

IS LAND INALIENABLE? HISTORICAL AND CURRENT DEBATES ON LAND TRANSFERS IN NORTHERN GHANA

Carola Lentz

In the course of disputes over the redemarcation of district boundaries in the late 1980s, Sisala landowners in the Lambussie Traditional Area of Ghana's Upper West Region decided to demonstrate forcefully the primacy of their property rights by preventing Dagara immigrant farmers from the neighbouring chiefdom of Nandom from working their bush fields for three consecutive seasons. Unlike in the recent violent conflicts in the cocoa-producing forest belt of the Côte d'Ivoire, where clashes between local youth and immigrant farmers from the northern parts of the country and from neighbouring Burkina Faso resulted in the expulsion of tens of thousands of these 'strangers' (Chauveau 2000; Chauveau and Bobo 2003), the Dagara farmers were not evicted from their settlements. Nevertheless, subsistence production was seriously curtailed, and the situation, particularly of poorer families, was precarious with regard to food stores. Yet it was the symbolic ramifications that made the conflict dramatic. Dagara farmers, many of whom have been living in the Lambussie Traditional Area for decades and were even born there, felt they were being treated as mere 'settlers' and thus downgraded to second-class citizens by the Sisala restrictions on their rights to the land. Admittedly, for those cultivating the land in question in the second generation, use rights to the plots were inheritable, provided that the Sisala landowners gave their consent. However, the Dagara were not included in the ritual gathering at which sacrifices were made at the local earth shrine, and thus did not belong to the property-holding community of the 'first-comers'. And the recent conflicts showed that even long-standing use rights could be stifled. If the Sisala continued to insist on the prerogatives of their 'allodial title' – the Ghanaian legal term for the strongest, ultimate 'customary' property rights (Woodman 1996: 50–86) – where would the Dagara farmers go and what would they do?

During the protracted conflicts, some Sisala leaders went even further and claimed that not only the Lambussie Traditional Area, but all Nandom lands as well, stretching to the Black Volta, on which the Dagara had settled for many generations, in actual fact still belonged to the Sisala, and that only for reasons of political expediency did these original owners not reclaim their ancient property. The Dagara, on the

CAROLA LENTZ is Professor of Social Anthropology in the Department of Anthropology and African Studies, Johannes Gutenberg University of Mainz. She has been conducting research on labour migration, ethnicity, the history of chieftaincy and the politics of belonging in northern Ghana since 1987. Author of *Ethnicity and the Making of History in Northern Ghana* (2006) and numerous journal articles, she has edited several volumes, including *Ethnicity in Ghana: the limits of invention* (2000) and *Land and the Politics of Belonging in West Africa* (2006).

other hand, insisted that Nandom was an autonomous community with full property rights which, after once having purchased its own earth-shrine stone from the Sisala of Lambussie, owed no allegiance to any previous owners and held the allodial title to their land. And, as many Dagara further argued, even with respect to the Dagara immigrants farming on Lambussie lands, nothing could really justify denying them full property rights, since ownership should be linked to the active cultivation of the land, not first-comer status as such.¹

Debates about the (in)alienability of land, and more particularly histories of 'first possession' and the creation of allodial property rights, play an important role in current land conflicts in northern Ghana and beyond. In what follows I will explore indigenous concepts of land ownership and land transfers, and discuss how African and European views on land tenure influenced and instrumentalized each other. Colonial officials developed, often in cooperation with African chiefs, a rather romantic view of pre-colonial land tenure, namely that land ownership was ultimately vested in the ancestors of the first-comer lineage and that Africans therefore regarded land as inalienable. These notions have been perpetuated not only by anthropologists but also by those local Africans whose position would be weakened by admitting the possibility of land 'sales'.² African immigrant farmers, on the other hand, tend to emphasize that land transfers were a reality even in the pre-colonial period. Not only have competing conceptions of pre-colonial African land tenure become a powerful reservoir of arguments in current land conflicts, but disputes over the (in)alienability of land are probably as old as the agricultural frontier itself.

Using the case of Nandom in the Upper West Region of Ghana, I will analyse how an expansionist group of Dagara farmers gained access to and legitimized control over land previously held by a group of Sisala hunters and farmers, and how each group interpreted this land transfer—symbolically effected when the Sisala gave an earth-shrine stone to the Dagara—from a different perspective. While there are no documents through which we could trace this debate over the nature and legitimacy of the shrine transfer between Dagara and Sisala to its very beginnings, we do have evidence of debates in the 1930s, when the introduction of indirect rule politicized the concept of allodial title to land, rendering it the hallmark of native status and legitimate chiefly authority. In this context, British colonial officials engaged in a heated exchange over the nature of previous land (and shrine) transfers in Nandom, which must have echoed Dagara and Sisala positions as they existed at the time. British (re)interpretations and their oversimplification of local arguments, on the other hand, fed back into Dagara and Sisala discourse.

¹For a fuller discussion of this land conflict and its political implications, see Lentz 2006a, Chapter 9.

²For some classical anthropological discussions of African land tenure, see Biebuyck 1963: 35–41; Bohannan 1963; Colson 1971; Bachelet 1982; Kouassigan 1982; and Le Roy 1982; for the debate on the appropriateness of the concept of property for African land holdings, Lentz 2006b.



FIGURE 1 The Black Volta region today

In what follows, I will briefly present some background information about Dagara expansion and the connections between earth shrines and property rights. I will then outline competing indigenous ideas about land transfers, such as are embedded in the numerous migration-and-settlement histories which I collected in more than seventy Dagara and Sisala villages in Ghana and Burkina Faso.³ I will discuss the intertwining of colonial and African perspectives on land transfers, and analyse how these debates played out in the 1930s controversies regarding the history of Nandom–Lambussie relations. Finally, I will return to the Dagara–Sisala land conflicts mentioned above and show how the historical arguments were brought to bear on the current controversies.

THE HISTORY OF DAGARA EXPANSION: VIOLENCE, EARTH SHRINES,
AND FIRST-COMER NARRATIVES

The history of the Black Volta region of what is today north-western Ghana and south-western Burkina Faso has been shaped by the great expansion of Dagara-speaking groups over the last two centuries or even longer. Driven by the imperatives of an economy based on hunting and shifting cultivation, the desire to break away from oppressive family and village conflicts or to escape enslavement, or, more recently, the need to deal with increasing land scarcity at ‘home’, small groups of Dagara patrilineages, related and allied to one another, have migrated north and north-west, probably from the region around Wa, and have founded numerous new settlements – a process of land appropriation that is still going on today, though with changing circumstances regarding the land rights. The Dagara pushed into unpopulated ‘bush’ and thinly settled areas in which lived mainly Sisala-, Phuo- and Dyan-speaking groups. The expansion was peaceful in part, with mutual linguistic and cultural assimilation of immigrants and previous inhabitants occurring repeatedly. But it also assumed violent forms, when older settlers were driven out by the immigrating Dagara. Though problematic, estimates of the size of language groups can give at least a rough idea of the demographic impact of this expansion: currently, well over one million people in Ghana and Burkina Faso speak Dagara while the number of speakers of the various Sisala dialects is estimated at approximately 140,000, and that of Phuo and Dyan at roughly 14,000 each.⁴

³My research formed part of the interdisciplinary Special Research Project 268 (Sonderforschungsbereich) on the West African savannah, at the University of Frankfurt/Main. Fieldwork was carried out mostly between 1997 and 2002, with the financial support of the Deutsche Forschungsgemeinschaft. For some results of our project, see Kuba 2003; Kuba, Lentz and Werthmann 2001; Kuba and Lentz 2002. On methodological challenges and strategies, see Lentz and Sturm 2001.

⁴Since the 1960s, population censuses in Ghana and Burkina Faso no longer record ethnic identities, and due to high rates of mobility, it is difficult to estimate the demographic strength of any ethnic group on the basis of general census data. The numbers provided here are taken from various socio-linguistic reports, summarized in the most recent SIL *Ethnologue* report,

In the Black Volta region, as in many other parts of West Africa, first-comers are believed to have established a special relationship with the spirits of the land and thus played a crucial role in opening up the uncultivated bush for human settlement and agriculture (Eyre-Smith 1933; Goody 1957; Zwernemann 1968). First-comers established shrines at which regular sacrifices were, and continue to be, offered to the earth god in order to ensure the fertility of the land and the well-being of the community. The office of the earth priest, the custodian of the shrine, was usually vested in the lineage of the first-comers, at least according to widespread norms. Where the office was appropriated by powerful late-comers, the latter often reinterpreted the settlement history so as to assert their status as the true first-comers. While in some areas the earth priests' authority was more or less confined to the spiritual domain, in other regions, as in the one discussed in this article, first-comers and their descendants assumed more extensive roles as well (Kuba *et al.* 2004; Lentz 2009). Thus, they regard themselves as allodial owners of the land, claim control over all non-agricultural resources connected to hunting, fishing and gathering, allocate land to later immigrants, grant the right to build houses and bury the dead, and mediate in conflicts over land boundaries and land use. What their allodial rights mean in practical terms, if, over the years, all land has been shared out, is highly controversial. People challenge, for instance, an earth priest's insistence that he must be consulted before they can give land to 'strangers', or his claim to have the right to reallocate to new immigrants the land of a lineage whose members have left the village. Nevertheless earth shrines remain powerful embodiments of original property claims and, even where the authority of earth-priestly lineages is less extensive than it once was, they may, when circumstances change, still extend their ritual authority to secure economic and political privileges (Lund 2006).

In the early phases of expansion into the frontiers of the Black Volta region, property rights were geared both to organizing agricultural activities and to securing large hunting territories. As more and more bush was brought under cultivation, agricultural property rights had to be defined more precisely. For instance, questions of who held which rights over fallow land and hitherto 'unclaimed' land in an earth-shrine parish needed to be resolved, and boundaries with neighbouring settlements delineated more exactly. However, the property rights related to hunting and similar activities did not completely disappear, but were only 'overlaid' by more narrowly defined agricultural property rights. This created a situation of long-standing 'legal pluralism', with ample opportunity for competition and debate. First-comers who considered themselves the owners of large hunting territories, for instance, would attempt to translate hunting boundaries, based on routes and landmarks, into the new dominant idiom of agricultural mental maps,

available on the Internet. See (http://www.ethnologue.com/show_country.asp?name=ghana) and (http://www.ethnologue.com/show_country.asp?name=BF) (consulted 28 February 2009).

envisioned as two-dimensional cartographic plots, and the owners of hunting territories would claim new prerogatives and privileges over agriculturalists. Furthermore, people created a variety of shrines for spiritual protection, and changes in the scope of property rights were often accompanied, and even initiated, by establishing new or manipulating existing shrines – redefining hunting shrines or lineage-owned field shrines as village earth shrines, for instance (Lentz 2009: 125–9).

Colonial rule, and its introduction of chieftaincy, created further challenges to this palimpsest of rights and claims because it politicized land ownership while at the same time eliminating opportunities to use violence in the appropriation of land. British colonial officers tended to regard being a ‘native’ as a prerequisite for legitimate chiefly status, and the identities of ‘natives’ were, by and large, defined by their association with landed property. While pre-colonial strategies of expansion among the Dagara and neighbouring segmentary societies were not aimed at political conquest, some lineages now used the multi-layered nature of property rights to support claims to an allodial title and chiefly office. The reinterpretation and transposition of different layers of spiritual, economic, social and political meanings of land continued after independence. They have gained momentum as land has become scarcer and acquired new value for the cultivation of cash crops or as building land, and as allodial property rights continue to be regarded as an important foundation of local and, by extension, national citizenship.

These potentially disruptive processes of extending, challenging and reinterpreting property rights could, and still can, occur within any ethnic group. However, when the distinctions between first-comers and late-comers coincided with linguistic and ethnic difference, conflicts over land rights have often intensified. One of the central debates that developed, as the competition over land between Sisala ‘first-comers’ and Dagara frontiersmen increased, concerned the alienability of an allodial title. Since the case material discussed in this article comes from the shifting ‘frontier’ between Dagara and Sisala settlements, it is useful to sketch briefly how the interethnic transmission of property rights changed over time.

During the first phase, until the latter part of the nineteenth century, Dagara ‘late-comers’ who could not be incorporated into already existing Sisala settlements were often given a shrine stone by the established earth priest, usually in exchange for goats, sheep or cows as well as substantial amounts of cowrie shells (Kuba and Lentz 2002; Lentz 2009: 136–44). Conflicts later ensued about the nature of this exchange and the extent of the rights that had been transferred, but the Sisala would rarely question that the Dagara had indeed acquired strong property rights by establishing an earth shrine. During a second, intermediate phase from the late nineteenth century until about the 1920s, the Dagara continued to expand the territory under their control, usually by placing it under existing Dagara earth shrines on the frontier. As the incursions of Muslim slave raiders rendered large stretches of land insecure, competition over land suitable for settlement

intensified. Sisala landowners sometimes ceded land to the Dagara after violent encounters, and sometimes gave it in exchange for substantial gifts. However, transactions during this period of heightened tensions were often challenged subsequently, and there developed considerable debate about whether the Dagara had effectively established an allodial title. Finally, during the third phase of Dagara expansion, beginning in the 1930s, transfers of earth-shrine stones and allodial titles ceased altogether. Dagara farmers who now settled on Sisala-owned land accepted some kind of 'patron-client' or *tutorat* relationship (Chauveau 2006), and would not claim an allodial title to the land they cultivate. However, their sons and grandchildren often resent their 'settler' status and challenge the legitimacy of property rights based on the mere fact of 'coming first', as mentioned above.

In sum, violence played an important role in the *de facto* appropriation of land in pre-colonial times, but so did the ritual appropriation of new territories, among other things through the transfer of earth shrines—and, together with them, property rights—from the earlier inhabitants to newcomers, transfers that were accompanied by the narration of 'good stories' (Jacob 2002, 2003). Property rights reflected power relations, but also needed (and still need) to be strengthened by 'persuasion', as the law historian Carol Rose (1994) has succinctly argued, because violence *per se* cannot provide the legitimacy that is needed to ensure continuous access to a resource.

DOWRYING THE LAND: INDIGENOUS CONCEPTS OF LAND TRANSFERS

In property theories derived from the European or North-American experience, first possession is usually assumed to result in continuous occupation and use of the newly acquired object by those who have claimed first ownership (Lévy 1972; Rose 1994). However, in an African context, where mobility and shifting cultivation were predominant realities, land was sometimes left fallow for long periods, so that first possession did not necessarily result in straightforward cultivation of the whole area to which claims were laid. This brings in the factor 'space' and spatial boundaries of property claims (which would merit a separate paper) as well as the factor 'time', both raising important questions. What ideas do the various groups in the Black Volta region hold regarding the duration of property rights? Can the whole range of entitlements established by first possession be transferred or are they inalienable in principle? Do they expire if not followed up by the investment of labour? Conversely, can the continuous working of a given expanse of land eventually establish property rights even if the land was held in first possession by a different group? Which transfers of the property rights are regarded as legitimate, and is there a right to reparation in case of illegitimate transfers?⁵

⁵For a summary of the findings of Ghanaian courts on these questions with regard to customary law, see Woodman 1996: 55–115.

As is to be expected, first-comers and late-comers provide different answers to these questions. First-comers tend to believe that only more or less comprehensive use rights can be ceded, but never full property rights, which would include the right to spiritually control and allocate the land to third parties. They claim to retain ultimate control over the land, even though they (or their ancestors) may have granted extensive rights to later immigrants by giving them an earth-shrine stone. They insist that even though the land may not have been cultivated or sacrificially propitiated for several decades, their original property rights cannot expire. Dagara immigrants, on the other hand, usually admit that their forebears were, relatively speaking, late-comers, but then often insist that their ancestors had actually ‘bought’ an earth shrine (using the word *da*, which is also applied to market transactions) and all its secrets from the previous inhabitants. Through this they acquired allodial title to the land, and any obligations towards the original owners which may once have existed ceased.⁶ The Sisala deny this is even possible and claim that an earth shrine, and hence the land, is in principle inalienable. If they do concede that a transfer of an earth-shrine stone did take place, they deny that the stone was paid for and refuse to acknowledge that their original property rights have lapsed.

My Dagara and Sisala interlocutors sometimes metaphorically compared land transfers between different groups, particularly those across ethnic boundaries, to ‘marriage’. Because of its intimate association with fertility, land is regarded as female. The Dagara therefore interpret the cowries and cows which they claim to have exchanged with the Sisala for the allodial title as the ‘bride price’ which they have paid to the bride’s family – the landowners. In Ouessa, for instance, a Dagara village just across the border with Burkina Faso, members of the earth-priestly family claimed that the Ouessa earth shrine was given to their ancestors by the Phuo, or Sisala, for saving the life of one of the original earth priest’s women or for sparing the earth priest’s wife when attacking the previous landowners (Lentz 2001). In other cases, the Dagara claim to have received the earth shrine in exchange not for cowries and cows, but directly for a marriageable woman. Although the Sisala nowadays usually deny ever having received such a ‘bride price’, ‘wife’, or any other payment, for the land, they often do concur with the notion of land as woman.⁷

⁶For similar statements on land transfers in Dagara villages west of the Black Volta, see Hébert 1976: 6–8.

⁷On Dagara concepts of land as a female being, see also Goody 1956: 32. Tengan’s discussion of Sisala cosmological concepts (1991: 37–40) does not explicitly mention that land is a gendered creature, but my Sisala and Nuni informants in Hiela, Bon and other villages did compare land to a woman. On the broad dissemination, particularly in the Volta region, but also beyond, of the idea that the earth is the sky’s wife, see Zwernemann 1968: 30–3, 49–61, 89–97. The metaphorical comparison of land transfers to ‘marriage’, which establishes a lasting relationship between land givers and land receivers, is also reported in a study of the Kikuyu of East Africa, who have engaged intensively in pre-colonial land ‘sales’ (Droz 1999: 242–52, 255). On early European debates on ‘husbandry’ of women and land, see Blum 1995.

Thus, interestingly, while first possession of the land is naturalized by a narrative focus on the heroic deeds of the lonely hunter, subsequent transfers of property rights are 'humanized' further.

Sisala first-comers and Dagara late-comers tend to disagree about the practical consequences of the metaphorical equation of land transfers to 'marriage', particularly concerning the land/woman's relationship with her original family/owner. In one dispute over the allodial title to a plot of land, the Sisala admitted that when their grandfathers had given a piece of land to a particular Dagara family it was like giving them a 'wife'. However, they then claimed that when the Dagara later abandoned that land for some time, the 'wife' had automatically returned to her original house, and insisted that if the Dagara family wanted her (the land) back, they needed to plead with the Sisala owners once again. Thus, in the eyes of the land givers, the land transfer established a relationship which implicitly retained a strong bond to the original owners, much as a gift establishes a lasting bond between giver and recipient. In other words, although a woman is given to another group in marriage, she always remains a full member of her paternal house. The Dagara land receivers, on the other hand, usually argue that, for all intents and purposes, once the bride price has been paid, the separation of the woman from her family is complete. Thus the transfer of an earth shrine can be presented from different perspectives, either in terms of a 'purchase', implicating exchange and equality, or in terms of a 'gift', invoking the language of kinship and dependency.

First-comer images and metaphors of marriage and kinship provide the common idiom in which the origin and legitimacy of property rights, as well as their transferability, is debated. Attempts by the Dagara and other late-comers to assert that property rights can be created by virtue of the continuous cultivation of land alone have so far not been successful in convincing others of the legitimacy of their claims.⁸ Rather, late-comers too resort to the dominant images and episodes, and so must present some alternative version of a first-comer narrative, one which privileges the first clearing of the land (as against mere discovery of an empty territory). Even Dagara narratives about purchasing an earth shrine from the Sisala often invoke some additional argument asserting first-comer status. That late-comers were not able to change the first-comer ideology altogether (or perhaps were not interested in doing so), has historical explanations, which must be sought partly in the feedback of colonial ideas on indigenous property into local discourse.

COLONIAL CONCEPTS OF AFRICAN LAND OWNERSHIP

Colonial debates on West African systems of land tenure began when European administrations needed to appropriate land for public use and guarantee security of tenure to European firms interested in concessions for mining or commercial agriculture. British plans for

⁸ For more details on different indigenous theories of first possession, see Lentz 2006c.

a bill for the Gold Coast Colony and the adjoining Protectorates to put all 'crown lands' in the hands of the colonial power encountered vehement opposition from African lawyers and chiefs, however, and were eventually dropped. The Aborigines' Rights Protection Society in particular impressed upon the British that all land, whether occupied or not, belonged to African chiefs or families.⁹ Although the British eventually accepted these assertions, they initially saw this 'communal system of land holding' as 'an obstacle to progress' (Phillips 1989: 61–2) and recommended the gradual privatization of land ownership. In the 1910s and 1920s, however, when hopes for the economic future of the colonies were placed in African peasant production rather than capitalist transformation, British land policies shifted towards maintaining 'native customary tenure' and strictly controlling the developing African land market. Most British officials were now convinced that individualized land ownership and, more importantly, outright land sales were 'untraditional' – an idea that many chiefs who stood to gain from the concept of inalienable allodial ownership were only too happy to support, while tacitly redefining the contents of 'custom'. As Kathryn Firmin-Sellers's (1996) comparative study of the colonial transformation of customary tenure in two different settings in southern Ghana has shown, questions of power and alliances, particularly of chiefs or other powerful figures, with the colonial (and post-colonial) state were central to the local playing out of new institutional configurations of land rights.¹⁰

With respect to the Black Volta region and the Northern Territories of the Gold Coast in general, the tenet that land was inalienable remained the cornerstone of British conceptions of land tenure.¹¹ The 1927 Land and Native Rights Ordinance declared northern lands, including occupied as well as unoccupied territory, to be 'public lands' – that is, land vested in and administered by the Governor 'for the use and common benefit . . . of the natives' (quoted in Bening 1995: 239; Lund 2008: 28–37). All titles of occupancy and leases had to be issued by the colonial authorities, with the explicit aim of protecting the 'natives' from land speculation. Post-colonial legislation even deepened this *de jure* divestiture of northern Ghanaian landowners' property rights, and only with the ratification of the 1979 constitution were northern lands legally returned to their original owners.¹²

⁹On the Aborigines' Rights Protection Society's ideas and policies with regard to land tenure, see Kimble 1963: 330–57.

¹⁰On the policy shifts and colonial debates on land tenure in British West Africa, see also Phillips 1989: 66–79, 111–32; with particular reference to the Ashanti Protectorate, see Berry 2001: 1–27. More generally on the colonial 'invention' of customary tenure, see Colson 1971; Chanock 1985, 1991. Amanor (2006) and Boni (2006) discuss the pre-colonial and early colonial land market in the Gold Coast and Ashanti and its colonial suppression.

¹¹See Goody 1956: 35 on the Dagara, as well as Pogucki 1951; for more recent views on customary tenure in northern Ghana, see Kasanga 1995 and Konrad-Adenauer-Stiftung 1996.

¹²Constitution of the Republic of Ghana, 1979, § 188 (4). The 1992 Constitution perpetuated this regulation. For more details on the history of colonial and post-colonial land policies in northern Ghana, see Der 1975, Ninsin 1979, Bening 1995 and Lund 2008.

Yet the British and post-independence regimes did not—and still do not—command the necessary resources to enforce national land legislation in any systematic or comprehensive way. Local ideas and strategies of constructing, contesting and enforcing property claims have therefore remained immensely important, and in practice earth priests, chiefs and family heads continued to administer all land-related matters. But this does not mean that ‘customary tenure’ remained unchanged—on the contrary. As colonial pacification made the more or less violent Dagara encroachment on Sisala and Phuo lands ever more difficult, increasing emphasis was placed on peaceful exchange and persuasion. Furthermore, local actors actively sought to influence colonial officers’ views on local land tenure in order to enlist potential allies for their cause. Colonial (re)interpretations and oversimplifications of local arguments, on the other hand, fed back into local discourses on land rights—particularly concerning the questions of who held the allodial title and whether land was indeed inalienable.

Already in the 1910s, in response to concern that colonial policies should be compatible with African ‘tradition’, British administrators in the Northern Territories were asked to submit information on native systems of land tenure in the context of (ultimately abandoned) plans to introduce a land tax. Provincial Commissioner Captain Read surmised that in the north-west, as elsewhere in the Northern Territories, ‘land tenure does not exist in the form that it is understood in civilized countries. Land . . . is not regarded as an estate, or a possession of any value, it is regarded as part of the universe, just as the sun, moon and stars are.’¹³ Or, as Chief Commissioner Armitage put it, land stood ‘under the guardianship of Spirits’.¹⁴ Read’s successor Wheeler, on the other hand, admitted that in ‘the past, under pressure of a larger and denser population, the question of ownership was settled by resort to arms’, and thus ultimately by power, not religion alone.¹⁵ A. W. Cardinall, referring to the densely populated north-eastern parts of the Northern Territories, explained that the earth priest was ‘the original owner of the land, and is so to this day’ and that selling land was prohibited because this would ‘place the Earth-god . . . in servitude’ (1920: 16, 62). But Cardinall also observed that ‘communal holding of land is no longer known’ and that the ‘cleaner of land becomes *ipso facto* the owner for all time’ (*ibid.*: 65), thus supporting a kind of ‘labour theory’ of property. In a similar vein, Lawra-Tumu District Commissioner Dasent insisted that ‘land belongs to the Earth God’, that the earth priest ‘administers the land in trust for the people’, and that ‘no native occupier or owner of land would be allowed by the Community to sell or alienate the land’. But in other parts of his write-up, Dasent argued that land ownership had been acquired either

¹³ Read to Chief Commissioner, 5 December 1914; NAG, ADM 56/1/105, Land Tenure.

¹⁴ Armitage, Report on Land Tenure in the Northern Territories, 3 August 1914, Enclosure 1 in No. 42088 (Northern Territories Land Revenues and Taxes), NAG, CO 96/548: 8.

¹⁵ Land Tenure in the North-Western Province Northern Territories; Wheeler to Chief Commissioner, 20 September 1911; NAG, ADM 56/1/105.

by 'peaceful occupation' or 'by conquest', thus pointing to a history of land transfers which somewhat contradicted his previous assertions regarding the inalienability of land.¹⁶

One could interpret these contradictions in British descriptions of indigenous land tenure as further proof of the complete lack 'of any rudimentary understanding' of local culture by the colonial authorities, as Sean Hawkins (2002: 113) sees it in his study of the colonial encounter in Lawra District. An alternative reading, however, suggests that these contradictions may have been due not to ignorance but to profound ambiguities in local informants' representations to the British and ongoing struggles about property rights. This becomes particularly clear in a debate that developed in the early 1930s between Lawra District Commissioner St John Eyre-Smith and his successor John Guinness about whether the Dagara from Nandom had actually purchased an earth-shrine stone from the Sisala in Lambussie, thereby obtaining ritual independence and full property rights over their lands, or whether they still owed some form of allegiance to Lambussie.

THE CASE OF THE NANDOM EARTH SHRINE

The debate over the status of Nandom lands arose in the context of the introduction of indirect rule which politicized the concept of the allodial title, rendering it the hallmark of native status and legitimate chiefly authority (Lentz 2003). During preparations for the administrative reforms, political officers were tasked with researching the traditional political structures in their districts.¹⁷ In 1932 Lawra-Tumu District Commissioner John Guinness interviewed, among others, the Nandom earth priest, 'a descendant of Zenuo [Zenuo], the Dagara hunter of the Dikpiele clan, who is said to have founded Nandom'.¹⁸ Although Guinness claimed that his inquiries when addressed to the Sisala earth priest of Lambussie brought to light the same story, the version he documented was unmistakably biased in favour of the Dagara in that it emphasized the early autonomy of Nandom from Lambussie. According to this version, Zenuo encountered the Sisala of Lambussie on his first hunting expedition into the area that would become Nandom, but could not communicate with them and therefore built a hut without asking the Sisala for permission. Only when the people of Lambussie 'kidnapped' his family and took them to their village while he was out hunting did he accept the Sisala's invitation to settle in Lambussie. However, because of constant squabbles over the theft of

¹⁶ Dasent to Chief Commissioner, 9 November 1924; NAG, ADM 56/1/375.

¹⁷ For more details on the political background and methodology of these investigations and the research carried out by government anthropologist R. S. Rattray a few years earlier, see Lentz 2006a: 94–102, 112–19.

¹⁸ 'Interim Report on the Peoples of Nandom and Lambussie', § 25, NAG, ADM 11/1/824, cited hereafter as Guinness, Report 1932. On the origins of the report, see Lawra-Tumu District, Informal Diary, 11–17 October 1932, Regional Archives Tamale (RAT), NRG 8/4/62.

his goats, he soon reasserted his autonomy. For this, he was granted land by the Sisala, who also gave him permission to build a house near his first hut, and who, in return for 60,000 cowries and several animals, gave him his own earth shrine; he thus became earth priest of Nandom and rightful owner of Nandom lands.¹⁹

My Sisala informants' versions had Zenuo come directly to Lambussie on his hunting expedition, where he settled down at the invitation of the Sisala earth priest. The kidnapping episode was absent, and only the theft of the goats as the impetus for the subsequent founding of Nandom with the permission of the Lambussie earth priest was told in a fashion similar to the version recounted by the Nandom earth priest. However, the Sisala insisted that the people of Nandom received their own shrine stones only long after they left Lambussie. Furthermore, the Dagara were said not to have paid for these stones, since the sale of an earth shrine was strictly forbidden, and thus were never granted ritual autonomy and allodial property rights. Even today, my Sisala informants insisted, the Nandom earth priests must consult the Lambussie earth priests when faced with serious matters.²⁰

We do not know exactly what Nansie, the Sisala earth priest, told Guinness and whether his version resembled the one related to me a good fifty years later by Nansie's son Issifu Tomo. Guinness claimed the Lambussie version to be the same as the Nandom version, but the fact that his report was severely criticized by his predecessor Eyre-Smith indicates that even back then there must have been different interpretations of the relations between Nandom and Lambussie. Most likely, Guinness's main informants on this matter were Dagara while Eyre-Smith relied more on Sisala testimony. Eyre-Smith's central objection to Guinness's report concerned the alleged payment of 60,000 cowries for the Nandom earth shrine. '[T]his cannot be accepted at its face value and . . . such a procedure was unknown and is not supported by the facts', he insisted.²¹ Guinness admitted that it was perhaps not the land itself, but 'the privilege of the tingdanaship', that is, the earth-priestly office, that had been paid for,²² but he did not budge from his assertion that with this transfer Nandom had received full control over the land.

Guinness thus concluded that Nandom was independent of Lambussie, pointing out that the earth priests of Nandom and Lambussie would rarely visit one another, and that 'the people of

¹⁹ *Ibid.*: § 22–5. The full verbatim version of this story, as well as a detailed discussion of present-day versions of the settlement history of Nandom that I recorded among various Sisala and Dagara families, can be found in Lentz 2000.

²⁰ Interview, 28 November 1989, with Lambussie Kuoro K. Y. Baloro in Lambussie; interview, 29 November 1989, with Nansie Issifu Tomo and his elders in Lambussie; interview, 2 December 1994, with Darte Bason Boyuo, Ali Tumarah, Edmund Ebitto and others in Lambussie.

²¹ Eyre-Smith to the Secretary for Native Affairs, 2 March 1933, § 17; NAG, ADM 11/1/824, cited hereafter as Eyre-Smith, Comments. On the polemical critique of Eyre-Smith, see also the exchange of letters between the CCNT and the Secretary for Native Affairs, as well as H. A. Blair's commentary in NAG, ADM 11/1/824.

²² Guinness, Report 1932: § 33, 39.

Nandom do not look to a spiritual authority beyond their own home'.²³ Eyre-Smith, on the other hand, was convinced that Nandom, as well as Lambussie, continued to be *tengani-le* (small earth-shrine areas) and had to consult the superior shrine in many matters. If Guinness had only investigated further, Eyre-Smith insisted, he would have discovered this superior earth shrine in Katu, some three miles from Lambussie. He claimed to have obtained confirmation from both the Nandom Naa and the Lambussie Kuoro that 'if any "bad thing" happened to this country they would have to go to the Tengansobe of the Tengani of Katu'.²⁴ That the earth priests of Nandom and Lambussie concealed this from Guinness was possibly due to the fact that their chiefs had forbidden them to speak about it for fear that any mention of their belonging to a single large *tengani* area would lead to curtailment of their own power. And indeed, Eyre-Smith did suggest that the Nandom chieftom be placed under the paramount chief of Lambussie.²⁵

The disagreement between Eyre-Smith and Guinness over the status of the Nandom earth shrine was partly due to the shifting political interests of the local chiefs and earth priests who used the settlement history, and related questions of land ownership, to legitimate their respective political projects. The British commissioners, who conducted their interviews at different moments in the local political power struggles, during the mid-1920s (Eyre-Smith) and early 1930s (Guinness), were thus caught up in their African interlocutors' political power plays. Eyre-Smith's purported 'Tengani of Katu', for instance, of which neither Guinness nor my informants had ever heard, probably refers to Keltu, an area in Lambussie, where a family resides that plays a central role in the installation of a new earth priest and exercises the earth priest's duties during an interregnum.²⁶ Before the new Lambussie earth priest Nansie assumed office, Eyre-Smith must have interviewed this family during the interregnum, and they apparently used the opportunity to underscore their own importance.²⁷ Furthermore, the competing historical narratives reflected the changing relations between Nandom and Lambussie.

Eyre-Smith may have found in the story of Nandom's continued spiritual dependence on Lambussie ammunition for his pet plan to amalgamate the two chieftoms under Lambussie's control.²⁸ The new Lambussie chief, for his part, was opposed to the Chief Commissioner's project to incorporate Lambussie into an 'all-Sisala native state', and wanted his chieftom to remain part of Lawra District. For this, he

²³ Guinness, Report 1932: § 40.

²⁴ Eyre-Smith, Comments: § 17–8.

²⁵ *Ibid.*: § 20, 35.

²⁶ Interview with Lambussie Kuoro K. Y. Baloro, 24 November 1994; on this, see also Tengan 1991: 92–105.

²⁷ The earth priest of Lambussie whom I interviewed, Issifu Nansie Tomo, mentioned a longer interregnum period before his father's term of office; Nansie, interview, 29 November 1994.

²⁸ On these plans and Lambussie's vacillating policies, see Lentz 2006a: 107–9, 119–26.

needed the support of Nandom, which he would not have received had he insisted on Nandom's dependency on Lambussie. It is therefore likely that, at the time of Guinness's enquiry, he did agree that Nandom received its own earth shrine, and thus independence, from Lambussie early on. However, this agreement was not to last. In the late 1940s, after a period during which Lambussie, for various reasons, had been subordinated to Nandom, the Lambussie chief and his earth priest strove to regain independence from Nandom and therefore not only re-emphasized their ancient ownership of Nandom lands, but even claimed that they were still the legitimate owners.²⁹

The views of Eyre-Smith and Guinness were shaped not only by their local informants' strategies, however, but also by their own visions of African history and their ideas of political reform. For Eyre-Smith, the earth-shrine parishes, the boundaries of which supposedly had remained unaltered for centuries, were the cornerstone of stability for local primitive society (1933: 26). He believed that they had arisen in the course of the first human settlement of the territory, and that all new immigrants 'would journey till they found someone who could propitiate or depute to them the knowledge of how to propitiate the spirits and Earth God of the area'.³⁰ Eyre-Smith was well aware that his thesis of the stability of the original earth-shrine areas was difficult to reconcile with the mobility and population growth that undeniably had shaped the region. But he insisted that the *tengani-le*, the dependent shrines of later settlers, would always unquestioningly recognize the 'Chief Priest' of the ancient earth shrine (1933: 22–3). And since land rights, in Eyre-Smith's eyes, were 'spiritual' rather than 'material' and 'the conception of land as property in the sense we understand it was unknown' (*ibid.*: 23), land could not be sold or otherwise alienated, but only 'deputed' to new settlers who remained responsible to the original earth priests.

Guinness, on the other hand, saw in the *tingdana*, the earth priest, a type of 'self-made man', the difference with the chief simply being that the title of *tingdana* was inherited, 'and the Tingdanas would therefore tend to become keepers of the traditions, and gather to themselves all the spiritual power that attaches to secret knowledge'.³¹ Although Guinness acknowledged that the earth priest played an important religious role, his view of the office was rather pragmatic and allowed for the influence of economic considerations and power politics. Eyre-Smith was appalled by this insinuation, and insisted that earth priests lived like hermits and sacrificed all the gifts they received for the good of the community.³² It is evident, that in his vision of traditional land

²⁹ See, for instance, the early letter of Tekowah Grunshie to CCNT, 31 January 1938, NAG, ADM 56/1/301; for Lambussie's attempts to regain independence from Nandom and subsequent land conflicts between Dagara farmers from Nandom and Lambussie landowners, see Lentz 2006a: 121–6, 209–12.

³⁰ Eyre-Smith, Comments: § 29.

³¹ *Ibid.*: § 6.

³² *Ibid.*, Comments: § 4.

tenure, there was no place for the sale of an earth shrine, no matter what his African informants may have claimed, while Guinness did not hesitate to report his interlocutors' assertions that their ancestors had exchanged cowries for a shrine stone and property rights.

Politically, the rather romantic picture that Eyre-Smith (and before him R. S. Rattray) painted of the Black Volta region's past had little effect in shaping the 'native authorities', which have served as the basis for politico-administrative boundaries up to the present day. Here what carried the day was the position of Guinness and many of his colleagues, who wanted to stabilize the system of chiefdoms introduced thirty years earlier and who assumed that the earth-shrine organization was too complex and controversial to serve as the basis for an effective administrative order. However, with respect to the question of how far rights to political representation should be tied to allodial property, and whether the latter was at all transferable, Eyre-Smith's position reflected and, at the same time, reinforced the arguments of the earth priests and other first-comers claiming allodial title. It continues to shape current discussions on land rights and political representation.³³

RECENT LANDOWNER-'SETTLER' CONFLICTS

After independence, northern Ghanaian lands continued to be vested in government, but this did not put an end to debates about who held the 'allodial title' and whether it was alienable. Northern chiefs and politicians lobbied to obtain the same legal status with regard to landed property as their southern colleagues, and in the late 1970s government finally consented to create a committee of enquiry that was to advise on legal reforms concerning northern lands. The committee's report and recommendations (Alhassan *et al.* 1978), although not signed by all of its members, eventually resulted in the 1979 constitutional restitution of northern 'public lands' to their 'original owners', setting off intense struggles about who these owners were and what entitlements the new situation offered them (Lund 2008). In the committee, the Lawra District, consisting of the chiefdoms of Lawra, Jirapa, Nandom and Lambussie, was represented by the Lambussie paramount chief K. Y. Baloro, and the report's observations on the Lawra District clearly reveal Baloro's influence, or, more generally, a first-comer perspective. On the question of the alienability of the allodial title, for instance, the report stated that in Lawra District 'no sale of land is permitted... neither by the chief nor the clan or family heads' and, most importantly, that the land 'can always be re-claimed after due notice' (Alhassan *et al.* 1978: 38). This latter proviso allowed the re-opening of the debate on all past land transfers, including the Lambussie-Nandom land grant.

³³ For the increasing influence of arguments originating in southern Ghanaian traditions of land tenure in northern Ghanaian court cases on land disputes, see Kunbuor 2000 and 2003.

It was only in the context of the Rawlings government's decentralization policies towards the end of the 1980s, however, when the demarcation of new district boundaries sparked the protracted land conflicts mentioned above, that Sisala landowners and politicians voiced their views that Nandom lands 'belonged' in reality to Lambussie. Most disputes concerned the obligations of Dagara 'tenant' farmers in the Lambussie chiefdom towards their Sisala landlords; others related to the controversial boundary between the Nandom and the Lambussie earth-shrine areas and the question who held the allodial title to a specific piece of land in the border zone. In all cases, the Sisala landowners exerted pressure by not allowing the Dagara tenants to cultivate their bush farms for three consecutive seasons. These dramatic measures were only revoked after extensive rounds of negotiation involving an ever-widening circle of individuals and institutions—earth priests, village and paramount chiefs, members of the educated elite, youth associations and politicians at the district, regional and even national levels.³⁴ Everybody in the area knew that the massive scale and collective dimension of the land conflicts were only to be explained by the fact that beneath the surface of the publicly declared reasons for the farm seizures was a political agenda connected to the ongoing redemarcation of administrative districts. At the same time, the contested district redemarcation constituted one of the 'strategic moments' (Lund 2008: 88) that 'create[d] openings for rearrangements of... rights and positions'. It offered the Sisala landowners an opportunity to strengthen their allodial title to the land and renegotiate landowner–settler relations.

It was in this context that the older debates about the (in)alienability of the allodial title and the creation of the Nandom earth shrine—as well as, more generally, Sisala claims to first-comer status—were renewed. When the Lawra District Security Committee summoned a meeting of the affected farmers, chiefs and earth priests in one of the villages on the border between Lambussie and Nandom where the conflicts about the allodial title had become particularly acute, the earth priest of Lambussie immediately interpreted the current dispute in the framework of the ancient settlement history of Nandom and Lambussie. He discussed with the Nandom earth priest whether there were any traditional boundaries between these two earth-shrine areas, and, if not, what this meant for the current conflict. The document that the two earth priests eventually thumb printed confirmed that both parishes 'worshipped' the same 'land god' Kabir, and therefore 'never shared any common boundaries'. As the document further explained, 'the Lambussie people who were... the first settlers released part of their land to Zenuo who was the first Nandom Dagarti settler on their land'. The signatories agreed that the Lambussie Kabir was 'senior to that of Nandom', thus implying that the Nandom earth shrine, built with stones that the Sisala earth priest once gave to Zenuo, never

³⁴ For a full treatment of the conflict, see Lentz 2006a: 242–51.

gained full autonomy. The insistence on ‘seniority’ and ‘no boundaries’ was actually meant to claim that Lambussie continued to hold an allodial title over all Nandom lands. For all practical purposes, the Sisala did not intend to interfere with Nandom land affairs, but they deemed it appropriate to remind the Dagara of these historical truths and to warn them that no ‘Nandom settler’ should ever ‘lay claim to any portion of land belonging to the Lambussie people’.³⁵ Another member of the Nandom earth-priestly patrician who claimed to be the rightful custodian of the shrine later argued that his uninformed rival’s surrender to Lambussie’s hegemonic claims was unwarranted because Nandom’s earth shrine had been independent from the very beginning.³⁶ In any case, these historical narratives, invoking the grander picture of first possession and ancient land transfers, were intended to support the parties’ claims in the current conflicts.

When the conflicts were taken into the arena of regional and national politics, first-comer arguments were extended from individual founding families and lineages to entire ‘tribes’. In a letter to the Upper West Regional Secretary, for instance, the Sisala-based Issah West Development Union from Lambussie protested against the district plans of the Nandom Youth and Development Association (NYDA) and complained that ‘the Lobi settlers in the Lambussie Traditional Area’ had only recently immigrated from Burkina Faso into Ghana and failed to respect the property rights of the Sisala ‘natives’.³⁷ Categorizing the Dagara as ‘Lobi’ – a group that is often regarded as the most ‘anarchic’ and ‘primitive’ people in the Black Volta region – was clearly intended to discredit NYDA’s cause.³⁸ Asserting they were in fact of non-Ghanaian origins and recent immigrants into the area also insinuated that they were not rightful citizens and therefore should not be allowed to speak up in district affairs. To refute these allegations, Benedict Der, a Dagara professor of history at the University of Cape Coast, placed Dagara migrations firmly in the ancient history of West African kingdoms. He asserted that according to their oral traditions the Dagara were ‘a Dagomba people’ whose ‘ancestors . . . split off from the Dagomba in the time of Na Nyagse (1476–1492) and moved westwards into what is now the Wa District’, eventually continuing to Nandom, where they arrived ‘during the 1660s’.³⁹ Firmly establishing Dagara origins in present-day Ghana lent legitimacy to their current political

³⁵Nansie Issifu Tomo and Soglikuu Saakum to Lawra District Security Committee, 26 September 1988; material in private possession.

³⁶Gaamuo Mwinpuo Le-ib *et al.* to Lawra District Security Committee, 19 October 1988; material in private possession.

³⁷I could not get hold of a copy of this letter written late 1987 or early 1988, but reconstruct its contents from quotations presented in letters by the NYDA chairman and Professor Benedict Der, University of Cape Coast, to the Upper West Regional Secretary, 8 February and 20 April 1988 respectively.

³⁸On the long-standing debate on whether the Dagara are actually ‘Lobi’, see Lentz 2006a: 79–86, 259–63.

³⁹Professor Dr Benedict Der, University of Cape Coast, to the Upper West Regional Secretary, 20 April 1988; material in private possession.

cause, and attaching a concrete date to their arrival in their present area of settlement conveyed a strong claim to first-comer status, at least with respect to the Nandom area itself.

Presenting first-comer claims for entire ethnic groups instead of specific ancestors involved strategic slippages with regard to the territory for which these claims were actually raised. For all practical purposes, the Dagara accept that the earth shrines and thus the allodial titles in the Lambussie Traditional Area are controlled by the Sisala; in turn, despite questioning the legitimacy of ancient shrine transfers, the Sisala recognize that the Dagara have established earth shrines and allodial titles in the Nandom Traditional Area. In the ideological warfare during the land conflicts, however, both sides extended their property claims beyond these boundaries and deliberately confounded past and current Dagara migrations. In a letter to the government information bureau, for instance, the NYDA chairman acknowledged that the Sisala were the 'first' to arrive in the area, but redefined the pivotal event that identified true first-comers. Without further specifying whether he referred to the pre-colonial or more recent phases of Dagara migration, the chairman argued that 'the pioneer Sissaala [sic] settlers could not have tamed and put under cultivation the wild bush that the area was without the Dagaabas [Dagara]. Descendants of these intrepid conquerors of the land cannot now be dismissed... as mere settlers'.⁴⁰ If the decisive act of first possession was to cultivate and 'conquer' the land, then, the letter seemed to suggest, the Dagara should be accorded full rights to land ownership and equal political participation—demands that obviously referred to the situation of the more recent Dagara immigrants into the Lambussie Traditional Area. At the same time, the letter invoked a long shared history of interethnic marriage, friendship and economic as well as political cooperation, beyond distinctions between first-comers and late-comers, and called for the garnering of this history to promote 'development' in a joint district.

In 'off-stage' discussions, Sisala and Dagara youth association activists were more belligerent in their quest to establish the historical legitimacy of their group's plight. Some of my Dagara interlocutors challenged Sisala first-comer claims as impossible to prove—in the once-impenetrable bush, immigrants could hardly 'determine which land they have settled on and how many other people were there'—and explained that before colonial pacification the Dagara newcomers had often imposed themselves violently, driving the Sisala 'farther and farther away'. As one discussant suggested, the situation could be compared with North America: 'if the Indians... would get up and say that all these [immigrant] guys have to get out because that land doesn't belong to them, do you think that would be fair? Where would they go?' The land should be used for farming and feeding all people,

⁴⁰NYDA National Chairman to Acting Director Castle Information Bureau, Accra, 26 May 1989; material in private possession.

my interlocutors concluded in our increasingly emotional discussion of the ongoing farm seizures: 'The land doesn't belong to you, because no human being has created the land!'⁴¹

My Sisala informants, on the other hand, insisted that their people felt threatened by the massive presence of Dagara farmers in the Lambussie area who were 'really taking too much of our land'. Interpreting the current immigration in the light of the pre-colonial history of Dagara expansion, Banu Vito, chairman of the Issah West Development Union, complained that the Dagara 'just let you feel that you don't matter anymore, that land has no owner, so everybody can jump in'. Land-seeking Dagara should, of course, be allowed to farm in order to feed themselves, Banu Vito conceded – 'We don't want to starve them to death, we are all Ghanaians' – but only if they respected their Sisala hosts' property rights. These rights, based on the group's status as first-comers in the entire area, were at the heart of Sisala identity and needed to be defended. If the current conflicts were not fundamentally about these historical rights, Banu Vito concluded evocatively, 'why would a minority ethnic group like the Sisala want to pit its mind against a whole vast Dagarti people if we didn't have something true to stand and fight for?'⁴²

My interlocutors obviously disagreed about how far back in time the legitimation of property rights should reach. The Sisala evoked the period of 'first' arrivals and laid claim to a vast territory, including the present-day Nandom Traditional Area. It is indeed possible that Sisala pioneers once regarded this large area up to the Black Volta as part of their hunting grounds, and the existence of early Sisala settlements on land that is now controlled by Dagara-owned earth shrines was confirmed by many informants, both Sisala and Dagara. However, as the Issah West activists and others were well aware, the Sisala cannot possibly recuperate this ancient 'property'. But by presenting themselves as a vulnerable ethnic minority and framing their cause in terms of time-honoured rights, they lent their plight moral legitimacy – a strategy that also resonated with the return of Ghana's official land policies towards privileging 'custom' and autochthony. In this environment, the Dagara, as notorious late-comers, had more difficulty in arguing their case consistently. In 'off-stage' comments, they insisted that property rights acquired through conquest were as definitive and valid as rights acquired by more peaceful methods. In 'on-stage' discussions, they foregrounded the legitimacy of rights acquired through labour and long-term occupancy: the moral right to subsistence no matter what history of property transfers, and the claim to political recognition flowing from the basic equality as citizens of a nation state, not from property rights. Both Dagara and Sisala, then, shared the

⁴¹ Group discussion with Peter Der, Dr Edward Gyader *et al.*, Wa, 15 November 1989.

⁴² Interview with Vito Banu, 30 January 1990, Accra. Similar arguments were voiced in interviews with Jirapa-Lambussie District Secretary Jacob Boon, 23 November 1989; Lambussie Kuoro K. Y. Baloro, 28 November 1989 and 2 December 1994; and Bawa Salifu Dy-Yakah 2 December 1992, Tamale, and 31 August 1993, Berlin.

'grammar' of first-comer claims, but differed in their interpretations of what exactly constituted the decisive act of 'coming first' and how the present should build on the past. And they disagreed about the question whether an allodial title to land can be transferred in any other way than through inheritance within the first-comers' community.

CONCLUSION

The debate about the (in)alienability of land, or more precisely, the allodial title, the most comprehensive, ultimate property right, is probably as old as the phenomenon of expanding agricultural frontiers itself, reflecting the different perspectives of pioneers and subsequent immigrants. However, it has been compounded by the historical transformations which relations between first-comers and late-comers have undergone in the past century, transformations that have arisen from shrinking land reserves and, more importantly, from new political implications of 'native' status. In the early phases of expansion, late-comers were usually welcome and incorporated into the frontier community, because they strengthened these vulnerable new settlements, at least as long as they accepted the first-comers' ritual sovereignty. Disputes about the latter's prerogatives were usually resolved by the departure of one of the groups, which then founded a new settlement, thus transforming itself into 'first-comers' elsewhere. This process of fission or autochthonization through incorporation, however, came to a halt in the colonial period; in most cases, immigrants were now no longer integrated into the local ritual community but remained 'strangers', even into subsequent generations. It is with respect to this new emphasis on the distinction between 'natives' and 'strangers' that Sisala earth priests nowadays tend to project the inalienability of earth shrines and land into the past, while the Dagara generally insist that they acquired earth shrines and thus full allodial titles from the Sisala up until as late as the 1920s.

Disputes about the delimitation of new administrative boundaries and debates regarding the role allodial land ownership should play in the definition of political rights further intensified the controversies over past and present land transfers. In these controversies, the 'labour theory' of property, which would allow for the definite transferability of the allodial title, was and still is regularly cited and even occasionally privileged politically, as during the intermezzo of the Rawlings 'revolutionary regime', which preached that the land should belong to those who cultivate it. However, the 'inalienability' argument continues to be the ideologically dominant position. As a consequence, land transactions can be contested endlessly, by challenging the definition of the property-holding group's social boundaries or questioning the time horizon invoked in order to claim first-comer status. As long as the modern state's imagery of citizenship and nation draws on older idioms of quasi-natural communities, the conundrum of first-comer ideologies and allodial titles based on first possession will continue.

ACKNOWLEDGEMENT

The original research for this article was made possible through the support of the Deutsche Forschungsgemeinschaft in the context of the special research programme 268, 'West African Savannah', at the University of Frankfurt; the analysis of the material and writing up were facilitated by a fellowship at the Netherlands Institute for Advanced Studies (NIAS) (2000–2001); the editing of the final version was carried out during affiliation with the W. E. B. Du Bois Institute for African and African American Research, Harvard University, supported by a Fulbright fellowship (2008–9).

REFERENCES

- Alhassan *et al.* (1978) 'Report by the Committee on Ownership of Lands and Position of Tenants in the Northern and Upper Regions'. Unpublished report, Accra.
- Amanor, K. (2006) 'Customary land, mobile labor and alienation in the Eastern Region of Ghana' in R. Kuba and C. Lentz (eds), *Land and the Politics of Belonging in West Africa*. Leiden: Brill.
- Bachelet, M. (1982) 'Titulaires de droits fonciers coutumiers' in *Encyclopédie Juridique de l'Afrique*, Volume 5. Abidjan: Les nouvelles éditions africaines.
- Bening, R. B. (1995) 'Land policy and administration in northern Ghana', *Transactions of the Historical Society of Ghana* 16: 227–66.
- Berry, S. (2001) *Chiefs Know Their Boundaries: essays on property, power and the past in Asante, 1896–1996*. Oxford: James Currey.
- Biebuyck, D. (ed.) (1963) *African Agrarian Systems*. London: Oxford University Press.
- Blum, C. (1995) 'Of women and land: legitimizing husbandry' in J. Brewer and S. Staves (eds), *Early Modern Conceptions of Property*. London: Routledge.
- Bohannon, P. (1963) '“Land”, “tenure” and “land-tenure”' in D. Biebuyck (ed.), *African Agrarian Systems*. London: Oxford University Press.
- Boni, S. (2006) 'Indigenous blood and foreign labor: the ancestralization of land rights in Sefwi (Ghana)' in R. Kuba and C. Lentz (eds), *Land and the Politics of Belonging in West Africa*. Leiden: Brill.
- Cardinal, A. W. (1920) *The Natives of the Northern Territories of the Gold Coast*. London: Routledge.
- Chanock, M. (1985) *Law, Custom and Social Order: the colonial experience in Malawi and Zambia*. Cambridge: Cambridge University Press.
- (1991) 'Paradigms, policies and property: a review of the customary law of land tenure' in K. Mann and R. Roberts (eds), *Law in Colonial Africa*. Portsmouth: Heinemann.
- Chauveau, J.-P. (2000) 'Question foncière et construction nationale en Côte d'Ivoire', *Politique Africaine* 78: 94–125.
- (2006) 'How does an institution evolve? Land, politics, intergenerational relations and the institution of the *tutorat* amongst autochthones and immigrants (Gban region, Côte d'Ivoire)' in R. Kuba and C. Lentz (eds), *Land and the Politics of Belonging in West Africa*. Leiden: Brill.
- Chauveau, J.-P. and K. S. Bobo (2003) 'La situation de guerre dans l'arène villageoise: un exemple dans le Centre-Ouest ivoirien', *Politique Africaine* 89: 12–32.
- Colson, E. (1971) 'The impact of the colonial period on the definition of land rights' in V. Turner (ed.), *Colonialism in Africa, 1870–1960*, Volume 3,

- Profiles of Change: African society and colonial rule.* Cambridge: Cambridge University Press.
- Der, B. (1975) 'Colonial land policy in the Northern Territories of the Gold Coast, 1900–1957', *Universitas* 4: 127–42.
- Droz, Y. (1999) *Migrations kikuyus. Des pratiques sociales à l'imaginaire.* Neuchâtel: Editions de l'Institut d'ethnologie.
- Eyre-Smith, R. (1933) *A Brief Review of the History and Social Organisation of the Peoples of the Northern Territories of the Gold Coast.* Accra: Government Printer.
- Firmin-Sellers, K. (1996) *The Transformation of Property Rights in the Gold Coast.* Cambridge: Cambridge University Press.
- Goody, J. (1956) *The Social Organisation of the LoWiili.* London: H. M. Stationery Office.
- (1957) 'Fields of social control among the LoDagaba', *Journal of the Royal Anthropological Institute of Great Britain and Ireland* 87: 75–104.
- Hawkins, S. (2002) *Writing and Colonialism in Northern Ghana: the encounter between the LoDagaa and 'the world on paper'.* Toronto: University of Toronto Press.
- Hébert, P. J. (1976) *Esquisse d'une monographie historique du pays Dagara.* Par un groupe de Dagara en collaboration avec le père Hébert. Diébougou: Diocèse de Diébougou.
- Jacob, J.-P. (2002) *La tradition du pluralisme institutionnel dans les conflits fonciers entre autochtones. Le cas du Gwendégué (Centre Burkina Faso).* Document de travail de l'Unité de Recherche 095 Nr. 3, Montpellier, IRD/GRET.
- (2003) 'Imposer son tutorat foncier: usages autochtones de l'immigration et tradition pluraliste dans le Gwendégué (centre-ouest Burkina)' in R. Kuba, C. Lentz and C. N. Somda (eds), *Histoire du peuplement et relations interethniques au Burkina Faso.* Paris: Karthala.
- Kasanga, K. (1995) 'Land tenure and regional investment prospects: the case of the tenurial systems of northern Ghana', *Property Management* 13: 21–31.
- Kimble, D. (1963) *A Political History of Ghana.* Oxford: Clarendon.
- Konrad-Adenauer-Stiftung (ed.) (1996) 'Decentralisation, land tenure and land administration in the Northern Region of Ghana', seminar report, Konrad-Adenauer-Stiftung, Accra.
- Kouassigan, G. A. (1982) 'La nature juridique des droits fonciers coutumiers' in *Encyclopédie juridique de l'Afrique*, Volume 5. Abidjan: Les nouvelles éditions africaines.
- Kuba, R. (2003) 'Comment devenir Pougouli? Stratégies d'inclusion au sud-ouest du Burkina Faso' in R. Kuba, C. Lentz and C. N. Somda (eds), *Histoire du peuplement et relations interethniques au Burkina Faso.* Paris: Karthala.
- Kuba, R. and C. Lentz (2002) 'Arrows and earth shrines: towards a history of Dagara expansion in southern Burkina Faso', *Journal of African History* 43: 377–406.
- Kuba, R., C. Lentz and K. Werthmann (eds) (2001) 'Les Dagara et leurs voisins: histoire de peuplement et relations interethniques au sud-ouest du Burkina Faso', Sonderforschungsbereich 268, Frankfurt.
- Kuba, R., A. Reikat, A. Wenzek and K. Werthmann (2004) 'Erdherren und Einwanderer: Bodenrecht in Burkina Faso' in K.-D. Albert *et al.* (eds), *Mensch und Natur in Westafrika: Ergebnisse aus dem Sonderforschungsbereich 268.* Weinheim: Wiley-VCH.

- Kunbuor, B. (2000) ‘“Traditional” and state law in land conflicts: case studies from the Upper West Region of Ghana’, *Working Papers on African Societies* 43 (Berlin).
- (2003) ‘Multiple layers of land rights and multiple owners: the case of land disputes in the Upper West Region of Ghana’ in F. Kröger and B. Meier (eds), *Ghana’s North: research on culture, religion and politics in northern Ghanaian societies*. Frankfurt: Peter Lang.
- Lentz, C. (2000) ‘Of hunters, goats and earth-shrines: settlement histories and the politics of oral tradition in northern Ghana’, *History in Africa* 27: 193–214.
- (2001) ‘Ouessa: débats sur l’histoire du peuplement’ in R. Kuba, C. Lentz and K. Werthmann (eds), ‘Les Dagara et leurs voisins: histoire de peuplement et relations interethniques au sud-ouest du Burkina Faso’, *Sonderforschungsbereich 268*, Frankfurt.
- (2003) ‘“Premiers arrivés” et “nouveaux-venus”: discours sur l’autochtonie dans la savane ouest-africaine’ in R. Kuba, C. Lentz and C. N. Somda (eds), *Histoire du peuplement et relations interethniques au Burkina Faso*. Paris, Karthala.
- (2006a) *Ethnicity and the Making of History in Northern Ghana*. Edinburgh: Edinburgh University Press.
- (2006b) ‘Land rights and the politics of belonging in Africa: an introduction’ in R. Kuba and C. Lentz (eds), *Land and the Politics of Belonging in West Africa*. Leiden: Brill.
- (2006c) ‘First-comers and late-comers: indigenous theories of land ownership in the West African savanna’ in R. Kuba and C. Lentz (eds), *Land and the Politics of Belonging in West Africa*. Leiden: Brill.
- (2009) ‘Constructing ritual protection on an expanding settlement frontier: earth shrines in the Black Volta region’ in A. C. Dawson (ed.), *Shrines in Africa: history, politics, and society*. Calgary: University of Calgary Press.
- Lentz, C. and H.-J. Sturm (2001) ‘Of trees and earth shrines: an interdisciplinary approach to settlement histories in the West African savannah’, *History in Africa* 28: 139–68.
- Le Roy, É. (1982) ‘Caractères des droits fonciers coutumiers’ in *Encyclopédie Juridique de l’Afrique*, Volume 5. Abidjan: Les nouvelles éditions africaines.
- Lévy, J.-P. (1972) *Histoire de la propriété*. Paris: Presses Universitaires de France.
- Lund, C. (2006) ‘Who owns Bolgatanga? A story of inconclusive encounters’ in R. Kuba and C. Lentz (eds), *Land and the Politics of Belonging in West Africa*. Leiden: Brill.
- (2008) *Local Politics and the Dynamics of Property in Africa*. Cambridge: Cambridge University Press.
- Ninsin, K. (1989) ‘The land question since the 1950s’ in E. Hansen, E. and K. Ninsin (eds), *The State: development and politics in Ghana*. London: Codesria Book Series.
- Phillips, A. (1989) *The Enigma of Colonialism: British policy in West Africa*. London: James Currey.
- Pogucki, R. J. H. (1951) ‘Report on Land Tenure in Native Customary Law of the Protectorate of the Northern Territories of the Gold Coast’, Part II. Accra: Lands Department.
- Rose, C. M. (1994) *Property and Persuasion: essays on the history, theory and rhetoric of ownership*. Boulder CO: Westview Press.
- Tengan, E. (1991) *The Land as Being and Cosmos: the institution of the earth cult among the Sisala of north-western Ghana*. Frankfurt: Peter Lang.

- Woodman, G. R. (1996) *Customary Land Law in the Ghanaian Courts*. Accra: Ghana Universities Press.
- Zwernemann, J. (1968) *Die Erde in Vorstellungswelt und Kulturpraktiken der Sudanischen Völker*. Berlin: Reimer.

ABSTRACT

The article traces the history of debates on land transfers in northern Ghana and discusses the ways in which African and European views on land tenure influenced and instrumentalized each other. Using the case of Nandom in the Upper West Region, I analyse how an expansionist group of Dagara farmers gained access to and legitimized control over land previously held by a group of Sisala hunters and farmers claiming to be the 'first-comers' to the area. Both groups acknowledge that the Sisala eventually transferred land to the Dagara immigrants, symbolically effected by the transmission of an earth-shrine stone. However, the Sisala interpret this historical event in terms of a 'gift', invoking the language of kinship and continued dependency, while the Dagara construe it in terms of a 'purchase', implicating exchange, equality and autonomy. These different perspectives, as well as colonial officials' ideas that land ownership was ultimately vested in the ancestors of the first-comer lineage and therefore 'inalienable', have shaped early disputes about the Nandom earth shrine and Dagara property rights. Competing conceptions of pre-colonial African land tenure continue to provide powerful arguments in current land conflicts, and shrinking land reserves as well as the political implications of landed property, in the context of decentralization policies, have exacerbated the debate on the 'inalienability' of land.

RÉSUMÉ

L'article retrace l'histoire des débats sur les transferts de terres dans le Nord du Ghana et traite de la manière dont les perspectives africaines et européennes sur la question foncière se sont mutuellement influencées et instrumentalisées. À partir du cas de Nandom dans l'Upper West Region, l'article analyse la manière dont un groupe expansionniste d'agriculteurs dagara a obtenu l'accès et la légitimité du contrôle de terres ayant appartenu à un groupe de chasseurs et d'agriculteurs sisala revendiquant leur statut de « premiers arrivants » dans la région. Les deux groupes reconnaissent le transfert des terres par les Sisala aux immigrants dagara, transfert symboliquement effectué par la transmission d'une pierre de sanctuaire en terre. En revanche, les Sisala interprètent cet événement historique en termes de « cadeau », invoquant le langage de parenté et la dépendance continue, tandis que les Dagara l'interprètent en termes d'« achat », impliquant l'échange, l'égalité et l'autonomie. Ces perspectives divergentes, ainsi que les idées des officiels coloniaux selon lesquelles la propriété foncière revenait essentiellement aux ancêtres des premiers arrivants et était donc « inaliénable », ont façonné les premiers désaccords portant sur le sanctuaire en terre de Nandom et les droits fonciers des Dagara. Les conceptions divergentes du foncier africain précolonial continuent de fournir des arguments puissants dans les conflits de terres actuels ; de plus, l'aménagement des réserves de terres et les implications politiques de la propriété foncière, dans le contexte des politiques de décentralisation, ont exacerbé le débat sur l'« inaliénabilité » de la terre.