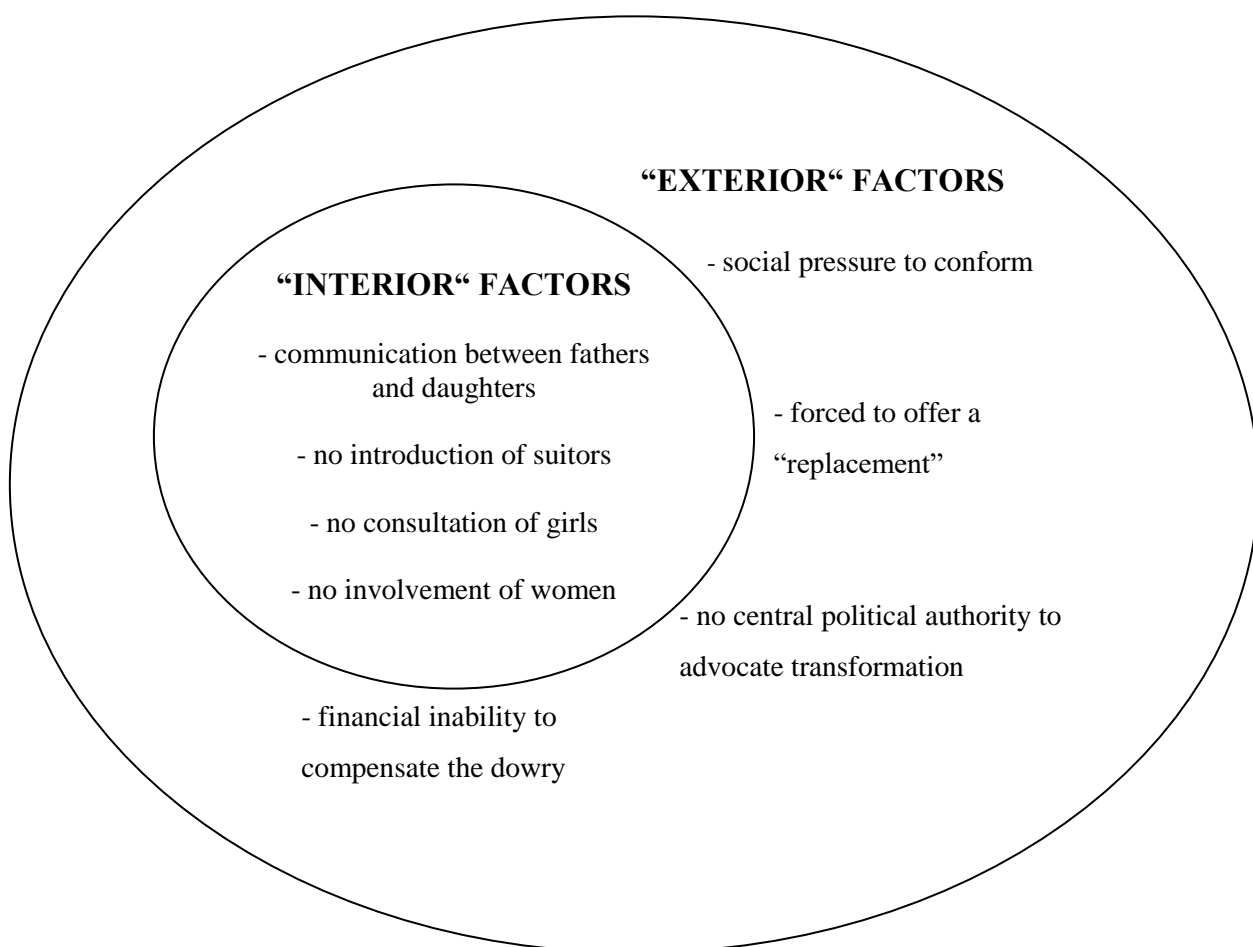
An attempt to explain the notorious problems CHRAJ faces concerning forced marriage has been that the "activists" failed to address the communities and the opinion leaders. This proves to be very true if an approach is followed which solely targets at the low level, or the "interior" factors. The influence of new strategies become apparent when looking at the successful implementation of the communiqué and the establishment of CAT – a trend which is caused by the foundation of *Songtaba* about two years ago, the commitment of *ActionAid* and the work of CHRAJ at the district levels. The knowledge of these "activists",

and the gradual cooperation with the community members and the chiefs themselves unsheathed another main problem when talking about the “exterior” factors: the communication difficulties arising from the segmentary and decentralised form of the Konkomba political organisation. With a central leader and councils of elders above the clan structure completely missing, the task of installing, proclaiming and disseminating a new and generally accepted marital system seems almost impossible. As long as there is no uniformity in change, however, the problems of the “exterior” or higher level mentioned above will hardly be solved. It is therefore the key outcome of this research to organise a big forum in which chiefs, elders and other main representatives of various areas all come together. As it was explained earlier (see 4.2) the elders and chiefs actually do not have any power to set up and enforce general rules; they are, however, moral leaders and the custodians of certain standards of behaviour. At the clan level, the chief can in fact promote certain issues and advertise them among the major and minor lineages close by. As the researchers were directly requested to actively get involved and bring all the chiefs together, the difficulties the Konkomba people are facing these days can be clearly seen. Even though, due to conversion, education and the empowerment of women, there seems to be a trend towards the development of authorities at another level than exclusively based on kinship, they are far from being organised as one “Konkomba people”. The researchers recognize the widespread wish of most community members to bring about change to their marital system (a forum may indeed be the opportunity to address most of the “exterior” related problems) as well as the existence of high-level factors that still make forced marriage common and inescapable.

Another aspect is that the general perception of love and marriage may be about to change. The idea that love only grows with old age, and that the affection among husband and wife is a product of the marriage itself, is gradually being challenged by other ideas from a younger generation. For some part it is the result of the “activist’s” effort to empower women, and the promotion of human rights, that more and more girls try to break out of the rigid fulfilment of their roles. The aim to include them in decision-making brings with it the search for a new role and also leads to a new status for girls and women – an evolution which can be seen by some men to be a disturbance of their own affairs. Is it not contradictory for a society, acephalic and segmentary in its organisation, to attach great importance in respecting each others freedom, but not the freedom of its future mothers? As was witnessed by the researchers, the girls tend to be very shy and insecure; they are not used to talking freely and expressing their own views.

Here, education plays a key role. The school could offer the platform on which identities are formed and boys and girls negotiate their roles on their own, outside their family compounds. Issues like forced marriage could also be discussed in higher class levels, thus encouraging girls to speak freely with their male classmates. But within this area, the Konkomba do face a lot of problems, too. School fees and costs of materials are high, and teachers are not motivated to move to the rural areas in which most Konkomba settle. In addition, local Konkomba teachers should be employed instead of individuals from outside the communities who do not even speak the school kids' language. This, however, requires general reforms in the recruitment of teachers. To achieve such reforms, it is definitely worth undertaking more efforts.

Figure I. "Interior" and "exterior" factors of forced marriage



8. KEY RECOMMENDATIONS

The investigation has brought to light quite a number of problems. The researchers also discovered strategies on how those problems can be solved. As it was demonstrated there is the need to target both the “interior” and the “exterior” factors which allow forced marriage to persist. Summing up, there could be accentuated two major recommendations, one on each level. Concerning the “interior” factors there is, above all, the immediate need to encourage regular communication between fathers and daughters, brothers and sisters, to create an atmosphere of trust and thoughtfulness. On the “exterior” level, the social pressure needs to be strongly reduced through a common framework, which can be achieved only by the organisation of a big forum (see Appendix H) that brings together the main clan elders and chiefs – at best followed by several district and sub-district forums to include more lineage elders.

The following recommendations, seen from a meta-level, should be implemented in collaboration with CHRAJ’s headoffice, the regional office in Tamale and the district offices in Yendi, Bimbilla and Saboba in order to help both the “activists” and the “persons concerned” in the effort to reduce the number of cases of forced marriage:

- Organise and finance a big forum with the main chiefs and opinion leaders of the various clans to discuss a general modification of the marital systems.
- Provide more funding to the district offices to enable better means of transportation for more efficient ground work.
- Allow funding for compensations of dowry in difficult cases.
- Control the availability of appropriate instruction throughout the area’s schools and promote new recruitment measures to employ local teachers.
- Advertise and raise funds for the establishment of a ‘refuge’ centre for the victims.

- Improve collaboration with *ActionAid*, *Roomnet* and the other “activists” that are part of *Songtaba*; make statistics available in order to obtain more funding for further projects.

On a grassroots level, CHRAJ should adopt the following approaches to set the stage for a reduction of forced marriage as well as to improve the general situation of both the girls and the other family members:

- Encourage the fathers to enter into discussions with their daughters and also include the women in decision-making.
- Educate the girls’ suitors to introduce themselves to their girlfriends’ families; convince the fathers to welcome and accept their daughters’ suitors and include them to family affairs; revive old customs (like farm labour, assistance in funerals) in the new forms of marriage.
- Actively support the spread of the communiqué on the modification of the dowry system (reduce the dowry) in order to introduce similar changes to more communities.
- Intensify contacts with CAT and help in the organization of new advocacy teams in other communities.
- Advance the use of “audio drama” (or “drama theatre”), design and distribute basic human rights manuals, and focus on awareness campaigns on market days.

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Appendix A



Mr. Danladi talking to a household elder in Kpalgi Gbingi

Appendix B



Mr. Seidu interviewing the women in Jagri-Do

Appendix C



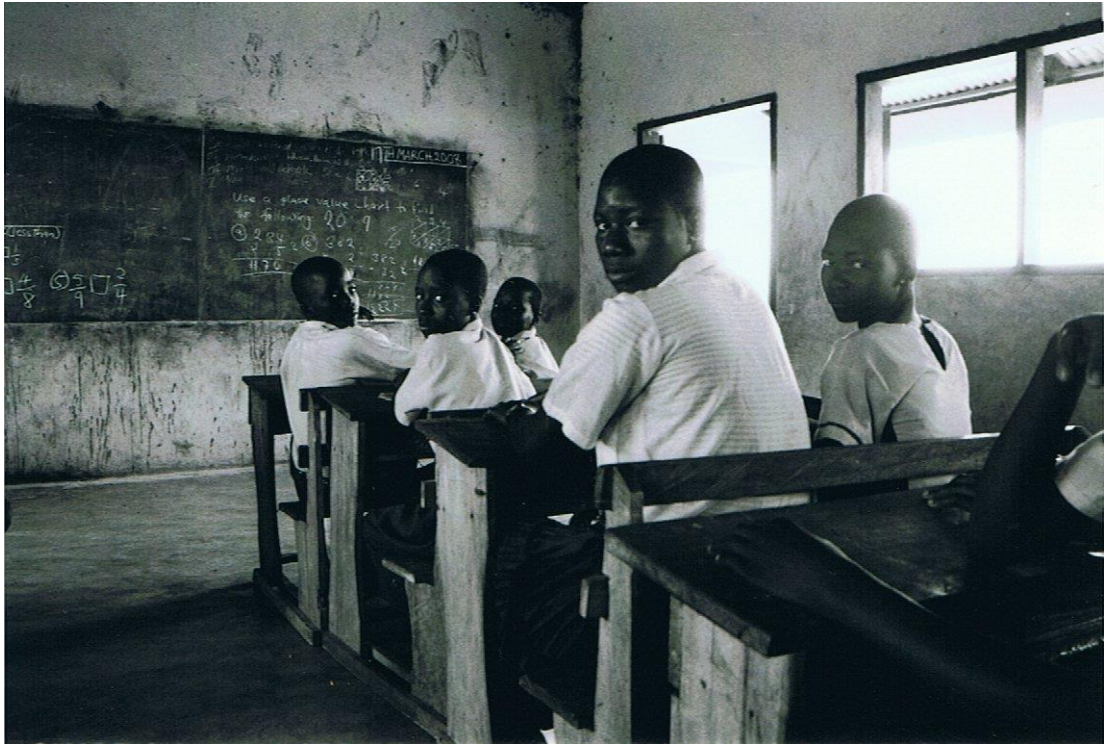
Mothers and their children in Jagri-Do

Appendix D



Mr. Nagbija during the meeting in Tambong

Appendix E



School kids waiting for a teacher to come in Tambong

Appendix F



Talking to victims in Saboba

Appendix G

YENDI

	Total Cases	Cases of Forced Marriage
2000	0	0
2001	53	4
2002	54	12
2003	66	16
2004	74	19
2005	104	27
2006	108	22
2007	93	23
2008	12	4

NANUMBA NORTH

	Total Cases	Cases of Forced Marriage
2000	24	3
2001	64	9
2002	128	15
2003	203	32
2004	102	34
2005	83	31
2006	52	26
2007	51	35
2008	9	5

SABOBA

	Total Cases	Cases of Forced Marriage
2000	0	0
2001	0	0
2002	14	6
2003	66	36
2004	101	50
2005	74	46
2006	66	38
2007	90	35
2008	21	11

Appendix H

INVITATION of Local Opinion Leaders to Forum

Yendi District

<u>Community</u>	<u>Name</u>
Kpalga Gbini:	Mayamba Nigir
Jagir-Do:	Mpoanga
Nakpachei:	Babaye
Bunbong Naayili:	Chief

Nanumba District

<u>Community</u>	<u>Name</u>
Chamba:	Biligba Nayime
Chamba:	Youth Chairman
Gbingbaliga:	Naja
Joanayili:	Achina
Nakpa:	Achina
Makayili:	Kojo Nlibe

Saboba District

<u>Community</u>	<u>Name</u>
Kpalba:	Njo
Zogbeli:	Nawu Njirigma
Sanguli:	Dawain
Tambong:	Bilalikm Kpasa
Sambuli:	Chief
Wonjoga:	Chief