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### **Chiefs, Migrants and the State: Mobility in the Ghana-Togo Borderlands**

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This paper is based on an MSc dissertation in Migration Studies (Department of International Development, Oxford, 2014-2015). Nathalie has since started a PhD in African Studies at the University of Birmingham (2015-2018) under the supervision of Dr Kate Skinner and Dr Maxim Bolt. Her work explores the influence of traditional chiefs on citizenship and mobility practices in periods of Ghanaian elections in the borderlands between Ghana and Togo.

The views expressed in this document are those of its author and should not be regarded as representing the views of COMPAS.

## **Abstract**

Borderlands in Africa are areas that foster mobility and cross-border trade. Especially in case of monetary differentials across countries, porous borders represent opportunities in terms of economic prospects. Analysing mobility in border studies through the prism of the state or state institutions seems to take for granted that state officials are the main or most legitimate authority acting upon mobility in borderlands. In this paper I argue, by using the structure and agency lens to analyse mobility in borderlands, that state officials are not the only authority influencing mobility nor are they regarded as the only legitimate authority concerning mobility. Focusing on the Ghana-Togo borderlands, I show that traditional chiefs have historically participated in the regulation of mobility whether under colonial rule or after independence. Building on contemporary ethnographic studies, I demonstrate that traditional borderland chiefs are gatekeepers at the crossroads between state borders, borderland villages' limits, and regional organizations (ECOWAS promoting free movement and WAEMU). In this position of power and according to their interests, borderland chiefs are both a competing authority to the state in terms of cross-border livelihoods and smuggling, but also indispensable allies acting as mobility gatekeepers. Mobility practices can be influenced by borderland chiefs who negotiate state structure according to their interests. This paper maintains that chiefs are important actors that should not be overlooked in the study of mobility in Africa.

**Keywords:** Borderlands, Africa, chieftaincy, mobility, gatekeeper, structure, agency

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## List of Abbreviations

AOF	Afrique Occidentale Française
CEPS	Customs Excise and Preventive Service
ECOWAS	Economic Community of West African States
IOM	International Organisation for Migration
UNHCR	United Nations High Commissioner for Refugees
WAEMU	West African Economic and Monetary Union

## 1 Introduction

Borders in Africa are one of the most vivid legacies of colonialism. They are the symbol of the 'scramble for Africa', the epitome of the conquering European empires appropriating African lands in the 19<sup>th</sup> century. The dividing lines attributing territory to European powers divided kingdoms, villages, and families and united them with different groups in the same state entity. Some African borders were redrawn after the end of World War 1 when German colonies were redistributed among the victors of the war. When independence was gained in the 1960s, the Organisation of African Unity and its thirty-two African signatories of the time decided in 1963 that colonial borders would have to remain immutable. Despite their imposition, borders have remained stable over time (Herbst 1989: 675). While there have been border disputes and some small changes (e.g. the recent Nigeria-Cameroon agreement), with the exception of Eritrea and South Sudan, there have been very few major changes since independence.

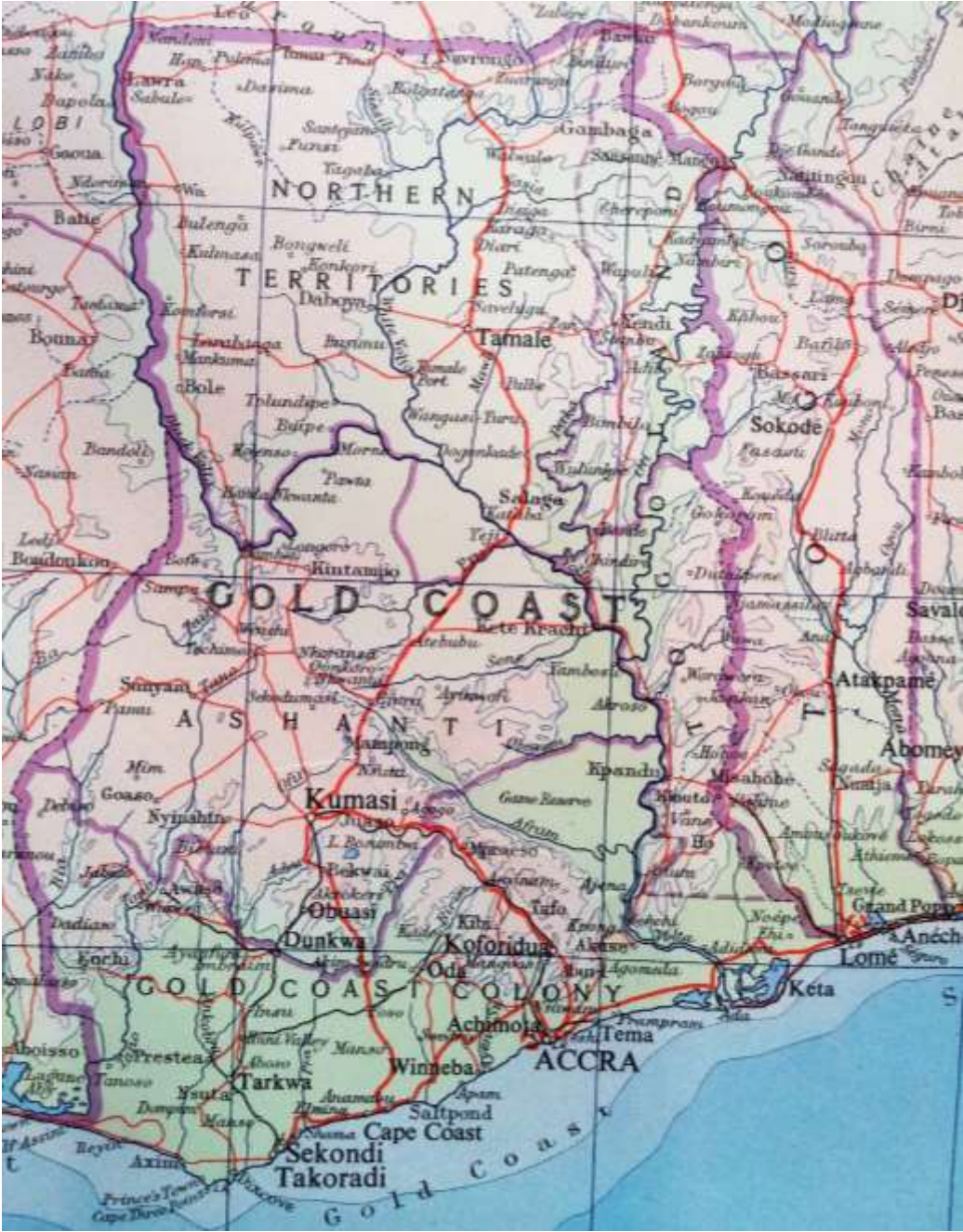
Borders in Africa share many if not all features of other borders in the world (Asiwaju 1993). They have been imposed without the consent of the population, represent the limits of the state's territorial power, are sometimes materialised by border posts or boundary markers and surrounded by liminal spaces representing the borderlands of the state. Border officials are in charge of monitoring mobility of goods and people, and make sure that all required official documents are in order, acting as gatekeepers to regulate who is allowed to cross the border inside or outside of the territory.

However, evidence suggests that in the case of the Ghana-Togo border, communities and their traditional chiefs participate in the regulation of mobility along with state officials (Customs officials, gendarmes, Police, etc.). For the purpose of discussion, 'traditional chiefs' or 'traditional authorities' in this paper will refer to headmen, priests, elders, chiefs or queen mothers that head or rule a community and embody moral authority. The Ghana-Togo border does not represent a barrier, but a passage or a bridge to another territory offering other opportunities ensuring economic sustainability and daily livelihoods.

The Ghana-Togo border is a compelling choice for the study of mobility practices. The change of location that occurred after World War 1 (Map 1) dividing German Togoland between the British and the French cut across different ethnic groups that used to live together, enhancing the possibility of interaction across the border. Moreover, Ghana and Togo are both part of ECOWAS (Economic Community of West African States), a regional organisation fostering free movement among their member states. Togo belongs to the WAEMU (West African Economic and Monetary Union), one of the eight French-speaking countries with the Franc CFA, whereas Ghana has the Cedi as a currency. Free movement in addition to monetary differentials between the two countries make it easier and more

profitable to buy or sell in one currency than in the other.

Traditional authorities and their communities in the Ghana-Togo borderlands are in a position of power and can influence mobility patterns. They are far away from the centre of state power and benefit from their close location to the border, the passageway that people have to go through to reach their destination across the border. Traditional borderland chiefs are gatekeepers at the crossroads between state borders, borderland villages' limits, and regional organisations (ECOWAS and WAEMU). In this position of power and according to their interests, borderland chiefs are both a competing authority to the state in terms of cross-border livelihoods and smuggling, but also an indispensable ally acting as mobility gatekeepers.



Map 1: Ghana and Togo (Bartholemew 1956: 89).

*The broad purple lines represent contemporary international borders. The purple dotted line delineates the boundaries of the trust territories. Togoland that emerges on the western side of the Ghana-Togo border was placed under British jurisdiction after WW1.*

In this research, I will draw on the existing literature about the relationship between border officials and borderlanders, chiefs and the state to show the salience of chiefs' role in affecting mobility patterns when their interest is at stake. In order to do so, I will rely on ethnographic studies about the Ghana-Togo border. Given the scarcity of primary and secondary data on this topic, the paper is limited to the existing literature on related themes, while highlighting the need for further research in the field regarding the actors involved in mobility practices in borderlands in Africa.

I begin by suggesting that adopting a borderland perspective and the structure-agency framework are helpful lenses to analyse border practices in Africa. Borders are not simply political limits monitored by the state but rather a cross-border region with non-state actors and state officials performing their own practices of mobility.

Then, I move on to the analysis of a case study of the Ghana-Togo borderlands. The historical power relations between the colonial state, the independent state and borderland chiefs with regard to the border demarcation have had similar consequences on mobility. This demonstrates the inability of the state to control chiefs in borderlands, and the double role of chiefs in cooperating with the state while taking advantage of the border and the mobility of the people. The historical power relations between chiefs and the state illustrate that power relations in borderlands have influenced the role of chiefs today.

Finally, the relationship between chiefs, communities and border officials in the borderlands show the constant negotiation between actors in borderlands in the shaping of mobility practices. In many situations, chiefs act as gatekeepers or mediators, and influence mobility practices of borderlanders, long-distance traders or migrants settling in borderland communities.

### **1.1 A borderland perspective**

A 'border' is a representation of the state's limits. From a state-centred perspective, borders are immutable and unchallengeable lines that are well guarded by state officials and border posts. However, if one looks from the point of view of the border and border communities, it would be more accurate to look at borders as borderlands. Studying borders with a view from the periphery instead of a view from the centre enables researchers to study phenomena that cannot be revealed through a state-centred perspective, such as the cross-border activities that take place despite state power. Although there is a line separating both borderlands, this line also brings two spaces into contact with each other to form a



cross-border social space (Baud and Van Schendel 1997: 242).

I argue that adopting such a perspective on the Ghana-Togo borderlands reveals how new actors, such as chiefs and their communities, are influencing mobility practices. I will draw from recent cross-border scholarship in the Ghana-Togo borderlands, including the work of Nugent (1996, 2002) and Chalfin (2001; 2010) whose approaches explore unofficial mobility and livelihoods across borders, as well as the instrumentalisation of the border by borderlanders in order to make a living. My contribution will concentrate primarily on the influence of traditional chiefs on the mobility of borderland communities, long-distance traders, and migrants coming to settle in borderland communities. This paper examines how chiefs interact with the limit of the village that is also a political border. In many cases, the colonial states have devolved the responsibility of land to traditional chiefs in customary law. This has been the case for both Ghana and Togo. Considering the fact that chiefs are arbiters in land disputes as well as the authorities assessing where the boundaries of their own village stand, their role is central in the question of state sovereignty in borderlands. The focus of this paper is on a local, mostly rural level, since chiefs are more likely to influence mobility patterns in an area where the power of the state is limited. Other long-distance travellers will not be considered here, due to a lack of sources analysing the phenomenon from a borderland perspective.

Adopting this perspective on the Ghana-Togo borderlands also allows for consideration of the agency of borderlands, or the elaboration of 'local borderland structure'. Combining Giddens' (1984) and Archer's (1982) theories on structure and agency, I argue that chiefs and borderlands exercise their agency to create structure other than the state, with which outsiders – including state officials – negotiate.

Structure is a process always created and recreated by agents. Agents produce a set of rules that they perform, and the performance of these rules recreates the necessity of obeying them (Giddens 1984). In borderlands, the state is embodied by state officials who are expected to perform state rules that ultimately turn into 'state structure'. The state's structure is however mitigated by chiefs and borderlanders with the creation of another system at a local level involving different livelihoods, practices, and rules, including practices of mobility contradicting state structure in the borderlands. These local practices turn into another structure at a local level with which state officials have to negotiate, as the local livelihood of borderlanders highly depend on opportunities provided by the border.

Giddens' theory of structuration has been criticised for not taking into account social change. While acknowledging the interdependence of structure and agency, Archer (1982) argues that these two concepts operate on different time-scales. In the presence of structures already elaborated in the past, agents react and either reproduce or change the initial structure, which itself becomes a new structure for future agents. This on-going

process, *morphogenesis*, accounts for social change. In borderlands, although it seems that local structure is produced, I argue that these structures are always subject to change through negotiation between the different actors in borderlands. Hence, contrary to a large body of work on migration (Bakewell 2010, Bakewell et al. 2012, de Haas 2009, Morawska 2011), the structure-agency concepts will not be used to explain the triggers of movement, but will instead be used to show how chiefs and borderlanders can facilitate or impede the mobility of others.

Borderlands participate in the making of the border in their own ways. In African borderlands, I argue that chiefs and their borderland communities are agents that mitigate state structure in the shaping of mobility practices. As such, they create their own code of practice that turns into 'local structures'. However these local structures are renegotiated among local actors - the state is not necessarily in control in these borderlands. This structure and agency theoretical framework is not new in border studies (Brunet-Jailly 2005; Banerjee and Chen 2013; Konrad and Nicol 2011). Brunet-Jailly in particular has looked at how 'the actions of people (agency) within the constraints and limits placed by contextual and structural factors (structure)' allow for 'processes of production and re-production of borders' (2011: 3). Building on Brunet-Jailly, this paper shows that agency is central in the making of borderland practices, and investigates how agency exercised by chiefs and borderlanders can influence mobility patterns in borderlands.

## **1.2 Agency and resilience: Land, Traditional authorities and the State**

Some chieftaincies date from pre-colonial times. However, many of the present chieftaincies are recent creations. The colonial authorities intervened in the reorganisation of chieftaincies and appointed chiefs to become their prime interlocutors (Mamdani 1996; Bayart 2009). Whatever the origin of chieftaincy's creation, people under the jurisdiction of the chief are generally respectful of the institution of chieftaincy, although chiefs' authority is regularly contested – a phenomenon which has been observed in peri-urban Ghana (Ubink 2008).

Chiefs' roles can be manifold, but in this paper, I focus on chiefs' role in land dispute resolutions and chiefs' interactions with the state, as these issues are key to understanding how traditional authorities can influence mobility. In many parts of sub-Saharan Africa, especially those where subsistence agriculture is widely practiced, chiefs are associated with the control of land. This is certainly the case in the Ghana-Togo borderlands. In Akan, the main language spoken in Ghana, the most common term for chief is 'ohene', which is derived from 'hye' (boundary). As a result, the etymological meaning of 'ohene' is 'the settler of the boundary' (De Graft Johnson 1929; Valsecchi 2008). In Southwestern Togo, 'the elders' are those who are supposed to 'know the limits of the field' (Gardini 2012). Land is central to the

attributes of the chief. He is the settler of disputes in general, and of land disputes in particular. In many cases, chiefs are therefore the guardians of the village's territory, or the boundaries of the chieftaincy.

Chieftaincy is also considered as a 'twilight institution' (Lund 2006) in that it is an institution that resides in the margins of the state. Its prerogatives are regulated by the state, however chiefs' resilience and local practices sometimes differ from their official role. There is a constant negotiation between chiefs and the state (Lund 2006: 686). Chieftaincy among other institutions at the same time embodies and opposes the central state (Lund 2006: 689). Chieftaincy is an ally as well as a competing authority to the state. This paper shows this perspective is especially central in borderlands where the state's authority reaches its geographical limits. Chieftaincy is certainly on the margins of the state, but the state is also on the margins of chieftaincy given chiefs' position of power as intermediaries between the people and the state.

The resilience of chiefs against the state when their interests conflict has been observed elsewhere (Rouveroy Van Nieuwaal 1996, Rathbone 2000). Being intermediaries of the state towards the people, chiefs are however indispensable allies for the government (Rouveroy Van Nieuwaal 1996: 65). Hence, the ambiguous interdependence is all the more striking in borderlands, and the provocative question of Rouveroy Van Nieuwaal is particularly appropriate in this context: 'Should chieftaincy be considered to be on the fringe of the African state, or is it the African state which should be conceived of as on the fringe of chieftainship?' (1996: 68).

Traditional authorities in borderlands in Africa are therefore in an ideal position to exercise their influence together with, or against, the state. They can exercise their agency, negotiate with border officials, and influence mobility patterns.

## **2 Historical perspective: borderland chiefs and the state in the Ghana-Togo borderlands**

The colonial and post-colonial state in Ghana and Togo both seem to have had similar difficulties in controlling their borderlands (Rathbone 2000; Nugent 2002). In many situations, the state attempts to control borderland chiefs to exercise sovereignty at the national borders but appears to be confronted with situations that are not under its control. Chiefs exercise their agency and find ways to manipulate their role so as to keep their status of chief ensured by the administration and so that they retain power over the land they are responsible for. The remaking of the border and the ensuing land disputes only demonstrate the inability of the state to be in control: in spite of the multiple attempts of the state to reduce chiefs to mere obedient administrators, chiefs at the border have been in an ideal position to

take advantage both of their official role and of smuggling. This position already acquired during the colonial period remains nowadays: chiefs have been at the crossroads between the state, the borderland people and the limit of the state's influence, and have occupied a position that has allowed them to influence mobility patterns in borderlands.

## **2.1 *The remaking of the border and land disputes after World War 1***

The remaking and the demarcation of the border gave rise to conflicts between chieftaincies' limits and national limits. The remaking of the border, especially when it cut across chieftaincies' lands, provided the opportunity to subvert the border by continued mobility across the border, or land disputes between chieftaincies that justified their claims either on chieftaincies' limits or on the new border demarcation.

After World War 1, the German colonies were handed over to the victors, namely the British and the French. Togoland was to be divided in two: the Western part of the territory was to be amalgamated to the Gold Coast, and the Eastern part of it was to become French Togoland, amalgamated into French West Africa (AOF). Officially, the territory did not have the status of colony, but was mandated territory under the authority of the League of Nations through the British and the French.

The challenge was to redraw a new line dividing German Togoland into two separate territories. In 1919, the 'Milner-Simon agreement' attributed 60% of German Togoland to France and 40% to Britain. The provisional line mainly followed natural features. When the Milner-Simon line cut communities in two, villages could decide whether they wanted to be under British or French rule and had six months to relocate on either side of the line. In some cases, minor changes to the line could be made at the time of the demarcation itself, for example when farmers were separated from their land. The mixed boundary commission – M. Bauché and Captain Lilley – had the task of demarcating the border between 1927 and 1929 (Nugent 2002).

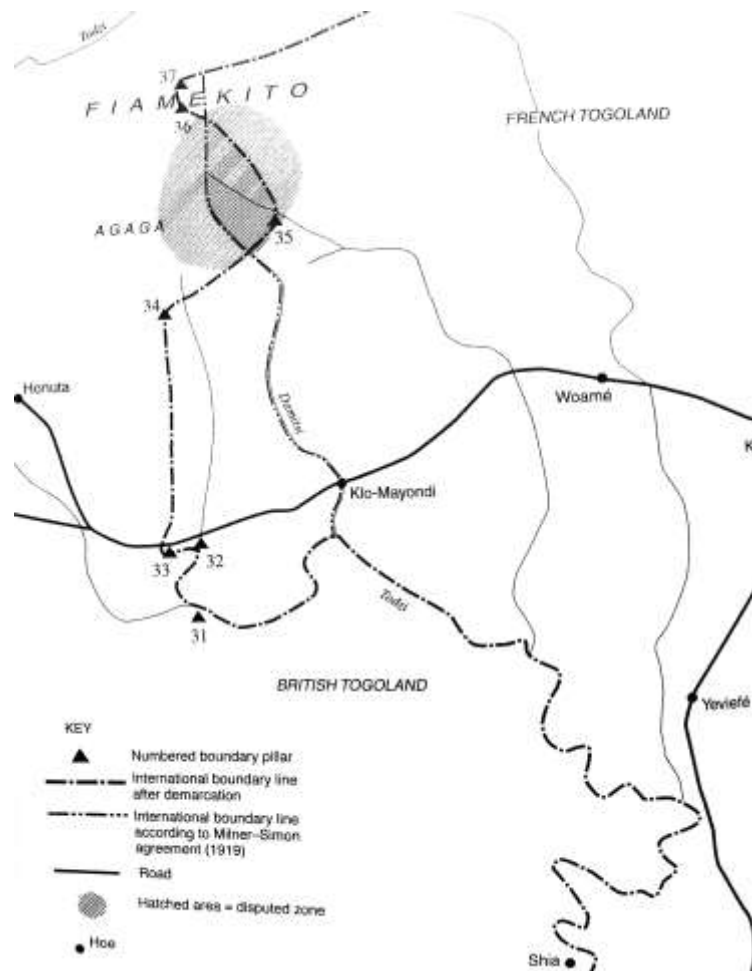
Bauché and Lilley noticed that they could not prevent farmers from accessing their own plantations if these were located on the other side of the line, and that farmers were allowed to go back and forth for the purpose of cultivation. Mobility had to be allowed for farmers, which in itself gave a special status to new borderlanders (Nugent 2002).

Some villages remained unsure of their own status for a long time. This undecided status, together with conflicting maps between pre-colonial boundaries, German boundaries and the Milner-Simon line, gave rise to land disputes between villages, of which chiefs took advantage (Nugent 2002). The confusion between different maps showing the location of different boundaries made it difficult for the colonial administration to determine the border in the field. Land disputes that arose because of conflicting maps created an opportunity for villages and their chiefs to make land claims. I will now focus on the example of Wohamé

and Honuta illustrating the idea that chiefs are more in control of the situation than the boundary commissioners or the colonial administrations in the matter.

When the Milner-Simon line was decided, the construction of roads encouraged the development of cocoa in the borderland regions (Nugent 2002). It was productive and profitable and it encouraged the desire of communities to extend their lands and take advantage of the remaking of the border for the use of cocoa plantations. Chiefs acted as spokesmen for the communities' cause, and many land disputes between villages were triggered by the demarcation of the border and the spread of cocoa. Although farmers who were separated from their land technically had the right to use their land located on the other side of the line, they were harassed and sometimes driven off their land by a competing village, arguing that the border did not give farmers the right to cultivate their land on this side of the border. In this case, on the one hand, the chieftaincy's boundary gave farmers the right to be mobile on their land and cross the legal border, on the other hand, the legal border was considered to supersede previous chieftaincy boundaries and discouraged local mobility.

In Bening (1983) and Nugent (2002)'s account of a dispute (Map 2) between Wohamé (French Togoland) and Honuta (British Togoland), the bone of contention lay in the contradiction between different maps. According to the German map of the area dating from 1902, part of the Agaga hill should belong to both villages; however if one looked at the 1905 map, the hill should belong to Honuta entirely. It was decided that the best solution was to follow the traditional pre-colonial boundary that could be identified by the Boundary Commissioners when enquiring about it in the field (Nugent 2002: 67).



Map 2: The Wohamé-Honuta dispute (Nugent 2002: 66).

However the dispute gained momentum when in 1923, Headchief Kwakutse of Honuta reported that Wohamé people started to plant cocoa on the Agaga hill – probably in reference to the 1905 map. After many twists and turns and unsatisfactory solutions explored, the Boundary Commissioners decided to draw a straight line, following neither natural features nor pre-colonial boundaries or local opinions. However the matters concerning the Agaga hill were not resolved. In 1929, Wohamé village made a petition to the League of Nations. The court presided by the Acting DC John Gutch decided it was impossible to give satisfaction to either party as neither of them seemed to be aware of their pre-colonial boundaries. Cocoa was what really triggered the scramble for this land. Gutch finally made the decision to divide the land equally between the two parties (Nugent 2002), which eventually put a formal end to the dispute. This case shows how traditional chiefs can use all possible legislative recourses, although they challenge the French and British authorities on their territories.

Many examples of land disputes can be found along the Ghana-Togo border. In this case, chiefs benefitted from the multiplicity of maps that existed of the area. Each chief advocated for the interests of his village with the possible agenda of developing cocoa on

their land. Redrawing the boundary therefore provided opportunities to claim more land on either side of the border. It justified and allowed border crossings that created new patterns of local mobility. Chiefs' and communities' agency proved to be efficient in the manipulation of maps for their own advantage.

## **2.2 *The ambiguous role of chiefs during colonialism and after independence***

The evolution of chieftaincy as an institution is important to understand the context in which chiefs may adopt a resilient attitude toward the state, and mitigate state structure. During the colonial period and after independence, chiefs were either created by the state, or diminished in their functions. However, when they are located in the borderlands, it is interesting to observe how chiefs have manipulated their state-attributed role of mobility surveillance on the border, while subverting the border and resisting cooperation with the state, notably in the smuggling of goods and informal mobility.

Like the notion of tradition (Ranger 1993), chieftaincy has to be considered with caution in terms of pre-colonial authenticity. During the colonial period, in the 1920s-1930s, the French and British colonial powers reorganised the system of chieftaincy left by the Germans in a state of great diversity. On the British side, the policy of amalgamation (Nugent 1996; Yayoh 2013) proceeded to place villages and their chiefs under paramount chiefs to make it easier for the British to control the region by reducing the number of intermediaries between the local people and the British administrators. This policy of amalgamation led to a reconfiguration of power relations between chiefs and the administrative powers. The colonial powers created or profoundly modified the traditional structures of chieftaincy in the region. On the Togolese side, the French also appointed new chiefs and reorganised the system differently from the Germans (Rouveroy Van Nieuwaal 2000: 46).

After the reorganisation of chieftaincy, the chiefs' appointment and roles were also modified by the colonial powers. Under British rule, chiefs had an administrative and judicial role and acted as a moral authority for villagers. On the Togolese side, the French administrated the new Togoland with direct rule. Although chiefs were used as intermediaries they were appointed by the government and were considered as mere administrators or civil servants (Rouveroy Van Nieuwaal 1987: 6-9), which eventually led to the undermining of chiefs' authority. On the Ghanaian side, the British used the system of indirect rule, which had already been in use for several decades. It consisted in relying on traditional authorities to administrate the territory. Chiefs were the intermediaries between the colonial state and the people, and officials used them to influence the people and implement colonial rule. Colonial law defined their role as administrative and judicial (Rouveroy Van Nieuwaal 1987: 12). According to Rouveroy Van Nieuwaal, this system enabled the colonial administration to control the chiefs and the chiefs were then legitimised by the colonial administration. The

intermediary position of the chief between the interests of the state and the people however produced tensions. This ambivalent position destabilised chieftaincy as an institution since it eventually created harsh criticism against the legitimacy of chiefs' power. It undermined the traditional institution towards the end of colonial rule but also after independence.

When Nkrumah became the first president of an independent Ghana in 1957, he did not envision chieftaincy as part of the state apparatus. Chieftaincy was to adopt a sacral function. In 1959, the central government was enabled to influence chieftaincy matters. It is in the Constitution of 1960 that the institution of chieftaincy was organised into regional Houses of Chiefs, but chiefs were given limited responsibilities. Despite being installed in accordance with customary law, chiefs' appointment was still subject to government approval (Rouveroy Van Nieuwaal 1987: 18). In the 1960s, Nkrumah further undermined the status of the chief by depriving him of his income, and of his administrative and legal functions. This active attitude towards undermining chieftaincy eventually led to Nkrumah's demise in 1966 (Rathbone 2000). The Constitution of 1969 confirmed the constitutional status of chiefs and that of 1979 rejected the obligation of the government to ratify the appointments of chiefs according to customary law (Rouveroy Van Nieuwaal 1987: 19).

Although the power of chiefs overall has decreased over time, chiefs have adapted to situations and in many cases have shown resilience. In situations of legal disputes, the people still see their immediate interlocutor in chiefs that embody a moral and political order. Today, chiefs are responsible for legal dispute resolutions (Trotha 1996: 84), local order, administration of their villages, and the allocation of plots of land (Rouveroy Van Nieuwaal 1996: 41).

Chiefs' role was even more undermined in Togo after independence. When Eyadéma came to power in Togo after his military coup against Olympio in 1967 – and remained in power until his death in 2005 -, he pursued the colonial law regarding chiefs. He forced them to rally to his only political party (the RPT - *Rassemblement du Peuple Togolais*) and chiefs were slowly deprived of all their functions to become mere civil servants of the state. Even dispute settlement was no longer formally a function of chiefs (Rouveroy Van Nieuwaal 1992: 37). However because the chiefs continued to be seen by the people as morally legitimate to a certain extent, they still settled disputes while being integrated into the administrative apparatus of the state. Rouveroy Van Nieuwaal (1992) stated that the chief in Togo is caught between Scylla and Charybdis, between the interests of the people and the state. Today, chieftaincy is an institution that has been decentralised and incorporated into the apparatus of the state. Under the responsibility of the Home Office is the Chief of the District (*Chef de la Circonscription*). But he himself is above the '*Chef Supérieur*', to whom the '*Chef de Canton*' (at the County level) reports. Finally, the '*Chef de Village*' is at the bottom of the chief hierarchy (Rouveroy Van Nieuwaal 1981: 209) in rural areas. The importance of chiefs'



status may have been decreased by the state during and after colonisation, but chiefs still find other ways to negotiate with state officials by exercising their agency. In borderlands, chiefs have been in a position of power of which the state has never been able to assume complete control.

During colonisation, the system of indirect rule was used not only because it was an efficient way to control the people, but also because the colonial state lacked personnel to administrate the territory. In particular, the number of Customs officers at the border highlights the scarcity of agents to control mobility (Nugent 2000). For instance, in the 1930s, 191 African custom officials were in charge of watching 1,000 kilometres of border between Lomé and the Upper Volta boundary in the north (Nugent 2002: 79) but the majority of these customs officials were assigned a fixed border customs post. Moreover, customs officials were not spread evenly along the border. There were more customs officials towards the Southern part of the border as the economic centre was located in the Southern region of the border (Nugent 2002). The colonial administration had to rely on other intermediaries to control mobility when customs officials were lacking. On the Ghana-Burkina Faso border, Lentz (2003) specifies how 'the colonial regimes did not succeed (or seriously attempt) to control movement across the border. They had to rely almost entirely on the local chiefs, who were regularly exhorted to 'keep wide awake' and report cross-border migrations' (Lentz 2003: 278). The colonial officers even made their tour of inspection of the border with the local chiefs, reminding them of 'their tasks of surveillance of cross-border mobility' (Lentz 2003: 278). Given that the number of officials to control mobility and smuggling was very low in some areas of the Ghana-Togo border, chiefs were most probably in charge of the same tasks.

In addition, Colonial Customs officials attempted to obtain report from anonymous informants on smuggling operations. Although Customs officials were aware of certain smuggling routes, these were susceptible to change with the creation of border posts. They then started gathering information that would keep them updated on alternative routes for smuggling (Nugent 2002: 81). Their informants were paid and Customs Officers were therefore extremely dependent on the information selected by these informants and local authorities (Nugent 2002: 93). This system meant that informants could develop strategies and give some information on smuggling routes to get paid, while at the same time continuing smuggling elsewhere. There was a tension between satisfying colonial officials and perpetuating informal activities at the border for the benefit of local borderlanders. For instance, although chiefs had to inform, they also took advantage of their status. Nugent discussed the example of chief Togbe Sesinu Kum IV who was accused of being involved in smuggling in 1928 in Hoe (Nugent 2002: 107). In her study of the Ghana-Burkina Faso border, Lentz also mentioned how the lack of border officials in the suppression of cross-

border mobility could not be enforced without the help of the borderland population (Lentz 2003: 278) and how the population helped to implement the borders while subverting them by using them as economic resources – and notably by smuggling (Lentz 2003: 274).

Before and after independence, in both Togo and Ghana, traditional chiefs have had ambiguous relationships with the state. Although today their power has decreased institutionally, chiefs remain powerful intermediaries. Being at the threshold of another country, borderland chiefs can pursue the joint goals of satisfying the government as well as their local borderlanders. The number of officials guarding the border has been and still is very low in some regions, and borderlanders are ideally placed to exercise their agency, remain attentive to mobility and participate in cross-border mobility as well as smuggling.

During colonisation and after independence, traditional chiefs have seen their territory redefined and their status degraded by the state. Despite the multiple attempts of the state to control their borderlands, chiefs found ways to take advantage of their position in relation to the state, whether in claiming land, or participating in smuggling and influencing cross-border mobility. Chiefs' agency has proved useful in making them necessary allies to the state and competing authorities. Influenced by the historical power relations between chiefs and the state, borderland chiefs have continued to take advantage of their position at the border today.

### **3 The roles of borderland chiefs today in the Ghana-Togo borderlands**

Chiefs can mitigate state structure by integrating border officials in their daily practices of the border. They are also able to influence the mobility patterns of borderlanders, long-distance traders, and are in a position to decide who is an insider and an outsider, thereby influencing mobility and settlement in their community or preventing repatriation of migrants by the state.

#### **3.1 *State officials and chieftaincy: interdependence and code of practice***

In borderlands, communities and border officials negotiate or cooperate as to how to take advantage of the border with an accepted code of practice daily created and performed. The influence of the state is remote and is only manifested by agents of the state sent to the borderlands to control mobility. It would be logical to assume that border officials would represent the legal authority above the chief and the village's practices. However, in many cases state officials are guests in borderland villages, and are also confronted with the authority of the traditional chief. The overlap of different kinds of authorities in addition to the opportunities provided by the border produce a situation where the state is 'mediated' (Raeymaekers 2012: 345) by officials and borderlanders. This is also facilitated by the unavoidable interaction that takes place between border residents and border officials daily

(Chalfin 2010: 67).

In the borderlands between Uganda and Democratic Republic of the Congo, it has been argued that state officials should not be considered separate from the illegal smuggling taking place in the borderlands (Raeymaekers 2012). There is a constant negotiation between officials of the state and borderlanders in sharing the returns provided by activities regarding the crossing of the border (Raeymaekers 2012: 342). This complicity is however always negotiated as 'state authority on the border is rather mediated, instead of standing in opposition, or being completely incorporated into 'informal' social norms and regulations' (Raeymaekers 2012: 343-4). On the border between Nigeria and Benin, Flynn (1997) mentioned a situation in which traders are not allowed to pass the border until they have asked local borderlanders to act as mediators with border officials and negotiated the price of their passage (Flynn 1997: 321-322). When no agreement can be reached, the chief intervenes to settle an arrangement as he is considered a respected arbiter by all the parties involved in the negotiation (Flynn 1997: 322).

In this situation, borderlanders clearly participate in the task of facilitating or impeding movement across the border in association with state officials. The chief validates the code of practice involving the illegal fining of long-distance traders. There seems to be interdependence (Flynn 1997: 322) between borderland chieftaincies and state officials in the regulation of mobility. However this interdependence is sometimes ambiguous: borderlanders also sell alternative routes across the border to avoid border posts and state officials (Flynn 1997: 324) and therefore facilitate illegal mobility. A similar phenomenon has been observed in Lomé: alternative passages are sold to migrants who wish to circumvent the border post (Spire 2010: 6). Although border officials sometimes represent a threat to borderlanders' exchanges and mobility on each side of the border, it seems that they are also allies in the exercise of the villagers' livelihoods. Their relationship oscillates between 'hostility and humility, independence and interdependence, confrontation and cooperation' (Flynn 1997: 322).

The border between Ghana and Togo shares many of the features of the borders between Uganda and DRC, and Nigeria and Benin. Crossing the border in Lomé is more or less difficult depending on who you are, how you dress or what language you speak: identity markers recognised by state officials can allow you to cross the border without any documentation (Spire 2010: 5-6). For the border zone in the Bawku District, in the Northeast of Ghana next to Togo and Burkina Faso, state officials and border traders are not necessarily in opposition, but rather in a state of collaboration (Chalfin 2001: 204). Through the daily practice of negotiation with borderlanders, an informal 'codified set of local agreements' (Nugent 2011: 374) between state officials and borderlanders has been created. Free movement of borderlanders has become routine and accepted by border officials, to

the extent that Nugent (2011: 367) compared the border to a 'net' through which locals can travel, and others' mobility is subject to more scrutiny.

Unimpeded movement is insisted upon by border residents as a right (...). The local (and tonal) understandings, which CEPS<sup>i</sup> officers have to learn when they first arrive, are not written down and have no formal backing. However, they are inscribed through the force of habit, punctuated by occasional incidents in which local actors explicitly appeal to an accepted code of practice (Nugent 2011: 372-3).

Legal written bureaucratic rules are usually mitigated and forged by a daily practice implying a close relationship between state officials and other actors such as borderlanders or chiefs (Nugent 2011: 374). Using Bourdieu's concept of habitus, Nugent (2011) demonstrates how a certain code of practice is elaborated by habit, and that borderlands are not only monitored by state officials, but they are also ruled by chieftaincies' code of practice and livelihoods. Borderlanders and chieftaincies participate in the regulation of mobility through their ambiguous relationships with border officials. The state's power and territorial sovereignty is mitigated by its borderlands and border officials by a mutual understanding allowing border residents to pursue their livelihoods. Even in one of the busiest border-crossings in Aflao, at the extreme south of the border between Ghana and Togo, and therefore one where the state is especially present,

[Border residents] have made the border and its regulatory fields their own. Gleaning livelihoods and identities from it and sustaining those of Customs Officials, border residents make an essential contribution to the on-going functioning of the frontier zone, guaranteeing its reproduction day to day and over the long term (Chalfin 2010: 68).

It becomes clear that borderlanders do participate in the regulation of mobility across the transnational space they have appropriated as their own territory, indirectly and through negotiation of a code of practice with border officials.

### **3.2 Chiefs as livelihood gatekeepers: Trade or Smuggling?**

Today, borderland chiefs and their communities develop their livelihoods around the border with trade occasioned by the border and border officials. Chiefs represent the guardians of such livelihoods implying a daily cross-border mobility. Activities in the borderlands are organised around or in relation to the border (Chalfin 2010). As a point of passage, the border is a hub and a strategic location that borderlanders take advantage of, and use to organise their livelihoods. Their mobility and smuggling practices are performed

daily and considered as their way of life. One of the most salient features of their cross-border livelihood is trade.

Borders are often a source of economic opportunities. Nugent and Asiwaju call them 'conduits and opportunities' (1996), but they could be called 'conduits of opportunities'. Especially in the Ghana-Togo borderlands where the border represents a shift towards another currency, monetary differentials can be very profitable. Buying products on one side, and selling them in another currency on the other side can make a significant economic difference for border residents.

Border residents also take advantage of being borderlanders and consider they have the right to go back-and-forth across the border to smuggle goods to the other side of the border to sell them. It is part of their livelihood. They live with the border and creatively take advantage of the border's returns to help them make a living. Border populations in the Ghana-Togo borderlands rely on these economic activities that are important in their daily lives. Nugent reported an interview of the subchief of Kpetoe (Nene Dapaah VI, Agotime-Kpetoe, 19<sup>th</sup> August 2002):

You know the people of Agotime, or the people of Kpetoe, at one time or the other in their livelihood [life] depend on that trade, smuggling. There is no single person here who can tell you he has never involved himself in that – no single person, I believe. It's a part of life here (Nugent 2011: 370).

Chiefs are aware of borderlanders' smuggling activities and seem to consider these activities legitimate as a way of life, or even part of a borderland cultural identity. Smuggling is part of borderland people's livelihood in these borderlands. It is interesting to see how the subchief uses the words 'smuggling' and 'trade' as equivalents.

Many studies have qualified the difference between smuggling and trade in borderlands. MacGaffey (1988) defined the activity of smuggling as 'a highly organized system of income-generating activities that deprive the state of taxation and foreign exchange' (MacGaffey 1988: 168). 'Smuggling', 'illicit', 'illegal' are categories that should be qualified in this context. Border residents see their activities as legitimate and licit as these activities are part of their livelihood and part of their border identity. In their view, borderlands are their territory, which they should have the right to use.

Mobility is therefore central for border residents to engage in their daily activities and trade across the border. In the Nigerian-Benin borderlands, border communities identify themselves as being the border (Flynn 1997). Their identity, activities, and livelihoods are forged by the border, and borderlands are their territory even when this territory extends to the other side of the border. Border villages have a sense of right to control the flows of goods and persons crossing their borderland territory (Flynn 1997: 319-321).

No one should pass through their communities without their cooperation and

mediation, and nothing should be carried from one side of their transnational territory to the other without their express involvement and agreement (Flynn 1997: 320).

Border-crossing is therefore a distinctive feature of borderland identities and livelihoods, and cross-border trade, whether illegal or not, is considered legitimate. In the borderlands at the juncture of Ghana, Togo and Burkina Faso, 'cross-border transactions beyond the full control of the state are a taken-for-granted feature of daily life' (Chalfin 2001: 204). Borderland communities' trade may be seen as smuggling by state authorities, but it is part of borderlanders' way of life and traditional chiefs acknowledge their community residents' livelihoods and cross-border mobility.

### **3.3 Chiefs as mediators: borderland membership and outsiders**

Borderland chiefs act as mediators when they have the opportunity to determine who is, and is not, part of the borderland community. Their arbitration is key in determining local membership but also national membership, especially when the state seeks to repatriate immigrants. An essential part of chiefs' role in the village is to settle land disputes. In this respect, chiefs are confronted with the rhetoric of autochthony.

During the colonial period, Ewe, Kabié and Akposso people migrated as seasonal workers to the Gold Coast (Gardini 2012: 56) especially in the cocoa region. They had to come back to Togo every year to pay taxes imposed by the German and French administrations. These back-and-forth movements led to the introduction and the development of the cocoa frontier in Togo, especially in the South Western part of Togo, and mostly in borderlands (Kpalimé, Agou, Litime, and Danyi) until the post-independence period. The development of cocoa in South Western Togo attracted the settlement of migrants from the Northern part of Togo. Landowners in the South West of Togo started selling their lands to migrants and themselves migrated to cities. When cocoa became a valuable crop, landowners often came back from the city and tried to renegotiate the terms of the contract to regain the property they had sold (Gardini 2012: 57). To defend their case before the chief of the village, former landowners claimed the right to the 'land of ancestors that had been bought several decades earlier by groups of "non-autochthonous" people or by other Ewe not belonging to their lineage' (Gardini 2012: 60).

In these situations, Togolese chiefs were faced with arguments in favour of ancestry and autochthony – the 'first-comers' - opposed to second or third generation migrants who had bought their lands – 'late-comers'. In their judgement for land disputes, they either confirmed or denied migrants' membership of the village. Some chiefs took advantage of these conflicts to reassert their contested authority in the village, especially in the context of Eyadéma's regime when chiefs gave their disputed support to the central authority (Gardini

2012: 61). Chiefs could use their position as moral and traditional authority 'in the shadow of the state' (Gardini 2012: 53) to extend and reassert their influence by deciding who belongs to the village in land dispute settlements brought about by the young who questioned their very authority. Access to land was also an issue on the Ghana-Côte d'Ivoire border (Lentz 2003: 285-6) where the border cut across a local community and where:

Access to land was mediated not by citizenship in a nation-state, but by membership in a local community, as defined by kin relations and the relations between firstcomers and latecomers (Lentz 2003: 285-6).

Land disputes are a helpful lens through which to analyse how traditional chiefs or rulers have been able to reassess who belongs and does not belong to the village, whose demand is legitimate, and whose demand is not acceptable on the basis of the legitimacy or illegitimacy of arguments pertaining to autochthony, ancestry or simple purchase of a land by migrants. Chiefs therefore exercise a central role in deciding who has the right to benefit from land in borderland communities where the border is important in terms of economic livelihoods.

On a national scale, identification is also central in determining national membership. One of the state's strategies to control its population is to identify all members of the population and register them on a database. Interestingly, in Ghana, the idea of creating identity cards first arose in all the borderland regions, in 1973 (Allassani 2013: 272). The idea of identity cards was introduced after the 1957 Deportation Act during Nkrumah's term of office and the 1969 Alien Compliance Order, which involved the expulsion of non-Ghanaians (Kobo 2010). During colonisation, the British Nationality and Status of Aliens Act (1914) made a distinction between the natives (who were considered indigenous), the subjects (who were immigrants from other British colonies) and the aliens (who came from French colonies). This act was later replaced by the British Nationality Act in 1948, which gave Ghanaian citizenship to all British subjects in Ghana. However, when Ghana became independent, those who used to be subjects of other British colonies and who had been given the Ghanaian nationality lost the newly acquired status as double citizenship was not allowed. Moreover, whereas the cocoa industry developed and attracted new migrants, the Ghanaian government started expelling immigrants from other French and British colonies.

In the borderlands, identifying autochthonous people from foreign migrants is not easy for the central state. The constant flow of movement, trade, and cross-border activities makes it even more difficult. It is highly probable that this is the reason why the idea of identity papers arose in borderlands first. Traditional chiefs are those who know who is part and not part of the village, and the state has to rely on traditional authorities to get this knowledge. In other cases, it is interesting to note that borderland chiefs choose to identify migrants or refugees as members of their communities to protect them from deportation or

encampment. In the Zambian borderlands to Angola, the introduction of the Zambian National Registration Card that some refugees managed to get avoided them being treated as foreigners or identified – stigmatised - as refugees (Bakewell 2000; 2012; 2015).

The same issue probably arose in the borderlands of Ghana: identifying Ghanaians from non-Ghanaians was difficult, and border controls were inefficient. It is reasonable to assume that chiefs may have contributed to blurring the lines between members and non-members of borderlands in this period of repatriation. Lentz (2003: 278), for the border between Ghana and Burkina Faso, also mentioned how the year 1973 was a decisive year for the Ghanaian state to try to control their borderlands more efficiently and local residents talk of this time as ‘the time when the border came’ (Lentz 2003: 278). However, these border controls did not affect the daily mobility of the borderlanders (Lentz 2003: 278), which suggests the relative freedom that borderland chieftaincies could enjoy.

In this case, borderland chiefs influenced mobility by establishing who was and who was not a member of their community. Their position of power in ‘knowing the limits of the field’ and who belongs to the community in liminal spaces enables them to have an influence on who has the right to enjoy the returns of the border in the community and become a borderlander, and who can be repatriated and considered an outsider with respect to the nation.

Chiefs in Togo occupy the same central role (Marguerat 1988). One of the administrative roles of the chief is to establish filiation when it is doubted by other state officials, and provide an ‘*attestation d’origine*’ (certification of origin) that the prefecture would officialise as a ‘*certificat d’origine*’ (Origin certificate), which is essential to get the ‘*certificat de nationalité*’ (nationality certificate), which is itself indispensable to get the national identity card provided by the police (Marguerat 1988: 48, Manby 2015: 71). Without the first document provided by the chief corroborating the membership of someone in the village, it is difficult to obtain Togolese nationality officially when filiation is doubted. However, to establish filiation, registering birth is essential. But registering birth is not systematic and the inefficiency of registering birth can result in statelessness (Manby 2015). The United Nations Committee criticised the unsystematic registering of births especially in borderlands (Manby 2015: 63). The state cannot be certain to know who belongs and does not belong, and the reliance on local borderland chiefs is of central importance to certify someone’s membership.

In the borderlands, when chiefs confirm someone’s origin, they certify membership in the borderland village and in the nation. Chiefs are therefore in a position of validating or denying someone’s belonging; they act as mediators between the state and the people in borderland villages.

Borderland chieftaincies create local practices of mobility and livelihoods that mitigate state structure. There seems to be an on-going elaboration of local structure that is always



subject to renegotiation between the local actors: borderlanders, chiefs, state officials. Chiefs act as mediators and seem to be key actors in determining membership in the borderland and, as a consequence, in the nation. As a result, it becomes clear that today, it is important to take the role of chiefs into account when studying mobility practices.

#### **4 Conclusion**

What makes the position of the chief distinctive is that the local boundary is also the national border: the borderland village is located at the gates of the country. It turns borderland villages into gatekeepers of the nation. Their geographical location at the threshold of two states, in close proximity to the political border and the village boundary enables them to assert their authority over a territory that is not only the state territory, but also their own responsibility. When the state relies on local chiefs as intermediaries, chiefs become indispensable allies for the state and possible competing authorities. Drawing from other case studies and on ethnographic studies of the Ghana-Togo borderlands, I have showed that chiefs and their communities are in a position of power that enables them to influence mobility patterns.

My analysis of the Ghana-Togo borderlands has demonstrated that the border is actually produced and reproduced by the agency of borderlanders, chiefs and border officials according to their respective interests. Border officials, who are expected to enact state structure, negotiate with local residents instead, and are subject to other practices that turn into an on-going elaboration of local structure. The state is not really in control of its borderlands. Chiefs and borderlanders play their part, and exercise their agency to mitigate state structure. In many cases such as cross-border livelihoods, and determining membership, chiefs have the opportunity to intervene, influence, and participate in the regulation of mobility with or without state officials.

To study this phenomenon, it was essential to approach this question from the perspective of the periphery. This enabled an approach that placed borderlands as centres, and revealed other practices and actors involved in mobility and cross-border livelihoods. While a statist perspective would consider the state as an omnipotent structure, the borderland perspective sheds light on practices that have been elaborated by a daily production of habits and negotiation. Giddens' and Archer's theories of structure and agency and Brunet-Jailly's theorisation of these concepts in relation to borderlands reveals that mobility is not only subject to the state but also to local actors. This paper shows that studying borderland communities as a whole is important to assess the dynamics at stake, but it still needs unpacking. I suggest that focusing on particular local actors such as traditional chiefs specifically may contribute to provide more precise accounts of local mobility practices in borderlands.

If borders in Africa are largely similar to any other border in the world, there may nevertheless be a distinctive feature that sets them apart: the presence and possible influence of borderland traditional authorities on the flow of goods and persons. Although other borderlands in the world can show signs of a mitigation of state structure and mobility patterns through local agency, it is mostly limited to state officials' agency. In the case of the Canada-United States borderlands, border officials have not always applied the rule in the strictest sense for borderlanders (Konrad and Nicol 2008). For example, even after potential 'excessive cross-border shopping' (Konrad and Nicol 2008: 194), borderlanders returning to Canada were not always checked seriously at the border crossing:

Stories like this one are commonplace in Canada and have become part of a border mythology and mystique fuelled by the inconsistency of regulation enforcement, the changing rules, and the adventure in bending the rules (Konrad and Nicol 2008: 194).

In this case, border regulations are not negotiated by all local actors, but depend on border officials' agency. Many other borders in Africa reveal that border officials are not the only authorities that may influence mobility and exercise their agency, since local traditional authorities may also do so.

Chiefs are important actors that should not be overlooked in the study of mobility in Africa. They are part of local reality and are an essential element that could help or undermine the removal of widespread roadblocks and the reduction of smuggling and trafficking. Even at a regional scale, whatever the policy adopted, the implementation has to be local, and the chief is the local authority that can translate or not translate a policy in the field. The regional organisation ECOWAS that unites West African countries seeks to implement the free movement protocol between the member states. It consists in establishing 'complete freedom of movement' (Adepoju et al. 2010: 121) between member states with the abolition of visas, the right of residence for community citizens, and the right of establishment. However, in their report about ECOWAS and the free movement protocol, Adepoju et al. showed how the implementation of the protocol has proved inefficient. Immigrant officials do not apply the protocol at their borders (Adepoju et al. 2010: 125) and unofficial payments persist (Adepoju et al. 2010: 127), impeding free movement. Training has even been put in place to inform border officials (Adepoju et al. 2010: 126) to 'reduce police harassment along the Lagos-Cotonou-Lomé-Accra-Abidjan-Ouagadougou-Bamako-Conakry migration corridor' (Adepoju et al. 2010: 126). The implementation of this protocol is not in the interest of local actors in borderlands. The different codes of practice and a different configuration of power relations amongst traditional chiefs, borderlanders and border officials regarding border-crossings may influence the outcome of successful or failed implementation of such policies.

This study has showed how chiefs can potentially influence mobility patterns with long-distance traders, borderlanders and migrants coming to settle in borderland communities. However, long-distance migrants who are not traders were not included in this study. Very few studies have focused on the link between African borderlands and long-distance migrants other than refugees (Mechlinski 2010). Nevertheless it is highly probable that chiefs only try to influence mobility when their own or their communities' interests are at stake, depending on the context, which means they would not intervene in every case. If long-distance migrants have valid official documentation to cross the border, neither border officials nor borderlanders really have the opportunity to impede movement – unless possibly with a pay toll or gifts (Mechlinski 2010).

Because this paper is based on data drawn from secondary sources and ethnographic studies, it cannot provide a precise assessment of the extent to which chiefs influence mobility patterns in borderlands. However, the evidence gathered by this study demonstrates that border officials are not the only actors in the regulation of mobility in borderlands and that borderland chiefs are in an ideal position of power to act as gatekeepers. Additional research in the field is necessary to inquire further into the mitigation of state structure in the forging of mobility practices by other actors in Africa.

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<sup>i</sup> Customs, Excise and Preventive Service