

State and Non-State Actors in Land Appropriation: Colonial Land Policy and the Role of the Tindana in Northern Ghana

Haruna Abdallah Imam

Institute of African Studies, University of Ghana, Legon, P.O. Box LG 73 Legon, Accra, Ghana

E-mail: harunaimam@yahoo.com

Abstract

This paper draws historical lines from Precolonial, Colonial to Postcolonial periods, linking colonial land policy to that of the state, and their effects on the traditional functions of the tindana ('landowner') in Dagbon. The office of the earthpriest was known throughout West Africa. Among the Dagbamba of Northern Ghana for example, the tindana did not only 'own' the land, but by reason of his or her 'ownership', was the only one who knew or was known by, the 'spirit of the land'. Principally, the tindaamba (plural for tindana) appropriated land in the past, but with colonialism and subsequently independence, the power to distribute land has been vested in the chiefs and/or the state (Government of Ghana). In this sense, modernity has affected the role of the tindana. The paper concludes that the roles of the tindaamba in contemporary land issues are quite marginal. The influence they now enjoy is more apparent than real.

Keywords: Tindana; Earth Priest; Dagbon; Yaan Naa; Land Policy

1. Introduction

According to the oral traditions of the peoples of Northern Ghana, the indigenous inhabitants of the region were the *Vagla*, *Sisala*, *Tampulensi* and *Guan* who lived to the West of the White Volta (Boahen 1977).¹ There were others like *Konkomba*, *Chamba*, *Koma* and *Nafeba*. The oral traditions presented by the drum historians (*hunse* in Dagbani) have it that, these indigenous peoples did not have states or kingdoms and central administrations to make laws and enforce them. Such powers rested with the head of each family and/or the earthpriests.

The concept of the *Earth Cult*, and for that matter, the institution of the Earth Priest (*tindana*) was known throughout the West African Region (Goody 2007, 93). The ritual office of the *tindana* ('Landowner') was the highest office held by these indigenous peoples of Northern Ghana. The *tindaamba* (plural for *tindana*) were, and still are the intermediaries between the people living on the earth and the Earth as a divine principle. There is therefore a 'primacy' in the office of the *tindana* as relating to farming matters and day to day living on the land. Among the Dagbamba² for example, the *tindana* did not only 'own' the land (literally), but by reason of his or her 'ownership', was the only one who knew or was known by, the 'spirit of the land'. Therefore, it was only the "landowner" (the *tindana*) that could pacify the gods of the earth for prosperity and peaceful co-existence on the Earth.

In the past, no one in Dagbon would attempt to arrogate to himself the right and duty to offer sacrifice or to claim the office of the *tindana* if he or his antecedents were not the founders of the place (Rattray 1932, 285). The establishment of a new settlement or an autonomous community was dependent on establishing a relationship with the Earth Spirit of the new place. This is illustrated by Tait's observation of the Konkomba. He notes:

When a man or group of men wish to go and settle in a stretch of unoccupied bush, they consult a diviner who discovers for them whether or not it is advisable to move and, if the answer be positive, the location of the shrines, commonly groves of trees, in the new area they propose to occupy. Thus a new relationship is established from the beginning between a group of kinsmen and the territory they occupy (Tait 1963, 39).

Among the peoples of the northern territories, as in many other parts of West Africa, the 'first-comers' were '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; Lentz 2010). The first-comers would establish shrines at which regular sacrifices were offered to the earth god in order to ensure the fertility of the land and the wellbeing of the community (Lentz 2010; Tengan 1991). Therefore, the office of the *tindana*, the custodian of the shrine, was usually vested in the lineage of the first-comers (Fortes

¹ See also Boahen, A. A., (1966), *Topics of West African History*. The term 'Guan' covers a number of groups including the Gonja, Nchumuru, Nawuri as well as non-Northern Ghanaian peoples like the Nkonya, Lartey, Effutu, among others.

² *Dagbamba* is the plural form; an individual is a *Dagbana*. The language is *Dagbani*, with the traditional state called *Dagbon*. The name *Dagbon* is to be preferred to *Dagomba* when describing the kingdom and the political entity. *Dagomba* is the Hausa name for the population and region; *Dagbon* is the name given by the people themselves. *Dagbon* is occupied by *Dagbamba* as well as other ethnic groups, such as the Konkomba. The *Dagbamba*, or anglicized *Dagombas*, belong to the Mole-Dagbani group.

1940, 1945; Kuba *et al.* 2004; Lentz 2009; Pogucki 1951, 1955). Thus, the *tindana* regarded himself or herself as allodial owner of the land, allocated land to later immigrants, granted the right to build houses and bury the dead and mediated in conflicts over land boundaries and land use (Lentz 2010). The *tindana* also acted politically by preventing wars, by intervening in conflicts and by sitting with the elders to decide on important matters concerning relations between neighbours. Economically, he/she allocated land to both settlers and farmers (Lund 2006). They became relatively rich because all lost articles, goods and animals that were found on the land became theirs unless they were claimed by their owners (Rattray 1932). In what follows I will draw historical lines from pre-colonial, colonial to postcolonial periods, linking colonial land policy to that of the state, and their effects on the traditional functions of the *tindaamba* in Dagbon. The paper contributes to African development studies as it examines one of the underlying causes of the gradual demise of some of the indigenous traditional institutions in Africa.

I do not intend to present a general historical survey of colonialism in the northern territories. Rather, I am interested in analysing how various land policies (colonial and postcolonial) impacted – albeit negatively – on the traditional roles of the earthpriests in Dagbon. Again, I do not by this imply that other factors play no role in explaining the hibernating nature of the institution of the *tindaamba* in its current state. I acknowledge the fact, that before colonialism could gain root in the Dagbon kingdom, majority of the *tindaamba* were ‘massacred’ by Naa Nyagsi. Subsequently, the office of the *tindaamba* was brought under the authority of the chiefly rank who had usurped some of the traditional powers of the *tindaamba* (Tamakloe 1931b). There is also the talk of the influence of Islam on the functions of the earthpriests (Abdallah 2012). Clearly, in an introductory paper of this kind, all of those issues cannot be pursued in great detail and across all the many dimensions of historical change implicated in the evolution of the *tindaamba*. The discussion in this paper is divided into six sections. The preceding section provides a brief historical overview of the study area. Next, I examine the emergence of colonialism in the ancient kingdom of Dagbon followed by colonial land policy in the northern territories. I then shift my focus to how the colonial land policy in the north affected the traditional functions of the earthpriests in Dagbon. Finally, I put the spotlight on how postcolonial regimes in Ghana had handled issues of land in the north, and the impact thereof on the *tindaamba* institution. I then deduce some general conclusions from the discussion. Before elaborating on these individual sections however, it is necessary to make a few remarks on my methodology.

2. A note on methodology

Research on Dagbon, especially by the natives themselves, has gathered an unprecedented momentum in the last five decades. Unfortunately, very few of these research works focus on the traditional institutions of the area. This implies thorny methodological problems when sourcing for information on the traditional institutions. Oral traditions thus remain my most important source of data collection. I used two basic research tools for data gathering. These are interviews and observation. With the interview I was able to access information that might otherwise not be captured if I were to use, for instance, a structured questionnaire. The interview provided my respondents with the opportunity to express their thoughts on the subject matter; this, the structured questionnaire could not have achieved (Minichiello *et al.* 1995). This tool (structured questionnaire) gives respondents limited freedoms to express themselves since they are required to choose from a limited set of options as possible answers. In addition to a careful analysis of the oral sources, it is important to take written sources into account which may confirm or contradict the oral narrations. Therefore, historical records relating to the evolution of the *tindaamba*, dating back to pre-colonial Dagbon, constituted the main source of written information for data collection.

The interview was conducted in seven *tindaamba* Shrines (Tindanparabiyili, Gong, Yong-Duuni, Gukpegu (Tamale), Tampion, Mbanaayili and Katariga) of the Dagbon kingdom using the snowball sampling method. Snowballing is a purposive sampling approach where one participant gives the researcher the name of another subject, who in turn provides the name of another, and so on (Vogt 1999). In each of the seven shrines I visited for the study, seven individuals were interviewed, making it a total of forty-nine respondents. Respondents were carefully selected and included the *tindaamba*, workers of the shrines, community elders (*kpamba*), the commoners (*tarimba*), the ‘drum-historians’ (*lunse*) and Islamic clerics (*Alfanima*). This gives me the opportunity to systematically collect a substantial corpus of stories from diverse sources. The interviews were conducted in the local dialect (*Dagbani*), and transcribed verbatim to represent the views of the respondents as accurately as possible. Participant observation also forms part of the data. Some of the information shared in this article is as a result of my personal experience, having lived in the area for over twenty years.

3. Profile of the Study Area

The traditional state of Dagbon covers an area of about eight thousand square miles of the Northern Region and has a total population of about 945,664 (the Ghana 2000 Housing and Population Census). The Dagbon area comprises eight administrative districts in present day Ghana. These are Tamale Metropolis, Tolon-Kumbungu,

Savelugu-Nantong, Yendi, Gushegu, Karaga, Zabzugu-Tatali, and Saboba-Cheriponi.¹ According to Mahama (2004: iii), the main towns of Dagbon are Yendi, Tamale, Karaga, Gushegu, Zabzugu, Sang, Savelugu, Nyankpela, Kumbungu, Diari, Tolon, Nanton and Cheriponi. The biggest town is Tamale, which is the capital of the Northern Region with a population of 202,317. Yendi follows it with a population of 40,336. Savelugu is the third largest town with a population of 24,937. The overlord of the Dagbon Traditional Kingdom is the *Yaana Naa*, whose court and administrative capital is at Yendi.

Dagbon Traditional Area is inhabited by the Dagbamba ethnic group. They speak the *Dagbani* language which belongs to the *Mole-Dagbani* Sub-group of *Gur* languages.² According to their oral traditions, carefully presented by state drummers and recited annually during the *Damba* festival, these peoples claim that their ancestors came from the direction of Hausa land, Bornu, to be more precise. On their way to the middle Volta Basin they may have absorbed some elements of Mande culture from the people speaking southern Mande dialects. They entered modern Ghana from the north-east, where they came into contact with the local people who spoke a *Mole-Dagbani* language, which the foreigners later adopted. Conventional narrations in the area indicate that, the early history of the Dagbamba falls within two periods. The first period has to do with the era of the 'commoners' and the Earth Priests, *tindaamba*, while the second period begins with the conquest of the indigenes and the consolidation of the ruling class known in Dagbani dialect as *Nabihi*. Both the rulers and the ruled came to the present day Dagbon in two different periods. Giving an account on the history of the Dagbamba, Mahama (2004: 1) noted:

The name Dagbamba which has been anglicized as Dagomba belongs to the commoners. The rulers adopted that name and many aspects of the life of the people they conquered and established over them their sovereignty. It was also the language of the conquered people that the rulers adopted. Indeed the culture and customs of the Dagomba which did not militate against the sovereignty of the conquerors were readily adopted by them. Customs that conflicted with their aims and aspirations were modified if not for the whole of the new Kingdom but at least for their line of descent. They discarded the existing matrilineal system of inheritance except in some aspects where it was beneficial to them. They intermarried with the local population and placed all the offspring of their marriage in the ruling class. Except in the political and to some extent social hierarchies, the fusion of the two groups is complete. They speak the same language; they are engaged in similar work; they are governed by the same customs and traditions; in physical appearances there are no distinguishing features; in short they are all one.

According to informants, the ordinary Dagbamba (the *commoners*) were in Dagbon years before the arrival of the rulers. Tamakloe (1931:13) observes that when *Naa Nyagsi* and his father *Naa Sitobu* arrived in modern Ghana about the year 1416, the commoners were already in Dagbon.³ Rattray also confirmed that the common Dagbamba like other ethnic groups of Northern Ghana were already occupying the areas they are today. Rattray (1931: xii) writes:

The majority of the tribes who inhabit the Northern Territories were, I am convinced, resident in or near the localities where we now find them, centuries before the ancestors of those whose names many of the divisions now bear had arrived in this part of Africa. Upon these more or less autochthonous people with their very primitive institutions descended small bands of strangers within comparatively recent historical times.

At this point in the history of the Dagbamba, the *tindaamba* were the heads of the people.⁴ The only difficulty here is that it cannot be certain as to when the ancestors of the commoners arrived in Ghana. Perhaps our lack of knowledge in this regard could be forgiven since no historian can say with certainty when exactly each of the numerous ethnic groups in modern Ghana had arrived to live in where they presently occupied. Tamakloe (1931) traced the ancestors of the original Dagbamba to the descendents of the *Ad*, a race which inhabited *Arabia* many years before Islam:

It is said that, after the confusion of tongues the tribe of Ad, the son of Uz, the son of Aram, son of Shem, son of Noah settled in the Province Hadramaut where their posterity greatly multiplied. This tribe continued to worship God but in process of time they fell from the worship of true God into idolatry. God seeing this sent them the prophet Heber to preach and reclaim them. But when they refused to acknowledge his mission, God sent a hot and suffocating wind, which blew seven nights and eight days together and which entering into their nostrils passed through their bodies and

¹ Source, National Commission for Civic Education (N. C. C. E.), Tamale

² *Mole-Dagbani* as used in this thesis refers to the Mamprusi, Dagbamba, Mossi and Nanumba

³ Nyagsi waged war against the *tindaamba*, killed them and appointed his sons, brothers and uncles as chiefs or rulers over the people. For details of this story see Tamakloe (1931:252-254); also Rattray (1932:xii)

⁴ This refuted the common view held by many historians that Dagbon or Dagbamba have never been under the headship of the Earth priest. At a point in history the Dagbamba could also be described as stateless people though they developed into a stage of centralized state faster than other groups of people in the North.

destroyed them all and saved the very few who had believed in Heber. This tribe we learned were of prodigious stature, the tallest of them being said to be a hundred cubits or a hundred and fifty feet in heights and the least of them sixty cubits or ninety feet. This tribe, it is said, wandered towards the East and the West, settling in inhabited countries, till they arrived in the country which is today called 'Dagbon' and their progeny were called Dagbamba.

According to the *Mole-Dagbani* traditions, the subsequent history of the kingdoms is one of consolidation in their new environment and the eventual split in the family which led to the foundation of *Mamprugu* by *Tohogu*, *Dagbon* by *Sitobo* while *Ngmantambu* founded *Nanun*. The *Mossi* states of *Yatenga* and *Wagadugu* were created by *Yantaure*, a daughter of *Naa Gbewa*. The early chronology of the *Mole-Dagbani* peoples is difficult to establish and there is some disagreement as to when the events described occurred. Fage and Wilks have postulated that they emerged in the mid-fifteenth century while Tait estimates that the dispersion of the *Mole-Dagbani* people occurred some three or four hundred years ago.¹ He believed that the Dagbamba did not reach the present capital until the later part of the 18th century.²

Naa Gbewa is regarded as the founder of the great Dagbon kingdom. Lacking in a writing culture, the Dagbamba are one of the cultural groups with a very sophisticated oral culture woven around drums and other musical instruments. Thus most of its history, until quite recently, has been based on oral tradition with drummers as professional historians. So according to oral tradition, the political history of Dagbon has its genesis in the life story of a legend called *Tohazie* (translated as Red Hunter).

4. Literature Review

This review of literature takes a look at the functions performed by the *tindaamba* among some selected ethnic groups in the Northern Territories of Ghana. The concept of the *Earth Cult*, and for that matter, the institution of the *tindaamba* was wide spread throughout the Western African Region although each ethnic group had its term for the personnel and the institution (Goody, 2007: 93). The *tindaamba* performed significant roles in both centralized and non-centralized states like the *Gonja*, and *Dagbamba* in northern Ghana.

There seems to be very few academic works on the functions of the *tindaamba* in Dagbon. Perhaps, the most authoritative academic study on the institution of the *tindaamba* among the inhabitants of the northern territories of the then Gold Coast (now Ghana) is the early twentieth century work by Rattray (1932). It derives from his anthropological study of the peoples and their oral traditions. Rattray's work is now widely consulted by many scholars. Rattray (1932: 259) writes that before the advent of the 'territorial ruler' (the *Naa*), the *tindana* was the head of the clan, which was the largest political unit. Such a statement however, is the result of confused thinking and shows complete lack of knowledge of the local social organization under which these tribes formerly lived, and in many cases still live. The case should rather be stated thus, in the past the *tindaamba* were the only chiefs known (Goody, 2007: 99).

Rattray catalogued the following functions as performed by the *tindana* of *Gambaga*:

- (a) He sacrificed to, and purified, the land after pollution.
- (b) People who wished to make new farms went to him, and he sacrificed to the land, and they obtained good crops.
- (c) When someone wished to make a new compound he went to the *tindana* who then reported to the *Na* (*Territorial Ruler*).
- (d) In the olden days, before the arrival of Europeans all cases were first reported to the *tindana*, who then went with them to the chief, where they were settled by the chief, *tindana*, and elders.

Rattray also quotes the *tindana* of *Gambaga* at the time, *Bawumia* as saying; 'in the olden days, I was something. When a *Na* died, myself, the *Boko-dana*, and the *Sadugu-dana* (officials at the *Na*'s court) used to meet and appoint the new *Naa* and drag him [when appointed] into the *Ba'yuredo* (spirit room) where he had to remain for seven days' (Rattray, 1932). Though very wide in scope, the work done by Rattray fails to discuss in detail the state of the *tindaamba* among the Dagbamba in Dagbon.

There are also both published and unpublished works, which discuss the various aspects of the role of the *tindaamba* among some ethnic groupings in the north. These include the anthropological works of Lentz (2006), Tait (1963), Goody (1971, 2007), Fortes (1940, 1945, 1987) and Tamakloe (1931), among others.

Goody (2007: 97), commenting on the functions of the *tindana* among the LoDagaa of northwest Ghana, confirmed that 'the 'owner' of the shrine (*tindana*) is the one who has to be present and lead all sacrifices to the shrine, both the regular annual performances and the specific ones that have been dictated by events, the latter

¹ Fage (1964), p. 179; Wilks, I. "The Mossi and the Akan states." in *History of West Africa*. (Longman: 1985), Vol. 1, p. 469 (eds.) Ajayi, J. F. A. , and Crowder, M. ; also see Nana James, K. B. (1997), 'The Northern Territories of the Gold Coast under British colonial rule, 1897-1956: a Study in Political Change. Graduate Department of History, University of Toronto.

² On Tait's assertion see Mannoukian, M., *Tribes of the Northern Territories of the Gold Coast*. (International African Institute: London, 1951), p. 14

resulting from divination that indicates this shrine rather than another as the cause of the mystical trouble or from an attempt to ward off such trouble when a member of the congregation of the Earth Shrine area or ‘parish’, has broken one of the prohibitions associated with the Shrine.’

On his part, Tait (1963: 35) reported that the *Konkomba* and the *Anufo* distinguished between “those who hold the people” or “elder” (*miekpie*) and “those who hold the land” or “Earth Priest” (*miefio*). The “elder” has one function and the “earth priest” has two. Of the “elder” it is said, ‘he holds the people’, *odzo benib*. Where there is no Earth Priest, the ‘elder’ may serve in his place”. But the *Konkomba* recognize two functions in the title and role of the Earth Priest: “as the form of the word shows, he is the ‘owner of the Earth’; of him it is said, ‘he holds the people, he holds the Earth too’, *o dzo benib, o dzo keleng mu*” (ibid).

Again among the *Konkomba* and the *Anufo* we see a connection similar to that of “divine right” between the Earth Priest and his Shrine. Tait says: “In another sense, *Otindana* means ‘one who was sent by the Earth’.” He or she is therefore one who stands in a special relation to the earth, and may be called on to cut the throat of a fowl or animal sacrificed to the Earth shrine (ibid). The “landowner” is also a messenger or delegate who represents the Earth in all matters concerning society’s relationship with the Earth. The office and authority of “landowner” is therefore from the Earth itself through the ancestors and it is demonstrated, validated and confirmed in sacrifice. To the *Anufo*, the shrine itself ultimately substantiates the claim to the office of Earth Priest. As they say, “the shrine knows the voice of its owner”. To snub his authority, to take land without his permission or perform the sacrifices in his stead incurs the wrath of the Earth.¹

In the past, no one in Dagbon would attempt to arrogate to himself the right and duty to offer sacrifice or to claim the office of “landowner” if he or his antecedents were not the founders of the place (Rattray, 1932: 285). Accordingly, as Cardinall alludes to, there is no place without a *tindana*, and to this day when people move into uninhabited areas in the country owing perhaps, to the poverty of soil in their own, they obtain the land from the *tindana* who is nearest to the site of the new settlement (Cardinall, 1920: 19).

The “*tindaamba* (Moshi, Dagbamba, Mamprusi, etc), *tigatu* (Kassena), *tenmyono* (Builsa), *tensoba* (Moshi), *otindaana* (Konkomba)” were, and still are, the intermediaries between the people living on the Earth and the Earth itself (ibid). Cardinall sees great significance in the ubiquitous spread of this religious “landownership” role. But apart from this divergence of dialects, there is one great thing in all these tribes found in the Northern, Upper West and Upper East regions of Ghana today. The similarity stems from the institution of the *tindaamba* and the various references made to that specific role within the ethnic groups. The Kassenas’ *Tigatu*, the Builsas’ *Tengyonya*, and the Moshis’ *Tensoba* are all names of *tindaamba*. According to Cardinall, there is a “primacy” in the office of *tindana* as relating to farming matters and day to day living and management of land matters (ibid). In all these areas of northern Ghana, the *tindana* did not only own the land, but by reason of his or her ownership was the only one who knew, and was known, by the “spirit of the land.” Wilks also made us understand that among the Wala in north-western Ghana:

It was the responsibility of the *tendaana* to ensure that the *Tendaamba* observed the norms of communal life. If they did so, the Earth-god would in turn ensure the harvest, on which the very survival of the community depended. If they did not do so, then drought, crop diseases and a host of other afflictions might result. The *tendaana* was therefore the locus of authority, that is, of *tendaanlun*, in the *teng*, though he would act in consultation with the heads of the various lineages farming the land. Ultimately, however, whether in the allocation of land, the resolution of disputes, the punishment of those who violated social mores, the marketing of any surpluses, and so forth, it was the *tendaana* who was responsible for the well-being and indeed the very reproduction of the *teng* and its people.²

There is a clear distinction between a *tindana* (the Earth Priest) and *Naa* (the chief). The *tindana* cares for religious performance of the people and land and by tradition, owns the land, and the *Naa* (chief) was in the process of evolution into what we see today in Ghana. Available historical records also testify that chiefs traditionally did not allocate land in the northern part of Ghana. Staniland quotes Blair, the most knowledgeable of British District Commissioners in the Dagbamba area, on this regard as saying:

Right of control is vested in the Yaan- Naa (Yendi Chief), for the decision of boundary dispute between chiefs, but not for the apportionment of land outside Yendi Sub-division. Similarly, sub-divisional Chiefs have no right to apportion land to persons except within their own towns...The Chief does not grant farming land to individuals. He is considered not to have any right over Farms... Tindamba or otindaan (in Konkomba) still have power over Chiefs and are feared (Staniland, 1975: 16).

¹ In some cases when the *tindana* is physically incapacitated or is dead, the functions can be delegated. For instance, the *tindana* of Tindanparabiyili in Dagbon is 92 years old which means that she is no stronger enough to perform her functions as the *tindana*. It is her younger brother who does that on her behalf.

² Wilks, I., (1989: 17), *Wa and the Wala: Islam and polity in northwestern Ghana*. Cambridge University Press, Cambridge.

Kuba confirms this point when he writes about the position of the *tindana* among the Phuo in Southwestern Burkina Faso:

Irrespective of linguistic and cultural boundaries, ideas regarding land rights are closely linked to the concept of earth-shrine territories, which are under the protection of local earth deities to whom sacrifices are made at local earth shrines. Fertility and prosperity depend to a greater extent on these sacrifices. The custodians of these shrines, earth priests, are ideally descendents of the settlement's founder, who was the first to make a pact with local earth god (Kuba, 2006: 58).

Fortes seems to have a contrary view to the point being made by Staniland. To Fortes (1940: 264), the secular powers and authority of chiefs and *tindaamba* have been radically altered by the advent of British administration. Chiefs are now the agents of the administration, exercising judicial and executing authority in its name and with its backing. *Tindaamba* have no political status under this dispensation. Clans which have no chiefs are governed by headmen calling themselves 'chiefs' and exercising the modern powers of chiefs.

Writing about the Tallensi of Northern Ghana, Nukunya (2003: 76) observes:

A *Tendaana*, the custodian of the Earth, is also primarily a religious functionary. His office is homologous with that of the na'am, but primarily oriented towards the Earth. He prospers the community by ensuring the beneficence of the Earth for it. But for the prosperity of the community at large (including Tali and Namoo) honest, mutual goodwill and cooperation on the part of the two functionaries are required. Without the blessing of the Earth, the na'am's mystical powers are void. Without rituals vested in the na'am, rainfall and fertility controlled by him cannot be guaranteed. Thus the need to enhance community interest forces the two to remain on good terms.

In his unpublished work "*The History of the Dagomba*", Blair described the *tindana* as 'the principal fetish priest.' He or she is the 'hereditary holder of the office and his or her office has duties connected with the land boundaries.' Blair however argues that this does not mean that the *tindana* owns the land. But in reality, the land belongs to the fetish and everything growing on it. This could be reason why it was unthinkable among the people to sell land.¹ However, the servant of the fetish must, as Blair put it, 'know all about the land which is the fetish's property.' The fetish priest (*tindana*) then is the intermediary between 'the fetish and his lessees', (i.e. the people who hold land over which the fetish controls). According to Blair, when there is any "extraordinary emergency", it is the *tindana* who is called upon. 'It is again the *tindana* who decides whether an immigrant may build on a certain site.' He concludes by saying that, 'it is the *tindana* who knows not only the village boundaries but the boundaries between farms.' He is in fact, "a man with whom it is well for the chief as well as the people to keep on good terms."

Traditionally, the *tindana* never actually owned the land; he or she was only its custodian. His or her duties were to lead his or her people during the annual festivities, to officiate at sacrifices to the local shrines and to pray on behalf of his or her people in times of danger and disaster. For this reason, one can say that the powers of the *tindana* were extensive even though they were based upon respect for his or her religious power rather than from fear of physical punishment (ibid).

The work of Blair covered the functions of the *tindaamba* in Dagbon but unfortunately the conclusion does not reflect the issues on the ground. In Dagbon 'ownership' of something is having an absolute authority over that thing, and the *tindaamba* in my view had that authority over the land.

Taking these analyses into consideration, one can say that, among the non-centralized societies, the *tindaamba* form the core of the political mechanism, but also among centralized communities, the Earth Priests are usually retained and operate in contrapuntal role with the chief (the *tindaamba* and the *Naa*). This cordiality was however decimated as Dagbamba tradition holds was the case in Western Dagbamba (Tamakloe, 1931). Usually however, chiefs preferred to legitimize their authority over the indigenous population by working in conjunction with the Earth Priests rather than by attempting to validate their position by removing their rivals.

5. Dagbon under Colonial rule, 1898-1957

Before the advent of colonial rule in Dagbon, the ancient kingdom was under the influence of the Asante Kingdom (Ferguson 1972, 40).² However, after the defeat of the Asante in 1874, the then *Yaan Naa* of Dagbon, Andani II (Andani *Naanigoo*) held the view that due to the fact that the British had gained control over the Asante, the rights and obligations which had been generated by his association with the rulers of Asante were automatically transferred to the British (Ferguson 1972, 41).³ However, this declaration by the *Yaan Naa* did not go down well with the Germans and the French since they also had interest in colonising the kingdom. Ferguson

¹ Hagberg, S., 'Money, rituals and the politics of belonging in land transactions in western Burkina Faso', in: Kuba and Lentz (eds.), *Land and the politics of belonging in West Africa*, 2006:99

² Formal colonial administration started in Ghana in 1850 (Rubin and Murray, 1964).

³ See also PRO, C. O. 879752 African (West) 549, P. 110, despatch by Capt. Kenney Herbert, encl., translation of a letter from *Yaan Naa* Andani, dd. 6 January, 1898

(1972, 41) indicates that, by 1892 an Anglo-German agreement had placed most of Dagbon in what was known as the 'Neutral Zone' with both parties relinquishing territorial claims in an effort to safeguard mutual interests and forestall French claims in the area. However, in early 1896, the Yaan Naa stated categorically that his kingdom was not interested in dealing with the Germans. This position taken by the overlord led to a terrible war between the Dagbamba and the Germans. This war, according to informants is termed as the battle of Adibo (or *Adibo Dal'la* in Dagbani).

During the last quarter of 1896, tension had intensified in Dagbon about a possible clash with the Germans. On 27th November, the Germans had reached Kpandai and had an encounter with the Dagbamba on November 30 at Bimbilla where nearly 1,500 Dagbamba were massacred and the town burnt down (Tamakloe 1931a, 42). But the actual battle took place at Adibo (a village about 10 kilometres south of Yendi) on Friday December 4, 1896 (Ladouceur 1979, 40; Tamakloe 1931a, 42).

According to drum historians in Dagbon, the army representing the Dagbon Kingdom was about 7,000: 2,500 gunmen, 130 horsemen and an estimated number of 4,370 archers. The German force was led by Dr. Gruner and consisted of 372 men - four Germans, ninety one African soldiers, forty-six armed carries. The battle went on for many hours with both sides suffering heavy losses. Though the Germans claimed victory for this battle, the victory could best be described as anything but absolute, because they could neither capture the Yaan Naa nor secure any territory.

In November 1899, there was another Anglo-German Agreement which formally brought an end to the idea of a 'Neutral Zone' in Dagbon. Thereafter, the kingdom was divided into Western (*Tumo*) and Eastern (*Naaya*) Dagbon, with the greater part going to the British, but Yendi itself fell under German's jurisdiction. Thus, by 1900 the British had gained control over a large section of the territory to the north of Asante (Ladouceur 1979, 40). The kingdom remained under this division until 1920 when it was formally re-united under the authority of Yaa Naa Andani II.

5.1. Colonial Land Policy in the Northern Territories

Many historians have dealt with the despotic rule of the colonial government in Africa and how that influenced the determination and definition of problems, agenda settings and the choice of policies (Hammond *et al*, 2006; Mabogunje, 1987; Platteau, 1992). It is worth noting that the exploitative objective of the concept of colonialism was the driving force behind the autocratic governance structure instituted out of which much of the initial land policies in the northern territories of the then Gold Coast emerged (Hammond *et al*, 2006). The statement made by Lord Salisbury to the UK Parliament in 1895 presents a telling example of the main objectives of the colonial administration. The former UK Prime Minister wrote:

It is our business in all these new countries to make smooth the path for British commerce, British enterprise, the application of British capital, at a time when other paths, other outlets for the commercial energies of our race are being gradually closed by the commercial principles which are gaining more and more adhesion. In a few years it will be our capital that will rule... this is a tremendous power, but it requires one condition. You must enable it to get to the country where its work is to be done.

To accomplish this end there was the need for existing indigenous institutions – that posed threat to the colonial administration – to be countermined. Therefore, upon taking over the administration of the then Northern Territories or the Protectorate, the British Colonial Administration made several legislations in the form of Ordinances which dealt with land issues in the area. Some of these ordinances included *Administration Ordinance (Northern Territories) 1902*, *Minerals Ordinance (Northern Territories) 1904*, *Land Transactions Ordinance (Northern Territories) 1926* and *Land and Native Rights Ordinance (Northern Territories) 1927*. The main objective of all these ordinances was for the colonial administration to gain absolute control over land in the Protectorate.¹

The *Administration Ordinance (Northern Territories)* which was the first enactment to be passed by the British Colonial Administration after they had gained control of the Protectorate came into effect in January 1, 1902. Section 5 (1) of the Ordinance reads: 'it shall be lawful for the Chief Commissioner or any person appointed by him with all the necessary workmen and other servants to enter upon any land required for the public service, and to set out appropriate notice, and to take so much of such land as may be required for the said service.' This notice was to be posted in the following words: 'Taken for the government'. The signatory to this notice was the Chief Commissioner or any person appointed by him for that purpose. Under the ordinance there was not going to be any compensation paid to the person or family from whom the land was taken because section 5 (5) of the ordinance stipulated: 'No compensation shall be allowed for any land so taken except for growing crops or in respect of disturbance of, or interference with any building, works or improvement on or

¹ These ordinances were passed based on false assumption on the part of the British Colonial Administration. The assumption was that, 'by accepting British Friendship, and protection in treaties which they respectively signed with the British Crown, the natives agreed to pass on title to land in Northern Ghana to the British [Daanaa, 1996, p. 44; PRAAD, NRG8/1/6 (153)]

near the land taken.’ Therefore, all lands in the Protectorate which were acquired under this ordinance became the statutory property for the colonial administration without any compensation being due. This action ‘by the government with regard to land in the Northern Territories which had no foundations in customary land practices, differed materially from that adopted in the Gold Coast Colony and Ashanti.’¹

Larbi et al. (2004, 117) indicate that the colonial administration adopted two main policy instruments for accessing land in the Gold Coast (now Ghana) - expropriation (compulsory acquisition with compensation) in the Colony and Ashanti, and appropriation (compulsory acquisition without compensation) in the Northern Protectorate (now Northern, Upper East and Upper West regions). The appropriation policy allowed the colonial regime to acquire land without compensation. Under the Northern Territories Ordinance, 1902 (Cap III) all the Lands of the Protectorate, whether occupied or not were put under the control of, and subject to the disposition of the Governor to be held and administered for the use and common benefit, direct or indirect, of the natives (Larbi 1995). The effect of this policy was to effectively nationalise all the northern lands and to give the colonial administration unfettered access to land without any compensation (Kasanga 2002).

Generally, the colonial administration ‘recognized the ownership of land and the existence of traditional boundaries and their associated territorial rights and obligations in the area.’² In 1898, Lt-Colonel H. P. Northcott, the Commissioner and Commandant of the Northern Territories noted that the Frafra district was inhabited by

A succession of tribelets entirely independent of, and in many cases antagonistic to each other, the attitude of one of these is no criterion of the feeling of its neighbour, and on moving from the territory of one that has shown a friendly disposition across the invisible boundary between it and the next clan, it is as likely as not that the latter will be met in war array and determined to provoke a conflict.³

This recognition notwithstanding, the administration claimed the right to control and dispose of land without due regard to the tradition and customs of the indigenous inhabitants.

In 1904, the *Mineral Rights Ordinance* (Northern Territories) was also passed. Under this particular enactment, the Governor and Chief Commissioner were given the mandate to grant as well as revoke any leases granted, and to also take possession of any lands which in their opinion were required for the purposes of public utility or convenience without compensation except in cases where injury was done to crops, etc (Daanaa 1996: 46).

The *Land Transactions Ordinance* which was passed in 1926 sought, among other things, to put restrictions to certain transactions relating to land in the Protectorate. For example, no individual or group of individuals was supposed to grant or lease any land without prior approval by the Governor. This enactment became operational on April 15, 1926. It stated that:

No conveyance, grant, mortgage, lease or other instrument or transaction (whether in writing or not) which shall be executed, made, or entered into, after the commencement of this ordinance, and by virtue of which any estate, right, or interest, in or with respect to any land laying within the Protectorate shall purport to be vested by a native in a non-native, shall have any legal effect whatsoever unless or until it has been approved by the Governor, or by an officer of Government duly authorised by the Governor in that behalf.⁴

This Ordinance was widely criticised across the country. A number of officers disapproved the ‘suggestions that people should be settled on empty lands and rent charged as the enhanced population of such tracts would benefit the country.’⁵ And that what was seen as unoccupied lands were actually owned by indigenous communities, and so people could only be settled on the lands with the consent of the owners.⁶

The criticism notwithstanding, Governor Guggisberg enacted the *Land and Native Rights Ordinance* (NT) in May 1927 to explain the law regarding colonial interests in land in the Protectorate. Section 3 of the Land and Native Rights Ordinance provided that: ‘the whole of the lands of the protectorate whether occupied or unoccupied at the commencement of this ordinance is hereby declared native lands.’ Section 4 of the ordinance explains the matter further:

all native lands and all rights in or over the same shall as from the commencement of this ordinance be under the control and subject to the disposition of the Governor, and shall be held and administered for the use of and common benefit, direct or indirect, of the natives, and no title to the occupation and use of any such lands shall be valid without the consent of the Governor.⁷

¹ R. B. Bening, Land Policy and Administration in Northern Ghana 1898-1976. *Transactions of the Historical Society of Ghana* (VOL. XVI, 2) New Series No. 1 Legon, January, 1995

² *Ibid.*

³ Enclosure (Enc.) in No. 80, African (West) No. 585, p. 149, CO879/58

⁴ The Land Transactions (Restriction on Operation) Ordinance (NT Ordinance No. 3 of 1926), Section 2 (1).

⁵ R. B. Bening, Land Policy and Administration in Northern Ghana 1898-1976

⁶ Enc. in OAG to L. S. Amery, 19 April 1926: “Memorandum on Land Tenure in the Gold Coast”, Passim; Cutfield “Ag CSP on LNRO”, 29 April 1926 p.1. ADM 56/1/375

⁷ The Land and Native Rights Ordinance, 1927 (NT Ordinance No.1 of 1927), Section 4. The Ordinance was enacted in May

Under the above section of the ordinance, no individual or group of individuals had the right to occupy or use any land in the Protectorate without the consent of the Governor. The Ordinance gave the Governor:

wide-ranging powers to grant titles to the occupation and use of land to natives and non-natives, to exact rents in respect of such rights of occupancy within towns and revise these at intervals of not less than twenty and three years in case of land granted for building and all other purposes respectively. Such rights of occupancy were to be for any period not exceeding ninety years and no single right of occupancy could be granted in respect of land exceeding five thousand acres without the approval of the Secretary of State for the Colonies.¹

5.2. Colonial Land Policy ‘versus’ the *Tindaamba* in Dagbon

Though all the ordinances enacted by the Colonial Administration had adverse effects on the office of the *tindaamba*, the *Land and Native Rights Ordinance 1927* seems to negatively affect the *tindaamba* more than any other. The *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’ (Bening 1995; Lentz 2010; Lund 2008). Under section 6 of this ordinance, the powers and/or functions of the *tindaamba* as care takers of, and recognized appropriators of land to individual members of their communities were threatened. In this section (section 6) it is stated that it shall be lawful for the Governor:

- a. To grant rights of occupancy to natives and to non-natives;²
- b. To exact a rent in respect of rights of occupancy so granted; and
- c. To revise rents exacted or due under this section, by increasing or reducing the same; in the case of rights of occupancy granted specifically for building purposes, at intervals of not less than twenty years and, in the case of all other rights of occupancy, at intervals of not less than three years.

Under this law moneys paid for land also went to the Governor at the expense of the *tindaamba* who hitherto, were given a token for any allocation of land made to individuals in their communities.

Among the functions of the *tindaamba* prior to colonialism was the settlement of disputes among members in their various communities. However, after the enactment of the *Native and Land Rights Ordinance* in the Northern Territories, settlement of disputes especially, with regard to land matters, was the preserved of the Governor or any officer appointed by the Governor to do so. According to section 10 (4) of the ordinance, in the event of the holder of a right of occupancy and the person desiring or using a road of access over the land which is subject to such rights of occupancy being unable to agree as to the direction or width of the road of access, or as to any matter in connection with the construction, repair or use of the road, or as to the amount of compensation to be paid...any of the parties concerned may appeal to the Governor, who may thereupon appoint an officer to determine the matters in dispute, and the decision of such officer shall be binding on all persons concerned. Under the Ordinance, the *tindaamba* in Dagbon were absolutely incapacitated because it was unlawful, without the consent of the governor, for a *tindana* (who was acting on behalf of the people) to alienate any land lying within the protectorate to anybody, particularly non-natives or new settlers from outside Dagbon.³ According to the *tindana* of Gukpegu (Tamale), after the enactment of the *Land and Native Rights Ordinance in 1927*, the *tindaamba* of Dagbon, led by their Tamale counterpart petitioned the Chief Commissioner of the Northern Territories.⁴ The Chief Commissioner of the Northern Territories then referred the matter to the Dagbon District Commissioner, Mr A. Taylor for redress.⁵

In replying the Chief Commissioner on 21st July 1948, Mr Taylor, the Dagbamba District Commissioner, cited a number of reasons why he thought the *tindaamba* should not be given any recognition when dealing with land matters. For him, if you were to ask any Dagbana the simple question, ‘who owns the land?’ he would reply

1927 but became operative on January 1, 1928.

¹ R. B. Bening, *Land Policy and Administration in Northern Ghana 1898-1976*

²The 1927 *Land and Native Rights Ordinance* defined ‘Native’ as a person whose parents were members of some tribe or tribes indigenous to the Protectorate, and any descendent of such a person, and include: a. Any person one of whose parents was a member of such tribe, and any person who shall have obtained a certificate from the Governor in the form set out in the First Schedule, which certificate the Governor is hereby authorised to grant, at his discretion, to any native of Africa who shall declare his intention of making the Protectorate his permanent domicile and who shall have satisfied the Governor that he has obtained the consent on the native communities concerned. ‘Non-native’ on the other hand, refers to any person other than a native as in the above defined. See *The Land and Native Rights Ordinance 1927*, Section 2a and 2b. For more details on the history of colonial and post-colonial land policies in northern Ghana, see Bening 1995, Der 1975, Lund 2008 and Ninsin 1989.

³ PRAAD, NRG8/1/6, p.153.

⁴ The *tindaamba*’s concern, according to the Gukpegu *tindana*, was basically to get themselves involved in the management of land in the Dagbon Kingdom.

⁵ PRAAD, NRG8/1/57.

without any hesitation, ‘The Chief’! “This is typical of the gradual divorce of ordinary life from religion, which is in history generally associated with an outworn cult”, Mr Taylor said. The argument of the Dagbamba District Commissioner was based on the fact that the invaders of the original Dagbamba first settled in Western Dagbon where they killed all except the most powerful of the *tindaamba*.¹ It follows therefore that in Western Dagbon, land tenure was vested in the chiefs and not the *tindaamba*.²

Though the Colonial Administration recognized the existence of the *tindaamba* in Dagbon, due to the original Dagbamba’s invaders policy of exterminating the *tindaamba*, the administration erroneously thought that the functions of the *tindaamba* were confined only to the fetish cult which aimed at ensuring good crops and abating evil influences. They therefore, refused to recognize the *tindaamba* as the traditional care-takers of land in Dagbon.

However, it will not be out of place to argue that because the Colonial Administration wanted to use the chiefs to implement their system of Indirect Rule in the Northern Territories, they deliberately attenuated the front of the *tindaamba* in favour of the chiefs (Noronha 1985).³ For areas where there were no known chiefs, the British Administration appointed what was then referred to as ‘warrant chiefs’ to facilitate the implementation of the Indirect Rule system in the Protectorate.⁴ As Berry (2001) indicates, ‘indirect rule did not stand or fall on the authenticity, or otherwise, of officials’ understanding of custom but involved continual reorganization, as administrators experimented with different methods of harnessing traditional authority to the cart of colonial rule’. It would be recalled that before the onset of colonialism towards the end of the nineteenth century, most of the ethnic groups in the northern territories were experiencing political upheavals following the activities of slave raiders then (Boahen 1977). This had to some extent, weakened most of the traditional institutions such as chieftaincy in the area. Therefore, to ensure the success of the indirect rule as an adjunct to its own rule, the British reconstructed the chieftaincy institution that was on the verge of collapse. This could only be effectively done if chiefly powers were strengthened. The chiefs thus commanded great influence. Meanwhile their elevated status during the colonial era placed them in the parallel opposing political power (Bretton *et al.* 1994; Noronha 1985; Rimmer 1992).⁵ Their integration in the political structure through the indirect rule cast an ambiguous light on their control over land in Dagbon. Many of the chiefs came to regard themselves as a ruling aristocracy partly because the Colonial Office did not allow sufficient cooperation between the chiefly group and the *tindaamba*, the original care-takers of land in Dagbon.

The common reasoning among the colonialists was that the powers of the chief under modern conditions could increase, but that of the *tindana* would dwindle. According to the District Commissioner of the Dagbamba District:

the *tindana*’s position is based on religious paganism and he is today fighting what is probably a losing battle. He may have little or no idea of the economic value of land which is the main concern of the Land and Native Rights Ordinance. He has not been associated with the Native Authorities; he is usually unwilling to enter into negotiations with Government. *Tindaamba* appear to keep in the background...and are convinced of the immutability of the state of affairs which they are custodians. To try to enforce a religious control of land against existing trends is rather the way to stultify development and install chaos. The *tindana*, so far as he serves a useful purpose, will continue to play his part in the system and there is nothing in my suggestions to prohibit the Native Authorities from consulting him in these matters. But his secret cult is going to become less effective in the future, I am convinced.⁶

The espousal by colonial administrators of views like these had essentially taken away the fiduciary role of the

¹ Interview conducted with Bibata, the Tindanpara of Tampion, March 21, 2010, Revealed that Na Nyagse was not able to kill the *tindana* of Tampion because of his (the Tampion *tindana*) magical powers. The oral tradition of the Dagbamba has it that all the *tindaamba* in Dagbon, with the exception of the Tampion and Tamale *tindaamba*, were killed by Na Nyagse.

² Even today, most Dagbamba still hold the view that chiefs own all the lands and not the *tindaamba*. During an interaction with some youth groups in the Tolon/Kumbungu District of the Northern Region, majority of them indicate their preference for acquiring land from the chief because for them the chief holds the land in trust for the people.

³ It is a common knowledge among the Dagbamba that though the *tindaamba* were killed by the Chiefly groups, those of them who survived were still respected by the chiefs and were allowed to perform their functions as the original care-takers of the land in Dagbon.

⁴ Almost in all parts of the Northern Territories, the colonial administration instituted Courts of oppression, the imposition of taxes known as “Lampo” and installed chiefs by warrant to control the so called ‘stateless’ people. Therefore because the British needed the chiefs to rule the various acephalous ethnic groups without chiefs in the country they took every step to support and back the actions of the chiefly groups thereby incapacitating the activities of the *tindaamba*.

⁵ Lund, 2008; In 1925, Provincial Councils of Chiefs were established in all three territories of the colony, partly to give the chiefs a colony-wide function. This move was followed in 1927 by the promulgation of the Native Administration Ordinance, which replaced an 1883 arrangement that had placed chiefs in the Gold Coast Colony under British supervision. These provisions increased the powers of the chiefs at the expense of local initiatives including the office of the *tindaamba*.

⁶ PRAAD, NRG/1/57, P. 5.

tindaamba as the original custodians of the land in Dagbon and thus stripped them of the ‘tokens’ they received as ‘land revenue’. Perhaps, what the District Commissioner for the Dagbon district did not know is the fact that, it was the general belief of the people of the northern Ghana that the land belonged to the earth god, and was in the care of the ancestral spirits of the respective *tindaamba* areas (Kuba & Lentz 2002; Kuupuo 2005). It is also important to note that at no time did the chiefs claim ownership of the land which they, in common with their people, regarded as belonging to the earth god. It was the numbers of his people that connoted the power of a chief, and not his territorial possessions (Rattray 1932). The conception that land had itself an economic value other than to provide the wants of the people was foreign to the people. Cardinall (1920), 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’. The Provincial Commissioner Captain Read also recognised the fact that 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’.¹ The conventional opinions among the indigenes of the northern territories were that ‘land belongs to the Earth God’, and that the earth priest ‘administered the land in trust for the people’. Therefore, it was just not possible for any native occupier or owner of land to be allowed by the community to sell or alienate the land. For them the land stood under the guardianship of spirits. And since land rights were ‘spiritual’ rather than ‘material’ and the ‘conception of land as property in the sense we understand it was unknown’, land could not be sold or otherwise alienated, but only ‘deputed’ to new settlers who remain responsible to the original earth priests (Lentz 2010). The Dagbamba conception of land rights finds expression, for example, in the philosophical thought of Jean-Jacques Rousseau. According to Rousseau (1755):

The first man who, having enclosed a piece of ground, bethought himself of saying "This is mine," and found people naive enough to believe him, was the true founder of civil society.² Humanity would have been spared infinite crimes, wars, homicides, murders, if only someone had ripped up the fences or filled in the ditches and said, "Do not listen to this pretender! You are eternally lost if you do not remember that the fruits of the earth are everyone's property and that the land is no-one's property!"

The British saw this ‘communal system of land holding’ as ‘an obstacle to progress’ and recommended the gradual privatization of land ownership (Phillips 1989). In 1954, the Colonial Administration set up the Tamale Land Advisory Committee to see to the effective management of land issues in the Dagbamba District of the Northern Territories. The persons, bodies and departments that constituted this committee were:

- The Gukpe-Naa or his Representative
- 2 members resident in Tamale nominated by the Yaan Naa
- 2 members nominated by the Urban Council
- The District Valuer as Secretary
- The Government Agent, Tamale as Chairman.³

The committee was a suitable body to give recommendations on applications for plots in Industrial Areas, Merchants Residential Areas and any other areas not on Crown Lands but within the jurisdiction of the Tamale Urban Council. Its recommendation represented the views of the Local Authority, the Chiefs, and the Government Agent, all of which was necessary before any application could be forwarded to Cabinet for consideration. What was conspicuously missing in the membership of the committee was the *tindaamba* or their representation. This act, according to some informants was a further step taken by the colonial administration to sideline the original caretakers of land in Dagbon in order to derive favours from the chiefs.

6. The Post-Independence Period (1957 to Present)

After Ghana had gained independence on 6th March, 1957, two of the Colonial Ordinances were repealed by the State Property and Contract Act of 1960, placing ownership of all lands in the Northern Regions in the hands of the President of the Republic of Ghana. Section 2 of the State Property and Contract Act reads: “where in any Act provision is made that property shall be controlled or conveyed or surrendered to and become vested absolutely or otherwise in, and held by the crown, that property shall be vested in the President in trust for the public service of the Republic of Ghana.” By this provision, all lands in Northern Ghana were legally seen as state property.

To consolidate government’s position on the ownership of lands in the north, there was a passage of yet another Act- the Administration of Lands Act-1962 (Act 123). In section 7 (1) of this Act it is stated: “where it appears to the President that it is in the public interest, so to do he may by executive instrument, declare any

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

² According to Rousseau, civil society is a trick perpetrated by the powerful on the weak in order to maintain their power or wealth, (*Discourse on Inequality*, 1755)

³ PRAAD, NRG8/1/119, p. 164

stool Land to be vested in him in trust and accordingly it shall be lawful for the President, on the publication of the instrument, to execute any deed or do any act as a trustee in respect of the land specified in the instrument". The Act defined stool land as: "Land controlled by any person for the benefit of the subjects or members of a stool, clan, company or community, as the case may be and all land in the Upper and Northern Regions other than land vested in the President". The two Acts, State Property and Contract Act, and the Administration of Lands Act, are not very much separated. In fact, the second is more or less the logical sequel to the first. It stands to reason that for almost 48 years (1931-1979), ownership of land in Northern Ghana was vested in authorities other than the traditional owners thereby de-escalating the powers of the *tindaamba* in the area (Daanaa 1996).

The 1979 (Art. 188) and the 1992 [Art. 257 (3)] constitutions however declared that, all lands under the control of the Government be returned to the 'original owners' (Kasanga 1996, Lund 2008). However, these laws never specified who the original owners were. This was an opportunity for various groupings and individuals to claim land rights from the government and contest an order that had developed throughout the twentieth century (Lund 2003, 2006a, 2006b, 2008). Therefore, divisional and sub-divisional chiefs in Dagbon sought, by various means to sabotage the *tindaamba* contrary to customary practice in the kingdom. It is therefore not uncommon to find village lands under the guise of land vested in the state being sold out by chiefs without any consultation with the *tindaamba*. However it is worth noting that compensation court cases in the early 1990s established that it was the earthpriests, and not the chiefs, who were the ultimate landowners (ibid).

7. Conclusions

The focus of this article has been to examine how colonial and postcolonial land policies contributed to the current 'hibernating' state of the office of the *tindaamba* in Dagbon. I have indicated that both the colonial and postcolonial authorities have pursued a number of land tenure policies in Dagbon in particular and the Northern Regions in general. All these policies were aimed at providing a specific regulatory environment to allow for Government control over all lands in the Northern Territories. This objective was more or less vigorously pursued during the Kwame Nkrumah socialist regime in the 1960s, to empower the state to acquire, maintain and/or manage land in Ghana. It was also to provide the various regimes with greater control over revenue deriving from land (Abdulai 2002, 75). Therefore, access to land has tended to be heavily lopsided in favour of those who control the government in various ways rather than to those who are in real need (Hammond et al 2006). To the extent that Government still has vested interest in monopolizing land matters in the country, there is, in every region in Ghana, a Regional Lands Commission Secretariat, which gives technical support for the implementation of the decisions of the Commissions. One of the weaknesses of the Commissions is that they are heavily influenced by politicians in the country. And until there is a wider representation in the Regional Land Commissions from the landowning groups, namely the clan leaders and the *tindaamba*, it would be difficult – if not impossible – to elicit the fullest co-operation in the formulation and implementation of land policy especially, in the Dagbon Kingdom. Again, until this pattern of skewed control of land is corrected the office of the *tindaamba* – which is an embodiment of tradition in Dagbon – will remain significantly atrophied.

It is also established that the establishment of the British administration also took away some of the sources of income of the traditional rulers such as the large court fees and fines while the government secured a good revenue from land through the provisions of the Concessions Ordinance.¹ It was even the stance of some colonial officers that:

Leaving to the chiefs their lands and the rents they will derive from them will give them a special interest in keeping their countries quiet, and will be a guarantee for their good conduct. It will assist the mining companies, for, if the lands were taken over by the Government, the chiefs would not help these companies in getting labour, and would put every obstruction in the way of their carrying on their work.²

It is also important to state that the introduction of mechanised farming in the northern part of Ghana had in a way enhanced the economic value of land. This resulted in the scramble for farm land in the area by people who had the financial ability without the consent of the traditional land owners.

Generally, the control of the *tindaamba* over the land was seriously compromised as the governments (both colonial and post-colonial) could acquire any land for official service without consulting them and without paying any compensation. The *tindana* is the hereditary holder of the office of the fetish priest, and his or her office has duties connected with the land boundaries. It is important to note that the *tindana* does not own the land as a person. But in reality, the land belongs to the fetish and everything growing on it. This could be the reason why it was unthinkable among the people to sell land. The conception that land had itself an economic value other than to provide the wants of the people was foreign to the people. The *tindana* was therefore mandated to know all about the land which is the fetish's property (Lentz 2000). The Fetish Priest then is the

¹ R. B. Bening, Land Policy and Administration in Northern Ghana 1898-1976

² No. 38A, African (West) No. 649, p. 91. CO 879/67

intermediary between the fetish and his lessees (i.e. the people who hold land over which the fetish controls). According to informant, when there was any extraordinary emergency, it was the *tindana* who was called upon. It was again the *tindana* who decided whether an immigrant may build on a certain site. However, the office of the *tindana* has been heavily undermined by colonial and post-colonial land policies in the northern part of Ghana. The role of the *tindana* in contemporary land issues is quite marginal. The influence he or she now enjoys is more apparent than real.

8. References

- Abdallah, H. I. 2012. Notes on the Islamization of Dagbon, *AfricaUpdate*, Vol. XIX, Issue 1 (winter) Central Connecticut State University 1615 Stanley Street New Britain, CT 06050
- Abdulai, S. 2002. "Land Rights, Land-Use Dynamics & Policy in Peri-Urban Tamale, Ghana." In *The Dynamics of Resource Tenure in West Africa*, edited by Camilla Toulmin et al. The International Institute for Environment and Development-IIED
- Bening, B. R. 1995. Land Policy and Administration in Northern Ghana 1898-1976. *Transactions of the Historical Society of Ghana* (VOL. XVI, 2) New Series No. 1 Legon
- Berry, S. 2001. *Chiefs Know their Boundaries. Essays on Property, Power, and the Past in Asante, 1896–1996*, Portsmouth/Oxford, Heinemann/James Currey
- Boahen, A. A. 1966. *Topics of West African History*. London: Longman
- Boahen, A. A. 1977. 'Ghana before the coming of the Europeans'. *Ghana Social Science Journal*, Vol. 4, No. 2
- Bratton, M. & De Walle, N. V. 1994. Neopatrimonial regimes and political transitions in Africa, *World Politics* 46(4): 453-489.
- Cardinall, A. W. 1920. *The Natives of the Northern Territories of the Gold Coast*, London: Routledge
- Daanaa, H. S. 1996. "Interest in Land in Northern Ghana-A Historical Review of Legal issues." In *Decentralisation, Land Tenure and Land Administration in the Northern Region of Ghana: Report on a Seminar held at Bolgatanga from Tuesday 28th to Thursday 30th May, 1996*
- Der, B. 1975. 'Colonial land policy in the Northern Territories of the Gold Coast, 1900–1957', *Universitas* 4: 127–42
- 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
- Fage, J. D. 1964. "Reflections on the Early History of the Mossi-Dagomba Group of States," in J. Vansina, R. Mauny, and L. V. Thomas (eds.), *The Historian in Tropical Africa*. London: Oxford University Press for the International African Institute.
- Ferguson, P. 1972. "Islamization in Dagbon: A Study of Alfanema of Yendi." PhD thesis University of Cambridge.
- Fortes, M., (1987), *Religion, Morality, and the Person: Essays on Tallensi Religion*. Cambridge: Cambridge University Press.
- Fortes, M. 1945. *The Dynamics of the Clanship Among the Tallensi. Being the First Part of an Analysis of the Social Structure of the Trans-Volta Tribe*. London, International African Institute/Oxford University Press.
- Fortes, M. 1940. 'The political system of the Tallensi of the Northern Territories of the Gold Coast.' in Fortes, M. and E.E. Evans-Pritchard (eds.), *African Political Systems*, London, International African Institute/Oxford University Press, Pp. 238 - 71.
- Ghana, 2001. *2000 Population and Housing Census*, Accra: Ghana Statistical Service
- Goody, J. R. 2007. *Ghana Observed, African Reconsidered*. Accra: Institute of African Studies, University of Ghana
- Goody, J. R., (1971), *Technology, Tradition and the State*. London: Oxford University Press for the International African Institute
- Goody, J. R. 1957. 'Fields of social control among the LoDagaba', *Journal of the Royal Anthropological Institute of Great Britain and Ireland* 87: 75–104
- Hagberg, S., 'Money, rituals and the politics of belonging in land transactions in western Burkina Faso', in: Kuba and Lentz (eds.), *Land and the politics of belonging in West Africa*, 2006:99
- Hammond, F. N., Antwi, A., Proverbs, D, 2006. The Political Economy of Sub-Saharan Africa Land Policies, *American Review of Political Economy*, Vol. 4, No. ½ Pp. 19-35
- Henryk, Z. 2003. 'The Sacredness of the Earth among the Konkomba of Northern Ghana', *Anthropos*
- James, K. B. 1997. *The Northern Territories of the Gold Coast under British colonial rule, 1897-1956: a Study in Political Change*. (PhD Thesis), Graduate Department of History, University of Toronto
- Kasanga, K. 2002. "Land tenure resource access and decentralisation in Ghana." In *The Dynamics of Resource Tenure in West Africa*, edited by Toulmin et al. Oxford: James Curr
- Kasanga, K. 1996. "The Role of Chiefs in Land Administration in Northern Ghana." London: Royal Institution of Chartered Surveyors ("Our Common Estate"-Programme)

- Kuba, R., (2006), 'Spiritual hierarchies and unholy alliances: Competing Earth Priests in a context of migration in Southwestern Burkina Faso', in: Kuba, R. and Lentz, C. (eds.), *Land and the politics of belonging in West Africa*. Koninklijke Brill NV, Leiden, the Netherlands.
- Kuba, R., Reikat, A., Wenzek, A. and Werthmann, K. 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
- Kuba, R., Lentz, C. 2002. Arrows and Earth Shrines: Towards a History of Dagara Expansion in Southern Burkina Faso, *The Journal of African History*, Vol. 43, No. 3 pp. 377-406
- Kuupuo, S. 2005. *Tako Daa* among the Dagara of Northwestern Ghana: A Respite Pathway *Journal of Dagaare Studies*, Vol. 5
- Larbi, W. O. 1995. *The Urban Development Process and Urban Land Policies in Ghana*, Our Common Estate Series. London: Royal Institute of Chartered Surveyors
- Larbi, W. O., Antwi, A. and Olomolaiye, P. 2004. "Compulsory land acquisition in Ghana- Policy and Praxis." Accra: Ministry of Lands and Forestry, P. O. Box M212, Ghana
- Lentz, C. 2010. Is land inalienable? Historical and current debates on land transfers in Northern Ghana, *Africa* 80 (1)
- Lentz, C. 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., (2006), *Ethnicity and the Making of History in Northern Ghana*. London: Edinburgh Press for the International African Institute
- Lentz, C. 2000. Colonial Constructions and African Initiatives: The History of Ethnicity in Northwestern Ghana, *ETHNOS*, Vol. 65:1
- Lund, C. 2008. *Local Politics and the Dynamics of Property in Africa*. New York/Cambridge: Cambridge University Press
- Lund, C. 2006a. '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
- Lund, C. 2006b. 'Twilight institutions. Public authority and local politics in Africa' *Development and Change*, Vol. 37, No. 4, Pp. 685-705
- Lund, C. 2003. "'Bawku is still volatile!": Ethno-political conflict and state recognition in Northern Ghana.' *Journal of Modern African Studies* vol. 41, no. 4.
- Mabogunje, A. L. 1989. *The Development process: A spatial perspective*. London: Unwin Hyman
- Mahama, I. 2004. *History and Traditions of Dagbon*. Published and Printed by GILLBT Printing Press. Tamale: Northern Region, Ghana
- Manoukian, M. 1951. *Tribes of the Northern Territories of the Gold Coast*. International African Institute
- Minichiello, V. et al. 1995. *In-Depth Interviewing: Principles, Techniques, Analysis*, 2nd Edition. Melbourne: Longman.
- 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.
- Noronha, R. 1985. A review of the literature on land tenure systems in sub-Saharan Africa, Vols. 43, *Washington: Research Unit of the Agriculture and Rural Development Department, World Bank*.
- Nukunya, G. K., (2003), *Tradition and Change in Ghana: An Introduction to Sociology*, (second edition), Ghana Universities Press, Accra.
- Phillips, A. 1989. *The Enigma of Colonialism: British policy in West Africa*. London: James Currey.
- Platteau, J.-P. 1992. Land Reform and Structural Adjustment in Sub-Saharan Africa: Controversies and Guidelines. *Policy Analysis Division*, FAO.
- 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.
- Pogucki, R. J. H. 1955, *Gold Coast and Land Tenure. Vol. I. A Survey of Land Tenure in Customary Law of the Protectorate of the Northern Territories*, Accra, Lands Department
- Rattray, R. S. 1932. *The Tribes of the Ashanti Hinterland. Vol. 2*. Oxford: the Clarendon Press
- Rimmer, D. 1992. *Staying Poor: Ghana's Political Economy, 1950-1990*. Oxford, New York, Seoul and Tokyo: Pergamon Press.
- Rousseau, J.-J. 1755. *A Discourse on the Origin of Inequality; Second Discourse*
- Rubin, L. and Murray, R. 1964. *The Constitution and Government of Ghana*. London: Sweet and Maxwell.
- Staniland, M., (1975), *The Lions of Dagbon: Political Change in Northern Ghana*. Cambridge: Cambridge University Press.
- Tait, D. 1963. *The Konkomba of Northern Ghana*. Oxford: African Affairs, Vol. 98, No. 392, July, 1999

- Tamakloe, E. F. 1931a. A Brief History of the Dagomba People, s.l
- Tamakloe, E. F. 1931b. "Mythical and Traditional History of Dagomba," in: Cardinall, A. W. Tales Told in Togoland, London: Oxford University Press
- Tengan, E. 1991. The Land as Being and Cosmos: The Institution of the Earth Cult among the Sisala of Northwestern Ghana, Frankfurt
- Vogt, W. P. 1999. Dictionary of Statistics and Methodology: A Non- technical Guide for the Social Sciences. London: Sage Publications.
- Wilks, I. 1985. 'The Mossi and the Akan states', in Ajayi, J. F. A. and Crowder, M. (eds.), *History of West Africa*. Longman: Vol. 1, p. 469
- Wilks, I., (1989: 17), *Wa and the Wala: Islam and polity in northwestern Ghana*. Cambridge University Press, Cambridge.

The IISTE is a pioneer in the Open-Access hosting service and academic event management. The aim of the firm is Accelerating Global Knowledge Sharing.

More information about the firm can be found on the homepage:

<http://www.iiste.org>

CALL FOR JOURNAL PAPERS

There are more than 30 peer-reviewed academic journals hosted under the hosting platform.

Prospective authors of journals can find the submission instruction on the following page: <http://www.iiste.org/journals/> All the journals articles are available online to the readers all over the world without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. Paper version of the journals is also available upon request of readers and authors.

MORE RESOURCES

Book publication information: <http://www.iiste.org/book/>

Academic conference: <http://www.iiste.org/conference/upcoming-conferences-call-for-paper/>

IISTE Knowledge Sharing Partners

EBSCO, Index Copernicus, Ulrich's Periodicals Directory, JournalTOCS, PKP Open Archives Harvester, Bielefeld Academic Search Engine, Elektronische Zeitschriftenbibliothek EZB, Open J-Gate, OCLC WorldCat, Universe Digital Library, NewJour, Google Scholar

