

The Land Factor in the Konkomba-Nanumba Crisis Of 1981

A Historical Perspective

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Abstract

In post-independent Ghana, over twenty ethnic conflicts have erupted in Northern Ghana. These conflicts can however be traced as far back to colonial land policies and treatments of ethnic interests of that part of Ghana. The Konkomba, in particular, have been involved in many such conflicts, largely over land and related resource. The period between the 1980s and 1990s were particularly tumultuous due the many inter-ethnic conflicts and armed confrontations. This paper examines one of such conflicts, which occurred in 1981 between the Konkomba and the Nanumba, both of the Northern Region of Ghana. It focuses on the historical antecedents of the war from pre-colonial to date to demonstrate how land has been a key issue. The analysis is informed by the results of an in-depth study that relied on secondary sources, archival materials and oral interviews. The study found that underneath the seemingly cordial relations that had existed between the Konkomba and Nanumba in Nanun¹¹ prior to 1981 were tensions over territorial claims and land rights. It explains how mis-interpretation of ownership created the conditions for the war. It dwells in particular on the Alhassan Committee Report of 1978 and its role in inflaming the sentiments resulting in the violent outburst of 1981.

Key Words: Identity, Ethnic Conflicts, Territorial Claims, Land Policies, Ownership

11 Refers to the Nanumba Traditional Area

Introduction

British colonial policy in the Gold Coast in the late 1940s underwent a drastic transformation both at the local and the central government levels. At the same time, the prevailing traditional or ethnic system in the country remained unchanged. The dichotomies between the two systems and the overlaps of the jurisdictions (formal and traditional), with implications for the ethnic sovereigns, territorial claims and resource rights created volatile conditions for potential conflicts. This situation sparked off old time rivalries among some of the ethnic groups even as inter-ethnic conflicts were broadened to include religio-political factors. The differences in the indigenous social structure, of people co-existing in one formal administrative area had crystallized into fear, hatred and resentment among some of the ethnic groups (Apter, 1963).

Even though almost all West African states, including Ghana, achieved independence within highly centralized political structures, in that political evolution, there were diverse elite dimensions that included ethnic dominance. Ethnicity remained resilient in spite of the colonial influences (Zartman, 1997; Akyeampong, 2006). This emphasizes the importance of group identity based on such attributes as a common origin, history, language, religion, nationality and race. Ethnicity is symbolic and mythic (Bacho, 2005). There are socio-economic and political processes that are linked with ethnicity. The central issue, then, has to do with the role ethnicity plays in these socio-economic and political processes and their impact on society in general (Bacho, 2005). Individuals, groups, clans, classes and different organizations in society will always have competing interests. Conflicts arise when group interests clash and/or are seriously threatened without visible signs of peaceful settlement or compromise among the feuding parties except for the use of some force.

By the end of the 1970s, the socio-economic and political processes in Northern Ghana had built up sufficient tension to explode in ethnic conflicts and armed confrontations. Odotei and Awedoba (2006) report of twenty-two inter-ethnic conflicts in Northern Ghana between 1980 and 1994 alone. It is hardly an exaggeration to submit that land and its resources are such core economic issues that can, and have led to conflict and armed confrontation between and among various ethnic or other social groups in competition. Oyeneye and Peil (1992) have argued that ethnic conflict is often increased because of land for expanding agriculture. They have pointed at the Tiv and the Jukun of central Nigeria as an example of the people who have been fighting over land since 1959.

This paper examines the extent to which land served as a line of fracture between the so-called "acephalous, segmentary, non-centralised, and without chiefs" groups of people, specifically the Konkomba, and the structured, centralized and with chiefs groups such as the Nanumba, in the Northern Region of Ghana. Tracing the historical antecedents it discusses how the issue of land has contributed to an inter-ethnic conflict in 1981 in which the Konkomba and the Nanumba resorted to pitched battles involving the use of lethal weapons in Northern Ghana.

The analysis has been informed by data obtained from secondary sources in the form of published and unpublished works. The published materials consist of books, articles, journals and magazines, as well as archival materials. Archival material was obtained from the Public Records and Archival Administration Department (PRAAD) and official documents including official correspondence, Annual and Northern Territories Reports from the inception of colonial rule in 1898 through to independence in 1957 to the year 2000. Such periodization has fostered the analysis of causal, countervailing and impact factors. This was complemented with primary data using oral sources. This took the form of oral interviews conducted in Tamale, Salaga, Kpandai, Bimbilla, Yendi, Saboba and Nalerigu in 2000 involving citizens. Additionally, key informant interviews were conducted with teachers, nurses, the clergy and religious, public and civil servants of various ranks to constitute the bedrock for this study.

The Konkomba and Land Issues in Northern Ghana

The Pre-Colonial Era

The circumstances that led to the duel between the Konkomba and the Nanumba has been underpinned by struggles for land.¹² It has been indicated that even though the Konkomba claim to be the original occupants of most of the land now held by the Dagomba before the coming of the Europeans, they did not regard it as theirs. Tait (1964: 30) explains that “when a Konkomba moves to the Kulkpene River, south of Saambu and in the chiefdom of Miong, he does not consult a diviner since ‘the land is for the Dagomba’. He does not seek an Earth Shrine. It is only within Konkomba land proper that the question of new shrines arise.” This would suggest that the Konkomba have since the European period laid claim to the absolute title to land only in Kekpokpam (i.e., Konkombaland). Elsewhere, they understood that the land did not belong to them.

The Colonial Era

One consequence about the Scramble and Partition of Northern Ghana by European Powers between the late nineteenth and the early twentieth centuries was that the Konkomba came wholesale under German rule. As regards land legislation, by 1910, the Germans in Togo had arrogated to themselves the right to occupy what they thought was ‘ownerless’ land. But as Amenumey (1969: 633-634) has remarked “the idea that there was any ownerless land in the country was a fallacy, because all land even if currently unoccupied was owned by some family or sub-tribe.”

12 Official Letter from Hon. Ibrahim Haruna, Regional Minister, Northern Region, to His Excellency, Dr. Hila Limann, President of the Republic of Ghana, Ref. No. SCLG.12, dated 19th June, 1981.

However, regarding land in Northern Togo, where Kεkpokpam was located, there was no wrangling between the Germans and the local population. Crowder (1969:246) maintains that the Germans did not allow Dagomba control over the Konkomba. This strengthened the latter's belief that they had absolute title to land in Kεkpokpam. In the aftermath of the First World War, the Germans were forced to leave Togo. Kεkpokpam was partitioned between France and Britain and the Konkomba were divided and ruled by the British on the Gold Coast side and French on the Togo side. This paper is interested in the side under British rule.

Coming under British jurisdiction in the Gold Coast, now Ghana, the Konkomba were forced under its controversial policies and especially so for Northern Ghana. Much more controversial however was the land policy embarked on by the British administration in the Northern Territories (now Northern Ghana) of the Gold Coast. Der (1975: 127) notes:

One aspect of colonial rule that was never clearly resolved by the British Administration in the Northern Territories of the Gold Coast was the question of land tenure. Some colonial administrators deduced from the imposition of British rule in the North that the land belonged to the government. Others held the view that the government had no automatic title to the land and that the land belonged to the indigenous peoples. These latter officials believed the Government could only act as a custodian over the lands and should utilize such land it needed for administration purposes by leasing them.

In the period of British colonialism, diverse endeavours were consciously made to regularize government position as regards the ambiguity in land ownership. Der (1975) and Bening (1975) have pointed out that through a series of ordinances, successive Governors distorted the land tenure system resulting in the virtual confiscation of the lands of the people of the North to the British colonial government. According to them the colonial government administered land in the Northern Territories differently from Asante and the Colony through the Chief Commissioner with varying degrees of traditional authority's participation to satisfy the colonial interests. By the time the Gold Coast attained internal self-government in 1951, the issue of land ownership had become more confounded.

In 1951, some members of the Legislative Assembly (MLAs) from the North, the Northern Territories Council (NTC) and opinion leaders of Northern extraction made requests for the government to come out with legislation pertaining to the appropriate institutions or persons in which title, ownership and control of land in the North should be vested (Bening, 1975). To this end, opinions varied. While some wanted this power to be vested in local authorities (State or Traditional Councils and the NTC), others demanded that such power be vested in the chiefs. For instance, T. A. Mead, then acting as Chief Regional Officer (CRO) felt strongly that the NTC was the most suitable institution that could discharge the important responsibility of exercising control over such limited disposition

of land as might be allowed. Mead thought it was the surest way of safeguarding the right of the people to use and enjoy their land. He suggested that the President of the NTC should be made responsible for endorsing all documents relating to land on behalf of the Council (Bening, 1975).

Yet within the NTC itself there were diverse views. For example, Owlona, a member of the NTC objected to Mead's suggestion, arguing that such a proviso would make things difficult to operate. He insisted that the District Councils be made to express their views on the matter. Meanwhile, his preference was that the State or Traditional Councils should be made to be responsible for land matters. He further opined that the NTC should make some recommendations while the Chief Commissioner of the Northern Territories would then hold discussions with the central government on the issue of land (Bening, 1975). However, in a resolution the NTC demanded that all land then held in trust for the people in the North be transferred from the Crown to it (Bening, 1975). To Apter (1963), he who controlled the land was the sanctified ruler holding it in trust for the people and their ancestors' birthright. This must have led the NTC to covetously insist that the responsibility to exercise control over land in the North be handed over to it.

By the beginning of 1954, after all wranglings and disputations, a signed proposal, the Land and Native Rights (Amendment) Ordinance was drafted to effect the long awaited change (Bening, 1975). But up to the tail end of 1955, the change did not materialize. One factor was that the Convention People's Party MLAs who hailed from the North argued that the control of land in the area should be vested in individual chiefs and the State or Traditional Councils (Bening, 1975). Consequent on further hustle and tumble in the legislative body of the country, the proposed bill was withdrawn. According to Apter (1963) in the 1950s, land in the North was still regulated by the Land and Native Rights Ordinance, which empowered the Governor to grant certification of occupancy to Africans and non-Africans. In effect, land was legally a form of Crown land over which the central government had final control. By this time, Pogucki was the Assistant Commissioner of Lands in the Gold Coast.

Pogucki (1955: 63) in his investigation on the land tenure system of the North stated that: "The underlying principle, on which the concept of ownership of allodial rights in land is based, is on occupation by the conqueror or settler." The Dagomba, for instance, have referred to Pogucki's investigation as authority that the Konkomba had no allodial title to any land in Dagbon,¹³ which to the Dagomba encompasses Kεkpokpam. Notwithstanding the mention of long time settlement, to the Dagomba, Pogucki did not associate the Konkomba with ownership of or control over land. This became an important bone of contention, igniting the conflicts not only between the Dagomba and Konkomba, but also between the Konkomba and the Nanumba over the control of land.

13 Reply by the Ya Na, President of the Dagomba Traditional Council to the Petition of the Konkomba Youth Association (KOYA), October, 1993, and p.7.

It would seem that Pogucki laid too much emphasis on the theory of conquest as a mode of acquisition of land in the North. He appeared not to have gathered information from the groups of people referred to as “acephalous, stateless, non-centralised and without chiefs”, such as the Konkomba, although they were in contention. Had he done so, it would have been known how these groups consider themselves in relation to the ownership of land. Did these groups of people consider themselves as having or not having absolute title to the ownership of land? This could not be ascertained. However, as a British Officer, whose authority draws from the empire and its conquests and claims, Pogucki was very consistent and merely reiterating the official position on the matter in spite of its misplacement.

However, Bening (1975) asserts that the divergent opinions on the ownership of land clearly mirrored the realities of the land tenure system in the North, and that this varied among the various ethnic groups. In the case of the Mamprusi, Dagomba, Nanumba and Gonja kingdoms, he says land was vested directly in the Paramount Chiefs who acted as guardians of the land for the benefits of the community. This was on the one hand. For the many so-called acephalous and non-centralized groups such as the Konkomba this was not the case as individual families and communal holdings were in practice. On the other hand, Bening (1975) concedes that various reasons were advanced by the colonial authorities for this form of uncertain land administration and that one of the reasons was to curtail conflict. Another was to avoid the unscrupulous sale of land by chiefs. Thus, traditional leaders and for that matter the people in the North were relegated to the background as land was confiscated and held by the colonial state. This was not only exploitative there was no development agenda behind such a policy. There is no gainsaying that by 1956, as regards land law, no change had occurred in the North. The proposed amendment to the Land and Native Rights Ordinance had not been passed, and it remained so at the attainment of independence in March, 1957. Undoubtedly, the colonial regime had a hand in the centralization of land holding among even the centralized states.

The Post Independent Period

No sooner had the country regained independence from Britain than some MLAs and opinion leaders from the North started to agitate for a change in the land policy that obtained in Northern Ghana. These included J. A. Braimah, J. H. Alhassani, Mumuni Bawumia and S. D. Dombo. In 1960, when Ghana attained Republican status, the State moved a step further in its stranglehold over land policy and management through the use of statutes. Some of them included the State Property and Contracts Act of 1960, the State Lands Act, (Act 125), the Administration of Lands Act, 1962 (Act 123) and Executive Instruments 87 and 109 of 1963. The President was given discretion in land law. For instance, by the Administration of Lands Act (Act 123), where it appeared necessary in the public interest, the President could by executive instrument declare any stool land to be vested in him, in trust. He could execute any deed or do any act as trustee in respect of land as specified in the Executive Instrument (See the 1960 Constitution of Ghana). It would appear that the land policy and management in the entire country began to suffer

the fate of Northern Ghana under British colonial rule. The exercise of control over all lands in Ghana was passed to the Republican Government, with the President as the sole trustee. Bing (1968: 401) has said that there still existed areas of unoccupied and unused soil, and that in Ghana at that time, Crown Lands still existed. He says that with the establishment of the Republic, such property was automatically transferred into the name of the President, even though Nkrumah exercised no more personal control over land than did the British monarch (Bing, 1968).

Also, by the Administration of Lands Act it was provided that any monies accruing as a result of any deed executed or act done by the President had to be paid into the appropriate account for the purpose of the Act. The Minister in charge of the functions of the Act was empowered to collect all revenue that pertained to land (The Administration of Lands Act, 1962, Act 123). By 1963, in so far as government land legislation was concerned, one event followed the other. For instance, on 11th July, and 14th September, 1963, instruments were issued that respectively vested the lands of the Upper and Northern Regions in the trust of the then District Councils. In effect, this meant the nullification of the Land and Native Rights (Northern Territories) Ordinance. But curiously enough land in the Yendi, Bimbilla and Salaga District Councils became vested in the President (Executive Instruments 87 and 109 of 1963). In any case, what now seems clear was that, the repeal of the Land and Native Rights Ordinance, in combination with the State Property and Contracts Act of 1960 had the effect of virtually taking away lands from the people of Northern Ghana and vesting them in the President. Throughout the First Republic, Northerners regarded their lands as so vested and the appropriate Minister assigned to land, granted leases throughout the area. It is very remarkable that, as this was the case, it did not engender any inter-ethnic conflict pertaining to land as long as the First Republic lasted. And be that as it may, there was no fundamental change in land policy and management after the overthrow of the First Republic of Ghana on 24th February, 1966 when the National Liberation Council (NLC) ruled the country.

However, on 22nd August, 1969, a Second Constitution was promulgated for the Republic of Ghana. In matters concerning land, the 1969 Constitution of the Republic of Ghana, Article 164 (1) stated that 'all stool lands in Ghana shall vest in the appropriate stool on behalf of and in trust for the subjects of the stool.' There was, however, a marginal note to the article entitled 'Stool and Skin Lands and other Property'. The implication was that lands in Northern Ghana, ostensibly referred to as Skin Lands, would as from the day of the promulgation, vest in the traditional owners in trust for the people of Ghana. The expression "Public Lands" was taken to mean all lands or included any land, which immediately before the coming into force of the 1969 Constitution as vested in the NLC. There appear to have been an apparent contradiction which seems to have resulted in the vesting of all lands in the North in the President, through a Lands Commission. The situation held sway until the advent of the government of the National Redemption Council (NRC) in January, 1972.

In December, 1977, the NRC approved in principle a memorandum from the Ministry of Lands and Mineral Resources. The memorandum sought to repeal Executive Instruments 109 and 87 of 1963, to enable ownership of land in Northern Ghana to revert to the traditional owners, namely, the Chiefs, Tindanas, ethnic groups, clans and families. Rumour was rife that Acheampong, the Chairman of the NRC wanted to placate the chiefs of the area to support his concept of a Union Government (UniGov) envisaged for Ghana. In order to ensure a smooth transfer to the traditional owners, the Commissioner for Lands and Mineral Resources, Ibrahim Abdulai, in his wisdom decided to set up a Committee. It was called "The Committee on the Ownership of Land and the Position of Tenants in the Northern and Upper Regions." It was under the Chairmanship of Mr. R. I. Alhassan,¹⁴ a renowned legal practitioner in Tamale; hence it was otherwise referred to as the Alhassan Committee.

The Alhassan Committee was inaugurated at the offices of the Regional Administration, Tamale on 14th February, 1978.¹⁵ On that occasion the Commissioner said:

I am happy to announce that in accordance with the wishes of the chiefs and people of Northern Ghana, the government of the Supreme Military Council has approved in principle a memorandum from my Ministry to repeal Executive Instrument 87 and 109 of 1963, to enable ownership of the lands in the Northern and Upper Regions to revert to the Traditional owners, namely the Chiefs, Tindanas, clan, and families. However, in taking this decision the Government is not unaware of land litigation and possibly breach of peace likely to forestall any obstructive attitudes bordering on reckless dissipation of money, time and energy which otherwise could usefully be channelled for development in raising your own standard of living. I trust that any change in the land administration law in these two regions will not give any course for the revival of petty quarrels and unnecessary land litigation.¹⁶

How right he was! It would seem that Ibrahim Abdulai anticipated a major upheaval in Northern Ghana as a result of the findings of the Alhassan Committee. With military precision, he expected the Committee to submit its report within a month from the day of its inauguration.

The urgency of the matter was not in dispute. The Government of Ghana, for once, wanted to take a final decision on the ownership of lands in Northern Ghana. These lands had never come under the control of their traditional owners since the colonial period, which was never the case in Southern Ghana. The Commissioner declared:

14 Report of the Committee on Ownership of Lands and the Position of Tenants in the Northern and Upper Regions, 1978

15 Ibid.

16 Ibid:1

The appointment of this Committee which I am about to inaugurate, is the first measure in a move to remove a legislation which for so long has been the subject of protest and discontent among the chiefs, the youth, families, clans and indeed the people of the Northern and Upper Regions. I must mention that the appointment of this committee is the culmination of the relentless efforts of the people in these two Regions to take the rightful control of their own land which their ancestors through toil and sweat had bequeathed to them¹⁷.

Indeed, the various ethnic groups in Northern Ghana, particularly those in the present day Northern Region, expected the thorny issue of land to be redressed by the Alhassan Committee. Compromises may have been expected as hopes and aspirations were raised.

After the inauguration, the Committee met to discuss modalities of its operation. It was decided that it would sit at various places and receive evidence publicly. All manner of people who wanted to appear before it could do so. It decided to receive written memoranda separately from oral evidence. Public sittings were held in thirteen major towns in Northern Ghana. Each traditional area was taken or treated separately. It collected and collated the brief histories of the people, evidence of land as it pertained to allodial ownership, usufructuary title of citizens, the position of tenants, acquisition of land by strangers, their rights and existing studies in the various traditional areas, among others. For instance, in Dagbon they heard from the Gulkpe Na that:

All land in Dagomba belongs to the Na. He (the Ya Na) has shared the land to his sons and elders to look after for him. I also have children and elders and I also appoint them chiefs, village headmen and elders to look after for me.¹⁸

The Committee gathered from the evidence that the Ya Na administers land through caretakers. This evidence was confirmed by the Kumbungu Na, Kuga Na (an Elder in the Ya Na's Court) and all other witnesses that appeared before the Committee in Tamale and Yendi. The Dagomba claim was that all the lands in Dagbon belong to the Ya Na (the King of Dagbon) and that the land was acquired by conquest. The Committee sat in Wa on the 7th of March in 1978. The Vagla and other ethnic groups in the Bole District appeared before it and requested to be allowed time to submit their memoranda. On the 13th of March in 1978 at Salaga, the Nawuri, Nchumuru and Konkomba appeared and equally requested time to submit their memoranda respectively. It was on account of these representations that the Committee had to complete its public sittings on the 2nd of May in 1978. The Konkomba as a segmented group had interests in various lands of the Northern Region of Ghana such as those vested in the Nayiri, Ya Naa, Bimbilla Naa and Yagbon-Wura.

17 Ibid.

18 Ibid

The Konkomba Youth Association (KOYA) in their memorandum delineated and claimed Kekpokpam as their traditional area. KOYA stated:

While historically the Konkomba owned the whole land now known as Eastern Dagbon, it will be unrealistic for us to claim all the land within the said afore- mentioned boundaries. However, we the Konkombas will like our present land to be vested in the Chiefs and Tindanas (Land Owners) of the Konkomba Traditional Area as recognized by our chiefs and people.¹⁹

KOYA then specified Kekpokpam as follows:

We still share common boundaries with the Basares and the Kabres in the East (Sangmal), Nayile and Sanguli in the Zabzugu area to the South; the Sunson locality towards Yendi, Kitebu (Tekasu), Adare in the north and Tunsung near Tuwua in the North West.²⁰

This was a clear delineation of Konkomba lands, according to KOYA, before German occupation of parts of present day Togo and Ghana. It is an area they have considered and still consider as their traditional area (Kekpokpam). Yet the Alhassan Committee held that all lands under the Dagomba Traditional area remain vested in the Ya Na as the allodial owner. As such he (the Ya Na) held the land in trust for the people; that he administered the land through a hierarchy of divisional chiefs, sub-chiefs, village heads, some Tindanas and elders, and that Dagomba land could not be sold by either a chief or an individual but must be reserved for present and future generations.²¹

Similarly, in Nanumba, the Alhassan Committee upheld that the allodial title to land is vested in the Bimbilla Na. Strangers could be granted land subject to duties prescribed by custom. In Gonja, the Committee's conclusion was that the paramount or allodial ownership of all lands was vested in the Yagbunwura, who held it in trust for the people. Stranger's derived title to land only through grant and on such terms and conditions as custom demanded. ²²The findings for Mamprugu were not different as in the case of the other Dagomba, Nanumba, and Gonja chieftaincies. The Committee stated that: "Mamprugu is the ancestral land of the Mamprusi, the land is held communally by all sons and daughters of Mamprugu, subject to the secular controls of their sub-chiefs, divisional chiefs and ultimately the supreme control of the Nayiri."²³

19 Memorandum on Konkomba Lands submitted by the KOYA on behalf of the Chiefs and People of the Konkomba Traditional Area, Saboba, 10th April, 1978 to the Alhassan Committee.

20 Ibid

21 Report of the Committee on Ownership of Lands and the Position of Tenants 1978.

22 Ibid

23 Ibid

Based on the findings of the Committee, Konkomba land was regarded as part and parcel of Dagbon. The Committee emphasized that:

We are therefore of the opinion that the land the Konkombas now claim should be vested in them is under the Ya Naa by conquest but is currently predominantly inhabited by the Konkombas, thus their demand for lesser area than they say they once possessed. We therefore accept the claim of the Dagombas that the area claimed by the Konkombas, is Dagomba land²⁴

Thus, the Alhassan Committee did not heed KOYA's claim to Kekpokpam. In other words, the Committee rejected the Konkomba demand in their memorandum that their lands be vested in the Chiefs and Tindanas of the Konkomba, a situation which has been since contested by the Konkomba.

Land Ownership And Ethnic Identity

Over the years, the Konkomba had exercised, somehow acts of user in the form of cultivation, fishing and hunting on the land they claimed as their traditional area. They maintained successful patrols to keep off hostile neighbours. For instance, from 19th -21st May, 1946, some Konkomba had actually gone to war with some Dagomba over fishing rights at Sambuli. Martinson (n.d: 62) refers to it as the 'fish war'. An issue of fundamental strength was tested at the time, as the Dagomba were said to have never gone near the pond again. They (the Konkomba) came to identify their community with the territory in which they stayed.

Parker (1924) was informed that in Konkomba 'country' proper, the granting of land to a stranger was unheard of, implying the importance they attached to land since they seldom parted with it. Ollenu (1962) has pointed out the importance of land to a people by emphasizing that from earliest times land in this country had been closely associated with life. He explains:

Life, that is, existence of any form was believed to emanate from the super natural ... through which all life other than human was believed to be transmitted and by means of which all life (including human and animal) was sustained as a sacred gift from God, used to be and in some places still is an object of worship. This was because it was the final element into which the material must return at the appropriate time when life was terminated by Him who gave it.

In Northern Ghana, land used to have, and still has, shrines and fetish groves set aside among holders for high traditional office. Custodians of such revered places are considered the original settlers and for that matter the indigenes of the land.

24 Ibid

Cole (1975) maintains that land is the inalienable common property of the various peoples whose rights are based on their effective occupation or immemorial usage. He explains that the ethnic group including its living members, and its unborn posterity and its dead, is a fact, which renders land alienation impossible. Land is thus not just the property of the ethnic group it is the foundation of their communal, social and economic existence. Land serves as the very cornerstone upon which, as he put it, the entire edifice of “native” prosperity and wellbeing depend.

In dealing with the acquisition of the absolute title to land by the community, that is the ethnic group, stool or skin, Danquah (1959) as cited in Ollenu (1962) enumerated three modes, one of which was by way of human settlement. He said that long and undisturbed occupation of land could constitute paramount ownership. Among four methods by which land could be acquired, Ollenu (1962) included the discovery by hunters or pioneers of the stool of unoccupied land, and subsequent settlement ‘thereon and use thereof by the stool and its subjects’ and the expenditure of energy, use and occupation of the land by the subjects. Pogucki (1955: 21-22) did not leave out occupation of land since time immemorial when he mentioned the methods of acquisition of the allodial rights to land. The reference to time immemorial or long occupation is not a casual one. This mode has never been cast into the forgotten of history in so far as the acquisition of the allodial title to land is concerned.

Why did the Alhassan Committee turn a blind eye to the long term occupation of land as a mode of acquisition, which could have afforded the Konkomba the allodial title to land, at least to Kekpokpam? Indeed, the Dagomba invasion of Eastern Dagbon in the fifteenth century thrust the Konkomba eastwards across the River Oti where many of the latter now live. Thus, were five centuries not long enough for the Konkomba to have merited absolute or allodial title to land in Kekpokpam?

Perhaps the composition or membership of the Committee must have had tremendous influence on its findings, which lopsidedly over-emphasized the theory of conquest as the sole mode of acquisition and ownership of land resulting in its ruling in favour of Dagomba, Mamprusi, Nanumba and Gonja interests. Out of the twelve members, nine were of Northern extraction. Among these, six of them belonged to the Dagomba, Mamprusi, Nanumba and Gonja ethnic groups. In fact, while J. K. Wumnaya, a Gonja, sat in the Committee as the representative of the Yagbunwura, J. S. Nabila was a prince from Kpasinkpe, a non-royal division of Mamprugu. On the Committee were two chiefs from Southern Ghana. In all probability, all these could collaborate en bloc to defend chiefly interest, since the institution of chieftaincy was, and still is, irretrievably cemented with the ownership of land. Also, what seemed clear was that the so-called “acephalous, stateless, non-centralized, and without chiefs” groups of people in present day Northern Region, such as the Konkomba, were not represented on the Alhassan Committee.

It is true that there is no evidence of objection by the Konkomba or any other group regarding the composition of the Alhassan Committee. However, as Zartman (1997: 31) has

pointed out, the 1970s and the 1980s were years of enough socio-economic change that produced horizontal income, status, and professional differences in society, to awaken generational antagonisms, and to accentuate vertical distinctions and loyalties. According to Zartman, the nature of the regime-civilian or military-mattered relatively little in its effects. Both sought to handle mounting and conflicting demands by squeezing politics out of society and monopolizing what was left of politics as a bureaucratic exercise. Whether civilian or military both were perceived as favouring one region or ethnic group over another (Zartman, 1997: 31). Thus the military regime that was in power in Ghana at the time could not be an odd regime out of the sentiments expressed, given the pressure of favouritism.

Therefore, even though the Committee comprised legal experts (four eminent lawyers) traditional leaders of no mean standing, and highly placed technocrats of land administration, “time immemorial”, and “long time occupation” (Cole, 1975; Pogucki, 1955) as a mode of acquisition of the paramount title to land was not a persuasive argument enough to be applied in the Northern Region. It was played down in favour of the theory of conquest, which seems to have dominated their arguments and coloured their findings. There seems to have been no dissenting view. The three members of southern extraction did not find it expedient to present a minority rider or report. There were no such presentations from them. If the Commissioner of Lands and Mineral Resources and the Chairman of the Committee were themselves not Dagombas, they might have realized the fatal flaw that there was no representation of the non-Mamprusi-Dagomba and non-Gonja groups of people in the Northern Region, who by the late 1970s could simply not be dismissed as nonentities²⁵. There was no such representation as evidenced in the membership of the Alhassan Committee.

The Konkomba-Nanumba War Of 1981

Apart from Kεkpokpam, Konkomba settler farmers can be found in various locations in the Northern Region of Ghana and especially so in areas within the Eastern corridor, within which part of Kεkpokpam lies. Before the 1980s, the Konkombas lived peacefully with most of the hosts outside Kεkpokpam such as the Nanumba, Dagomba, Bimoba, Gonja, Nawuri and Basari. Regarding the relationship between the Konkomba and Nanumba, no known violent outbursts had been reported before except in one case. In the one case of Nanun, it has been reported that since the 1960s, there had been a land dispute between the Bimbilla Na and the Shiarewura over Kpasa lands. Oral interviews in the area revealed that the Shiarewura was believed to have canvassed and obtained support from the Konkomba. That the Konkomba were inclined to lend their support to the Shiarewura has been interpreted in relation to their own settler situation.

Yet no bitter feelings were expressed. Since the attainment of internal self-rule (1951), it would appear that there was hardly any sign of an armed conflict soon to break out in

25 Ibid:1-16

any part of Northern Ghana. It was generally believed that the relationship between the Konkomba and the Nanumba was cordial and that both groups interacted a great deal. They lived together as good neighbours in Nanun towns and villages, performed and attended funerals together, traded in the same markets, worked together in the schools, government departments and ministries, and their children attended the same schools in Nanun. Some Konkomba were given titles at the courts or palaces of Nanumba chiefs. Thus, the dark portents of an armed conflict between the two communities seemed scarcely visible on the horizon of Nanun. Yet the fact that some suspicion and even negative sentiments existed between the two cannot be ruled out.

It would appear, however, that the report of the Alhassan Committee triggered some such sublime sentiments and might have ignited whatever grievances that had been nurtured in the past, to culminate in the 1981 Konkomba-Nanumba War and even subsequent ones. Regarding the findings of the Alhassan Committee, interactions for this analysis revealed the following: *The findings of that Committee sent shivers down the spines of every Konkomba. Here we were without land, our ancestors had been considered to have had no land, and our children and those of them yet unborn would have no land in the Northern Region.* This was considered a disenfranchisement of a scale that could not be glossed over. The perception that generations to come would remain landless was considered a big deal.

The findings seemed to have incensed the Konkomba and other groups of people in present day Northern Region including the Nawuri, Nchumuru and Vagla. It laid the seedbed from which sprouted the inter-ethnic armed conflicts that have of late bedevilled the Northern Region of Ghana. They carried with them a sense of grievance, bitterness and hostility, which touched on things sacred, namely land.

The Konkomba as well must have read too much into the findings of the Alhassan Committee since it was only a report at the time. Dy-Yaka (1991) notes that:

The R. I. Alhassan Committee was appointed by the Ministry of Land and Natural Resources to investigate and make recommendations to that Ministry on the true traditional owners of lands in the then Northern and Upper Regions. The Committee was not a statutory one. No report or other authentication has been issued on it. Whether it was accepted by government or not has not been indicated to the public.²⁶

Even though there was no authentication of any form about the Report of the Alhassan Committee, the conclusion or verdict that the Konkomba in the Northern Region were landless appeared to have amounted to a red rag flagged in the face of a bull. They would have to search for their Kekpokpam. The level of disappointment, despondency and fear made cooperation and rational solution to the problem difficult as it made armed conflict likely. For it simply meant that while the Konkomba had all along claimed allodial title

²⁶ Address by S.B.Dy-Yakah, Counsel for the Nchumuru (Nanjuros) to the Justice Appiah Committee of Inquiry into the Gonja, Nawuri and Nanjuros Dispute, Instrument, 1991, p.20.

to their territory, the centralized groups of people, particularly the Dagomba, thought otherwise.

The worst fears of the Konkomba were confirmed when the 1979 Constitution of Ghana adopted a uniform land policy throughout the country by vesting the lands in Northern Ghana in the traditional land owners. The idea that the Konkomba were 'landless' must have charged their emotions. They were in a mood to go to war when the issue was connected with land, even outside Kekpokpam or wherever the Konkomba lived in the Northern Region of Ghana, as, for instance, in Nanun. By that legislation, Konkomba access to land and rights of control over land use were vested in the Bimbilla Na, the paramount chief of the traditional area, as the Alhassan Committee stated.²⁷ The ruling class, that is the Nanumba, believes strongly that they own the allodial title.

According to Sa-eed (1999: 36), this land resource which was used by all ethnic communities residing in the Nanumba District for mainly agricultural production as the mainstay of the people, began to witness keen ownership problems due to multiple claims and explosive contests between Konkomba and Nanumba. Sa-eed (1999: 36) explains that:

The Konkomba have since the late 1970s contested their rights to own land. Land ownership and land use issues are the major causal factors of the inter-ethnic conflicts between Konkomba and Nanumba ... The issue that normally triggered off into full-scale conflicts start from situations whereby the Konkomba create new settlements without permission from Nanumba chiefs ... The demarcation of farmlands too serves as points of conflict between the two ethnic communities.²⁸

Asamoah (2000) reports Konkomba objections as follows:

The Nanumba should understand that we have also stayed in the area for a very long period. That is between 40 to 50 years now. So we need to be recognized as entitled to land ownership and have the right to control and use land.²⁹

Thus, it would seem clear that as the 1980s dawned, Konkomba perception of land ownership and use in Nanun was diametrically at variance with that of the Nanumba to such conflictual heights that it could set them at daggers-drawn and lead to the armed clash that occurred in 1981.³⁰

27 Report of the Committee on the Ownership of Lands and the Position of Tenants, 1978, p.10.

28 That is to say they have protested the denial of their right to the ownership of land.

29 Interview with Anthony Asamoah, First National Secretary of KOYA, 23rd April, 2000 at Saboba.

30 Maasole, C. S. 'The Guns Go Off in Nanun', Unpublished PhD Dissertation.

Conclusion

The primary cause of the inter-ethnic warfare among a number of Northern societies is over important resources, such as land. While the period from pre-colonial through colonial to 1980 was relatively peaceful, there was definitely dissatisfaction at various points due largely to controversial colonial land policies which did not take into consideration ethnic diversities. Efforts to resolve the controversies however created their own as the Alhassan Committee was perceived by the Konkomba to have failed to deliver justice to all parties. The Konkomba were inclined to fight because, perhaps they had been rendered a people without land in the Northern Region a few years ago by the Alhassan Committee. They had been regarded as such in the past which accounted for their payment of tribute anywhere they lived in any of the centralized states of Dagbon, Mamprugu, Nanun and Gonja in the Northern Region of Ghana. Land became an important fact for its direct links to Konkomba identity and sovereignty. The denial of such as perceived by the Konkomba of the Alhassan report propelled the bitterness that led to the outburst of 1981.

Recommendations

The perceived failings of the Alhassan Committee represent useful lessons regarding representation and cause of action. In the first place, it is clear that the non-representation of the Konkomba on the Committee had denied the Committee the opportunity to raise critical questions that could have resulted in different conclusions. In our democratic nation which allows for aggrieved groups and individuals to address their cases, it is incumbent of policy makers and politicians to seek representation of all interest group when they seek solutions to grievances.

Added to the case of fair representation is the use of precedent and facts rather than parochial interests for rational judgements and conclusions on matters affecting diverse interest groups. Whether on the part of Pogucki, who was blinded by his own empire building aspiration, Alhassan Committee, which dwelt on the issue of contest over equally compelling factors or the Konkomba who reacted over a report rather than a legislation, the fact remains that in such sensitive matters, it is important to appeal to conscience and rationale judgement rather than emotions.

Last but not the least historical antecedents continue to play into ethnic politics sometimes resulting in violent outbursts. The resources that have been channelled into conflict management over the years could be saved if the political leadership dedicate efforts to addressing the issues from their roots and not just from the perspectives of the feuding factions or interest groups but rather draw from history, rational analysis and national interests.

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