

“A Spiritual Heritage”:

Change and Continuity in Ancestrally Based Authority over Land in Northern Ghana

by Lauren Elizabeth Burrows

Honors Thesis

Appalachian State University

Submitted to the Department of Sustainable Development and The Honors College  
in partial fulfillment of the requirements for the degree of Bachelor of Science

August 2019

Approved by:

Rebecca Witter, Ph.D., Thesis Director

Carolyn Edy, Ph.D., Second Reader

Anatoli Ignatov, Ph.D., Faculty Research Advisor

Richard Rheingans, Ph.D., Departmental Honors Director

Jefford Vahlbusch, Ph.D., Dean, The Honors College

“A Spiritual Heritage”:  
Change and Continuity in Ancestrally Based Authority over  
Land in Northern Ghana

Lauren Elizabeth Burrows  
Appalachian State University

August 2019

## Abstract

This thesis examines change and continuity in ancestrally based authority over land in Northern Ghana. I draw from an exploratory review of literature on customary belief systems, land tenure, colonialism, land law and legislation, and the institution of the earth priests (tindaanas). I interpret my findings with reference to preliminary research conducted in Northern Ghana. Appointed by the ancestors, tindaanas have traditionally held authority over land in much of Northern Ghana. The colonial imposition of indirect rule and the ambiguities linked to changes in the postcolonial Constitution had important implications for ancestrally based authority. During the colonial period, the government “invention” and support of chiefs eroded the power of tindaana over local land decisions. The 1979 Constitution stated that all public lands previously held in trust by the Ghanaian government should be returned to their “original owners.” This change created an opening and an opportunity for tindaana, chiefs, clan heads, and landowning families to compete for reestablishing claims over ancestral land. Despite, and perhaps because of, sometimes intense and ongoing conflicts, land ownership became more negotiable in Northern Ghana as customary land tenure adapted and evolved for the continuation of ancestral authority in the present day. I argue that when tindaanas remain in positions of authority over land, they ensure a “spiritual heritage” – a shared collective legacy of intergenerational, more-than-material, and inclusive land management, preserving land in “ancestral trust” for future generations. Thus, preservation of the spiritual heritage of Northern Ghana has important implications for achieving sustainable development within the region.

*Key words: customary land tenure, ancestral authority, tindaana, spiritual heritage, sustainable development, Northern Ghana*

## Table of Contents

<b>Abstract</b>	<b>1</b>
<b>Acknowledgements</b>	<b>4</b>
<b>Chapter 1: Introduction: An Ancestral Trust</b>	<b>7</b>
Introduction to Scholarship	10
Customary Land Tenure	11
Ancestrally Based Authority	16
Area of Study: Northern Ghana	21
Methodology and Approach: Materials Reviewed	28
<b>Chapter 2: An “Eclipsing of Power”: British Colonialism and “Invention of Authority”</b>	<b>32</b>
“O dzo beniib, o dzo keteng mu”: The Traditional Authority of Tindaanas	33
The Colonial Imposition of Indirect Rule	37
<b>Chapter 3: New Struggles over Land Authority and the Return to “Tradition”</b>	<b>45</b>
The 1979 Constitution and Postcolonial Land Divestiture	47
“Sons of the Soil:” First-Comer Narratives as Oral Registries of Land Ownership	50
Chiefs vs. Tindaanas: Conflicts over Land Allocation, Authority, and Ground Rent	54
<b>Chapter 4: Conclusion: “For the Living, the Dead, and the Yet Unborn”</b>	<b>72</b>
Main Argument: A Sustainable Spiritual Heritage	78
<b>References</b>	<b>88</b>

## Acknowledgements

“There is a small bee in my writing. It is a small gift. From the ancestors. To keep my work pure.”

– *Bee*, by Nayyirah Waheed

This thesis is dedicated to the ancestors. The ones who come to you in your dreams and disrupt your life in such a powerful way that you can’t help but stop and feel their nudges for you to speak about something important for once. For context, a short story of how this thesis began:

My grandmother on my father’s side, Valerie Anne Burrows, first visited me through a powerful dream in October 2018, six years after her death. In this dream and the many that followed, in what seemed like a string of intentional, successive visitations, she provoked me to acknowledge her and all of the others who are no longer living in the physical world. Through the past year of communing with my “Nanny,” she has enthusiastically displayed to me the many beautiful ways in which our ancestors engage in the lives of their descendants. She began to appear to me often through the natural world: sending me flowers, feathers, and my personal favorite, lizards, when she wanted me to feel her presence. Sometimes I would leave a cup of her favorite tea on my bookshelf overnight, as a sort of offering when I wanted her to know that I missed her (even if it took a while for it to not feel silly.) Through the re-building of this relationship (my very own spiritual heritage,) I began to wonder how much concern the ancestors must have over the needs and preservation of the land--what Christopher Azaare Anabila (2017) calls the “home of the ancestors and gods” (137)-- if they care this much about the needs and preservation of their grandchildren. As a young adult watching my planet cry out for help in the beginning years of a climate crisis, I was instantly intrigued when my advisor and friend, Dr. Anatoli Ignatov, told me about an institution of ancestrally based land authority still thriving across the world in Ghana. I began to imagine how *cool* it would be if my own grandmother could appoint one of my family members and help guide them (with cross-realm insight) in perceptively protecting our shared “home”? What if she picked *me*? (Technically, although tindaana are typically males, she could do this, because she is the ancestress of my patrilineal lineage and her son did not have any sons of his own. Therefore, she could choose me to act as a standing tindaana until I could give birth to a son to officially take over that role... but I digress.) From that point onward, I could not stop searching for more information on the fascinating practices of tindaanas. A three-month trip to Ghana and an almost one hundred-page thesis seemed like the only plausible solution.

Therefore, I owe my Nanny for the success of this thesis; for initially extending her hand through the ether, and for all that she has revealed.

I could not recognize *my* grandmother without also thanking *all* of the ancestors who belong to other soils, climates, wars, and granddaughters. All of the ancestors – known and unknown – who welcomed me onto their lands and invited me into their most painful moments so that the hurt I felt would blossom some kind of useful arrangement of letters. It had to. This thesis is also

dedicated to the land, which has been beaten, neglected, hated, and harmed by those She only offered life to. With Her voice shaking, Mama Earth still beckons us to return to Her. Despite all of the torture, she asks us to keep fighting for Her because she says she will always have more to give to her children. So this piece of writing is my little fight. Most importantly, this thesis is dedicated to all of the indigenous people in the world who lost ancestral land to those claiming soil that was not theirs to take. Righteous anger is sometimes necessary.

I offer the highest thanks to Dr. Rebecca Witter, Dr. Anatoli Ignatov, and Dr. Carolyn Edy, my incredible thesis committee. It has been an honor to work alongside such inspiring and transformative humans throughout this process. Dr. Witter and Dr. Ignatov have both given such immense contributions of their own to the literature on ancestral land in Africa, and I am now hyper-aware of my luck to have worked under experts in this field. Dr. Witter helped me visualize the real impact of my subject and pushed me to uncover what was most important to me that I needed to express within my argument. She diligently supported me while I was abroad, making international calls and sending suggestions for improvement religiously. Her encouragement and empathy, shared brainstorming, provocative inquiries, and attention to detail was crucial for the development and completion of this thesis. Dr. Ignatov supplied me with a mountain of literature to prepare myself to truly understand the intricate institution of the tindaana, and carefully helped me in navigating it-- always there to answer questions (or give another question as an answer!) As two of my first sustainable development professors, I had always admired Dr. Witter and Dr. Anatoli's engagements with the deeper meanings of sustainability that were connected to beliefs and livelihoods of real people. Therefore, I mimicked them to embody these deeper meanings within my own work. I truly would not have gotten through the past eight months of thesis development without the incredible guidance of these two professors who became mentors. I am also extremely thankful to Dr. Edy, who helped me narrow my topic, keep things as concise as possible (I am wordy by nature), and reorganize when I lost my structure among way too many jumbled ideas! Her insight to the technical aspects of writing helped me to create a more respectable finished piece, and her incredible contributions to journalism inspired me to use my voice to speak for those who have been silenced.

I would also like to thank Jawad Dandaawa Mustapha, my translator and closest friend during my time in Ghana, and the sunsets in Tamale which inspired me to endure through the sometimes overwhelming days of thesis writing. Thank you to my outstanding informants: Alhassan Ya Kobu, Simon Agongo, Fusheini Yakubu, Mohammad Abdullai, Christopher Azaare, and Timothy Baba, who welcomed me into their homes and patiently shared with me the details of their most sacred heritages. I would like to thank Sangoma Oludoye, who gracefully advised me to answer my grandmother's call back in October 2018-- "with you the veil is thin." I am thankful for my friends and family, who so openly supported me in moments of frustration and reminded me that this thesis would come from my heart in the end so worrying was not necessary.

I express my deepest gratitude to Appalachian State University and the Sustainable Development Department. The faculty and students within this department are some of the most revolutionary folks I have ever met. I will never see the constant support I have found within my classes, in the offices of my professors, and among the best friends I have made (shout out to my "soul pod,")

as something small. Thanks for helping me be big. I am also thankful for the Goodnight Brothers Sustainable Development Engagement Grant, the ASU Honors College, the ASU Institutional Review Board, and the University for Development Studies in Tamale, Northern Ghana, which have all had a role to play in my first exploration of international independent research!

From conceptions and meditations of this thesis birthed deep within forests of the Blue Ridge, to pounding *fufu* while editing drafts in the rural village of Tadieso, to belly-laughing with a *tindaana* while he translated to one of his wives that the *obroni* asked to touch his ritual goat tail, navigating this thesis has been one of my most fulfilling endeavors as a (perpetual) learner during my undergraduate career. I pray that this thesis can be used as a tool in the fight for sustaining spiritual heritages not only in Northern Ghana, but everywhere that they remain upon this big green planet.

N'pagya! // Thank you.

-- Lauren E. Burrows Hefner Baker Settlemyer Carswell Hoffman et alia // Zangtiwuni // Abénaa  
27 August 2019

## Chapter 1: Introduction: “An Ancestral Trust”

I sat with Mohammad Abdullai, a historian who holds the rememberings of Lahagu village, under the shade of the *Dawadawa* tree. The thin, sparse clouds moved slowly across the mid-morning sky and the tree harbored us from the late July sun. Abdullai, wearing a red “Aloe vera King” T-shirt, squinted toward a rusted tin shed behind us on the corner of the tindaana’s family property in Northern Ghana. The shed rattled with commotion. After a whistle and a sharp yell, a dozen sheep and goats ran out of the structure onto the parched red clay, fumbling over each other’s knees and sending up clouds of dust in their wake. The man recentered his gaze, took a deep breath, and recited to me the story of Lahagu’s ancestors. “They [the ancestors and first settlers] came here, and they went into the bush, and that is where they met the [earth] shrine. The gods made it for us and prepared this place. Now this is where we will stay. The tindanna [earth priest] here still visits the shrine to cry out to them” (Interview with Tindaana Alhassan Ya Kobu and Historian Mohammad Abdullai. Lahagu, Ghana. July 31, 2019).

This short story about Lahagu’s first settlers meeting an earth shrine prepared by the gods (and ancestors) in an uninhabited bush is emblematic of narrations told across Northern Ghana of the establishment of communities *and* traditional authority (Kuba and Lentz 2002). These are stories about a sense of belonging passed down through generations, about the inclusivity of tenure regimes, and about the “more-than-material” meanings of land. In other words, land has important geophysical properties but it also constitutes a relationship between people through time. Moreover, Abdullai’s recitation, among other settler narratives, illustrates how many

present-day Ghanaians continue to recognize ancestral land and ancestrally based authority. In Northern Ghana, land endures as a material and spiritual heritage.

In this thesis, I examine change and continuity in ancestrally based authority over land in Northern Ghana. I focus on two specific drivers of change and the ways these shaped the particular institution of tindaanas. Tindaanas, or earth priests, are “traditional” authorities of land that manage the land spiritually and ritually in trust for future generations (Kirby 2006; Ignatov 2019; Anabila 2017). When I use the term “traditional” in this thesis, I do so cautiously and critically. This is because the term has connotations of staticity, however, customary land tenure is intergenerational and continually changes through time and space (Hobsbawm and Ranger 2017). Nonetheless, there are a collection of practices rooted in belief systems and cosmovisions of Northern Ghana that are unique to their locality and have persisted and reconfigured themselves since time immemorial (Millar 2006). When I use the term “tradition” within this thesis, I am not referring to how things used to be, but rather how things have been and continue to be, adapting and reconfiguring themselves along the way.

The first driver of change I examine unfolded during the colonial period when British administrators “introduced” chiefs, meaning they interfered with local, emic institutions of governance and assigned authority to people who could extend colonial ideologies, goals, and practices to Ghanaian communities (Hobsbawm and Ranger 2017). Thus, these appointed chiefs created a bridge (between colonial subjects and British administration) for easier execution of colonial plans (ibid.). As a result, during the ninety years between 1867-1957 that the British colonized Ghana, the traditional institutions of land, including tindaanas, eroded (Tonah 2008).

The second instance of change followed Ghana's independence in 1957 when the newly elected democratic government introduced changes to the 1979 Constitution detailing the return of lands previously held by the government to "original owners" (under the presumption that these were widely known and uniformly recognized) (Lund 2008). The ambiguity of the Constitution allowed tindaanas, chiefs, clan heads, and landowners to all vie for exclusive ownership over these returned ancestral lands (Lentz 2013). Postcolonial changes that arose following the 1979 Constitution contributed to increased competition and conflict concerning ancestrally based authority that extends to present-day Ghana.

Yet, in the face of these and other impositions, according to Kasanga and Kotey (2001), 80-90 percent of land in Ghana is still held customarily today (13). Moreover, tindaanas have managed to continue and, in some cases, to strengthen, their authority over land (Juul and Lund 2002). How did this happen? How did institutions of ancestrally based authority endure these changes in colonial and postcolonial land tenure?

In this thesis, I answer this question through an exploratory review of the literature informed by interviews from independent research across the three regions of Northern Ghana (Northern, Upper East, and Upper West.) I focus in particular on the spiritual dimensions of ancestral authority, which have been largely neglected in the literature. The main argument I develop in the thesis pertains to the adaptability and endurance of customary land tenure in the face of substantive threats. That adaptability has ensured a legacy of spiritual relations to land in Northern Ghana that has important potential implications for the protection and maintenance of environment and culture.

I draw inspiration for my argument, and for the title of this thesis, from J.B. Danquah, one of Ghana's pan-Africanist founding fathers, who described land in terms of "spiritual heritage" and argued that selling it was a betrayal of "ancestral trust":

"An absolute sale of land was... not simply a question of alienating realty; notoriously it was a case of selling a spiritual heritage for a mess of pottage, a veritable betrayal of ancestral trust, an undoing of posterity" (Danquah 1928, cited in Asante 1965: 860).

Danquah expressed his concerns about the commercialization and alienation of ancestral land in Ghana by explaining the grievous offenses that take place when traditional land authority marginalize the spiritual dimensions of land. He mourned the "undoing of posterity" that occurs when landowners submit to neoliberal provocations, disregarding a precious, more-than-material legacy for a fleeting "mess of pottage." This observation, made by Danquah almost a century ago, stands as a precursor, anticipating contemporary struggles in exploitation of land, environmental degradation, and land grabbing for exogenous development (discussed in the conclusion) that ancestrally based authority face today concerning rights, access, and ownership over ancestral land (Lund 2008).

### *Introduction to Scholarship*

In many respects, this thesis is a study of people and institutions, defined here as the rules, norms, and practices that shape how people think about land and people's rights to it. Two concepts emerge as foundational: customary land tenure and ancestrally based authority, terms that I introduce next.

*Customary Land Tenure*

John Bruce (1998) defined land tenure as “the right to hold land, rather than the simple fact of holding land” (1). He differentiated between “formal” and “informal” tenure-- As opposed to formal or “statutory” tenure, which is recognized by law and typically counted, described, and recorded by land administrators, informal or “customary” tenure is comprised by rules, norms, and relations that may or may not be recorded in the government recognized cadastre, but that endure as collections of endogenous (local or indigenous) practices often passed down through generations (Bruce 1998). Colonial (later “Eurocentric”) conceptions of land tenure, which critical development scholars point out is now presumed to be the globally dominant manner of understanding land, differ from customary tenure regimes in at least three important ways. First, Eurocentric land conceptions tend to be exclusive, where specific rules and norms benefit some and disenfranchise others who do not have the same (typically financial) means of access (Shipton 1994). This relates to the idea that land is a resource and/or commodity that can be privately owned, bought and sold. Second and related, conventional Eurocentric conceptions of land tend to prioritize the material and economic attributes of land at the expense of the spiritual and relational attributes (Richards 1985; Witter and Satterfield 2014). Third, Eurocentric land conceptions tend to hinge on exploitation, utilizing land as a resource and for its “resources” while depleting long-term natural and ecological attributes and services for short-term profit (Richards 1985). By contrast, land tenure in Northern Ghana is intergenerational, more-than-material, and inclusive.

First, customary land tenure is intergenerational because it is focused on the long-term preservation of ancestral land both for use by future generations and in honor of those who have

already lived. Second, customary land tenure is more-than-material because the spiritual, social, relational, and political dimensions of land and land authority are as important as the geophysical dimensions (Berry 1993). Recognition of these different dimensions allow community members to feel a “sense of belonging” when they have access to or own their ancestral land (Shipton 2009). Third, customary land tenure is inclusive because traditionally it was held communally for those who were in need of it, and today can still be negotiated by those desiring access to it (Millar 2006). I do wish to note that customary land tenure could be *more* inclusive toward women and migrants, who often have greater difficulty acquiring land in Northern Ghana (Ubink and Amanor 2008).

Bruce (1998) goes on to explain that there are a plethora of different rights that make up a tenure system, and that property can be explained as a “bundle of rights,” with one person holding certain rights toward a piece of land and another holding others, with the ability to gain or lose rights depending on the circumstances of the particular situation (1). Juul and Lund (2002) say that these property rights are “regularized and readjusted in the ongoing reconstruction and transformation of social relations” (5). Therefore, customary land tenure is rooted in belief systems, needs and desires of the community, and relationships that evolve through time. Ancestral land can be customarily accessed through acquiring different types of rights toward that land (Bruce 1998).

In Northern Ghana, people customarily acquire land through patrilineal descent systems, meaning that land is inherited through the males in a family line (Kasanga and Kotey 2001). Some of the customary rules concerning land claim that land cannot be owned by those whose ancestors did not come from it, and that it must not be sold, as well as the resources upon it

(Anabila 2017). When land is sold for cash outside of traditional institutions, it is thought to compromise the desires of the ancestors (Anabila 2017). These unwritten laws, which regulate access and negotiation of resources, but do not allow sales, are grounded in the history and spirituality of the people in Northern Ghana (Millar 1999). Access to land typically comes from good relationships with those who have the authority to share that land: specifically, kinship/marriage, descent, and close social relationships made with a descendant of the lineage which first settled in that area (NHCLRC 2009). Therefore, having strong social relationships allows for more opportunities of access to land, giving a sense of security to those in the community (Ubink and Amanor 2008). Kasanga resonates with the security offered by customary tenure in Ghana as follows:

“Ghanaian customary tenure systems are therefore a source of social security and continuity. The full enjoyment of the fruits of one's labor and efforts are guaranteed, and in regards to land, no man is big or small in his own village or town” (Kasanga cited in Ubink and Amanor 2008, 55).

Ollennu (1985) noted that customary land can be vested in more than one person at a time, and different rights or titles given to each of those individuals (NHCLRC 2009). Some of the rights within Northern Ghanaian customary land tenure are allodial, usufruct, and leasehold rights. The National House of Chiefs and Law Reform Commission (NHCLRC) (2009), says that allodial rights denote the right over the property in its entirety. This is an absolute ownership over land and the “highest quantum of interest or title that can be held and it can not be extinguished or terminated” (NHCLRC 2009, 8). All other rights to land in the community will be derived from the allodial right (NHCLRC 2009, 8). Customary authorities such as *tindaana* and chiefs hold the allodial title to the land, in trust for all community members to whom the land belongs (NHCLRC 2009). David Millar (1999) and Carola Lentz (2013) both explain that

Northern Ghanaian belief systems specify tindaanas as the ancestrally appointed authorities who hold the allodial title in place of the Earth god, who is always the highest allodial owner over the land. Because of this understanding of the Earth god's allodial land sovereignty, it is said that "there is no unowned land in Ghana" (NHCLRC 2009, 10).

Usufructuary rights are the rights to occupy, till, or use in other capacities a certain portion of owned lands, "and to appropriate the fruits of such user" (NHCLRC 2009, 5). A usufructuary arrangement does not in any way negate the allodial right of the landholder, it simply allows others to make use of the land without owning it (NHCLRC 2009). However, usufructs can stand as significant constraints toward allodial interests in the long-term because they are inheritable and perpetual (NHCLRC 2009). The National House of Chiefs Law Reform Commission (2009) says that leases of land are "a comparatively recent feature of customary law, although they are becoming popular" (114). A leasehold, as defined by Bruce (1998), is an agreement where "land is rented by someone other than the owner for a specific period" (1). "Ground rent" will be collected by the traditional authority who is leasing the land either once a month or annually (NHCLRC 2009, 114). In Chapter Three of this thesis, I interpret several situations from Christian Lund's (2008) book, "Local Politics and the Dynamics of Property in Africa," where traditional authority signed off on leaseholds as a means to gain greater political power and wealth over the land (through the accumulation of this ground rent.) In some situations, traditional authorities approved several overlapping leases to the same piece of land at the same time, which exacerbated land conflicts solely out of their own financial interests (Lund 2008).

Traditionally, land was held communally and not sold for money (Shipton 1994). The Dagaara in Northern Ghana have a saying: “*nyirgegene yelke song-zel ni kpeng,*” meaning, “joint effort is better than individual” (Millar 2006, 61). Communal land access in customary tenure systems was based on the ethic of “fairness in flexibility” (Shipton 1994, 4). As described by Shipton (1994), “access to land should go to those who need and can use it, and no one should starve for special want of it, at least not within a group whose members consider themselves the same people” (4). Thus, those who need the land should theoretically have access to it. However, Lentz (2013) warns against romanticizing precolonial customary land tenure: saying that land sales still happened, and ownership was held often by those with great wealth and political power, marginalizing and disenfranchising many people even within these customary systems (Lentz 2013). Customary land tenure was so negotiable and social that it had the ability to include or exclude anyone based on personal preference of the traditional authority (Lentz 2013). It was also contested and interpreted differently by whoever one spoke to at the time, and this made security of land ownership more obscure (Berry 1993). As Carol Rose coined it, “property is persuasion,” and in highly decentralized stateless societies, those without more eager methods of persuasion could be left without the option of owning land, even though the land was meant to belong to the entire community and not individuals (Lentz 2013, 5). In Northern Ghana, ancestrally based authority are responsible for dictating ownership and access rights to land, while also ensuring land is kept properly and not sold or given away frivolously (Anabila 2017).

Throughout this thesis, I reference the two terms “ownership” and “authority.” These terms seem interchangeable, however in the context of this thesis they have different meanings. When I speak of ownership, I mean the ability to access and use land once it is acquired from a

legitimate authority. When I speak of authority, I mean the institution with decision-making control over the land and assignment of rights toward it. Lund (2008) argues that recognition of ownership rights are contingent upon recognition of the specified land authority (14). Rights to ownership can only be acquired if the institution in charge of designating and assigning those rights is viewed as legitimate (Juul and Lund 2002, 14). Therefore, customary land struggles arise from the twofold perceptions of who is authorized to make decisions and what access to land looks like at any given moment (Juul and Lund 2002, 11). Acceptance toward an institution's authority and the rules and norms of ownership which they stipulate is always changing, with different traditional authority vying for control and different rights being modified, re-established, and "nested within each other" according to the situation (Lund 2008, 66). Now that I have explained customary land tenure, the second key concept to understand within this thesis is the idea of ancestrally based authority.

### *Ancestrally Based Authority*

Ancestrally based authority is an institution of land authority rooted in Northern Ghanaian cosmovision (Millar 1999). David Millar (1999) defines cosmovisions as socially constructed and reconstructed understandings of how the world works and why it matters. Cosmovisions connect the spiritual and material worlds and their relationships with humans, and offer explanations for supernatural involvement in natural phenomena (Millar 1999). Thus, cosmovisions explain why natural processes (such as rain, harvest times, and reproduction, as well as disasters like storms and land infertility) occur (Millar 1999). They explain the roles humans have in promoting or preventing these natural processes by dictating a hierarchy of

authority relations which must be followed to access the ancestors. Millar's (1999, 4) diagram of "Cosmvision in Northern Ghana" (see Image 1) illustrates a hierarchical ordering of G/gods and spirits useful for understanding ancestrally based authority.

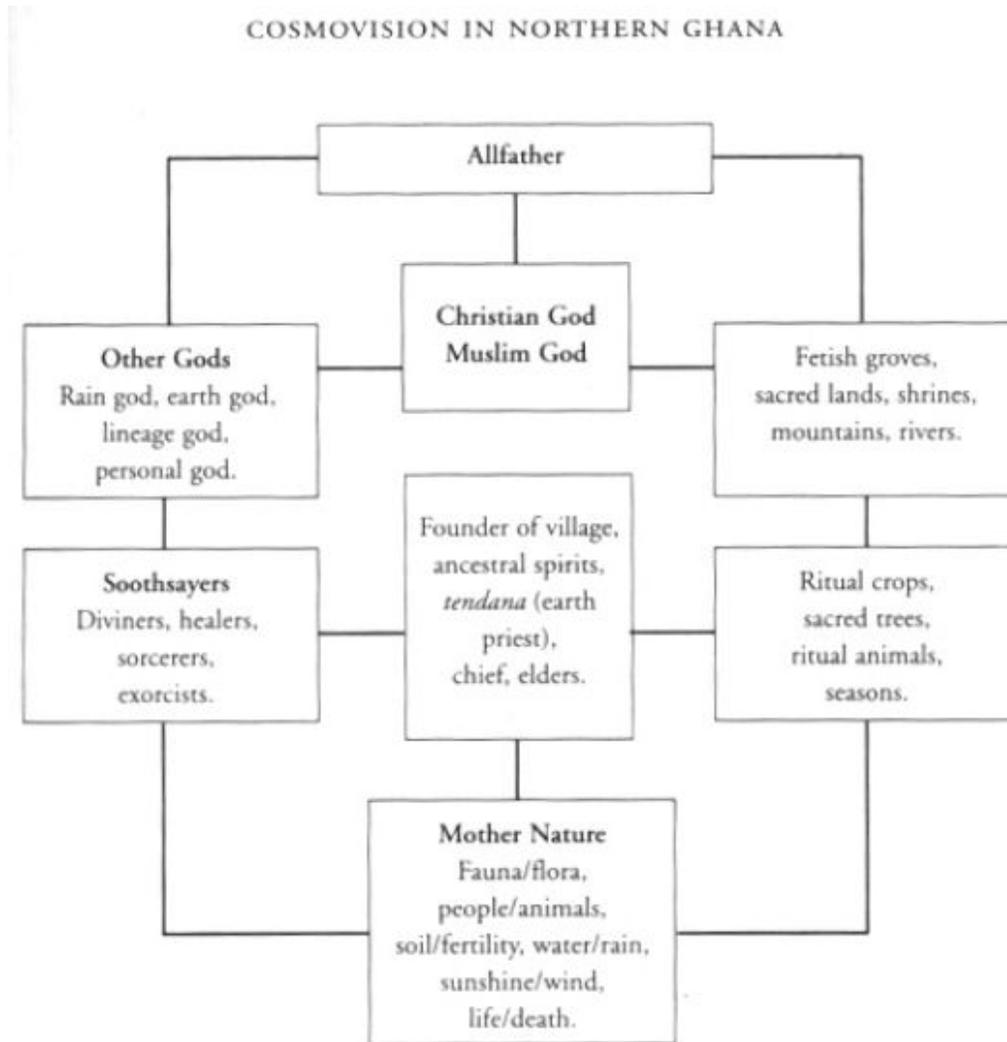


Image 1: Cosmvision in Northern Ghana Hierarchy (Millar 1999, 4).

Starting from the top of Image 1, AllFather refers to the overarching divine authority over all other living (and nonliving) things. Under the AllFather are the Christian and Muslim Gods and Other gods. Other gods, sometimes referred to as "smaller gods" (Millar 1999, 156) include,

for example, Rain god, Earth god (which I reference as the allodial title holder over land in Northern Ghana within this thesis), Lineage god, and Personal god – each with different tasks in society in relation to the living (Millar 1999). While these are all under the jurisdiction of the AllFather, the AllFather can present himself in through these other gods as well (ibid.). For example, among the Talensi in the Tongo village in Northern Ghana, the majority of families have a personal god to which they make appeals to, and the AllFather may choose to speak to the ancestors in order to relay a message to the elders of that family (Millar 1999). Positioned below Other Gods are “soothsayers” (diviners, healers, sorcerers, and exorcists) as well as customary leaders. Such leaders include founders of the village, ancestral spirits, chiefs, elders, and tindaanas. These leaders – living and dead – can make special appeal to specific gods (Millar 1999). Tindaanas, for example, have direct relationships with the Earth gods because their ancestors were the first settlers on the land and met (or constructed) the community’s earth shrine (Lentz 2013).

The ancestors, referred to in the diagrams as “ancestral spirits,” are the deceased fathers and grandfathers, mothers and grandmothers of the living, and in particular those deceased family members or leaders who maintain ties to and status among the living (Millar 1999; Kopytoff 1971). Ancestors are direct connections to the spiritual realm, as well as to other living human beings, their family and social kin, and to the natural world. The ancestors observe and may work in the interests of the living (as well as in favor of themselves,) especially if they are treated well by the living (McCall 1995). Treating the ancestors well means consulting them regularly through diviners, soothsayers, tindaana, or elders in the community who know how to speak into the spiritual realm. If the ancestors are not treated well, such as not being given proper

burials or blood being spilt on the land and not purified, they can bring vengeance to the living through failed farming seasons, droughts and other natural disasters, or even deaths of community members (Kirby 2006). Communication with the ancestors can take place in sacred groves and shrines where the other gods and ancestors who hold authority over these are thought to inhabit (Millar 1999). Ritual crops, animals, and sacred trees can be used in these rituals as sacrifices to the gods, and rituals take place during certain seasons where it is most appropriate spiritually (ibid.).

The ancestors are pleased when community members adhere to tradition (Millar 2006). David Millar (2006) explains that the Dagaaba term “*saakumnu*,” from the Northern region, (and “*nyaaba itigo*” in Gurunne, in the Upper East region,) means “ancestorship,” and refers to the ways by which the ancestors related to the world around them while alive (Millar 2006, 55). This includes ideas on fertility, agriculture, sacrifice, etc., which have variously persisted over multiple generations up until the present day (Millar 2006, 56). Kwame Gyekye (1996) interpreted “*saakumnu*” (although in the context of the Akan people in Southern Ghana) in terms of “tradition,” which I in turn interpret as an affirmation that tradition was originally sourced from the actions of the ancestors, and that current relations to land in Northern Ghana must acknowledge how the ancestors took care of the land traditionally (Gyekye 1996).

Traditionally, *tindaana* have been the ancestrally based authority over land (Millar 1999). This is because the cosmivision of Northern Ghana dictates them as the mediators between the ancestors and gods of the land, and over time have been supported through the traditional belief that they are trustees who hold the land in place of the ancestral spirits and Earth god (Millar 1999; NHCLRC 2009). Other trustees include chiefs, clan heads, and landowning families in

customary land systems throughout Ghana (Ubink and Amanor 2008). Although these different trustees (other than the tindaana) are not the focus of this thesis, it is imperative to know going forward that tindaanas work alongside and among them in navigating land control within Northern Ghana (MacGaffey 2013). In areas within Northern Ghana that traditionally utilized tindaana, Ignatov (2019) states that the concept of “property” is formed by a web of relations between the tindaana, the earth shrine (the physical landmark of first settlement where the tindaana communes with the gods and ancestors), and the specific land on which the shrine has been established.

The tindaana is responsible for conducting rituals for the land at earth shrines to appease the ancestors for the goodwill of the community and preserve the land for future generations (Millar 1999). According to Nana Sir Ofori Atta I, former King of Akyem Abuakwa, an influential kingdom of the Gold Coast colony, “land belongs to a vast family of whom many are dead, few are living, and countless host are still unborn” (Asante 1965, 852). Asante (1965) defines this concept toward land as an ancestral trust. Ancestral trusts are crucial as they ensure the continuation of spiritual land relations in Northern Ghana. The tindaana protects what Asante (1965) calls the “most valuable heritage of the whole community” (its land) and continues tradition over time by bridging the gap between the spiritual and natural worlds, connecting the ancestors to the land and to the people (Asante 1965, 852). If a traditional authority breaks an ancestral trust, it is customarily believed that the authority responsible will die from ancestral retribution (Ignatov 2019). If the chief or tindaana does not perform the necessary rituals and roles for the preservation of the land, “the procedure of accountability is death,” by ancestors, gods, and the tindaana (Ignatov 2019, 23). Ancestrally based authority continue the spiritual

legacies of land by deriving their control and legitimacy from the will of the ancestors and the sacred hierarchy of Northern Ghanaian cosmovision (Millar 1999).

*Area of Study: Northern Ghana*

I chose Northern Ghana as my area of research for several reasons, not least because I had the opportunity to study abroad in Tamale, in the Northern region, during May-July 2019. However, I also chose to focus on Northern Ghana because in many ways its customary systems and ancestral land struggles are representative of larger Sub-Saharan Africa, which Lund (2008) argues. Moreover, Northern Ghana provides an opportunity to explore, analyze, and interpret a unique ancestrally based land authority through its *tindaana* institution.

The British, one of the most extensive colonial powers in Africa, colonized Ghana in 1867 and called it the Gold Coast (Bening 1995). The Gold Coast was divided into three political entities: the Gold Coast Colony, the Colony of Ashanti, and the Protectorate of the Northern Territories of the Gold Coast (Bening 1995). The Northern Territories was home to many mobile groups spread over expansive open land, and over time the British colonial administration codified and assigned “tribes” among them in an effort to “other” each tribe from the other (Lund and Nugent 2000). Lund and Nugent (2000) explain the colonial methods of assigning tribes to indigenous Northern Ghanaians:

“By contrast with the experience of the Gold Coast and Ashanti, 'tribe' became an all-pervasive category... which dealt with the peripheries and with the stateless societies of the Northern Territories... On his missions to the 'Hinterland of the Gold Coast' in 1892 and 1894, the Fanti representative of the British Crown, George Ekem Ferguson, distinguished between 'countries with organised government' -- such as Wa, Dagomba, Gonja and Mamprusi -- and 'wild tribes, naked living in independent family communities', among whom Ferguson counted the Lobi, Grunshi, Isale, Dagarti, Kusasi and others” (Lund and Nugent 2000) (See Image 2).

Carola Lentz and Paul Nugent (2000) have argued similarly that during the colonial period, there was an “invention of tribes” where the British demarcated and assigned, but they argue was also proliferated through the self interest of powerful African actors (5). Once the colonial administration specified permanent mono-ethnic labels upon each individual mobile African who once belonged to several groups at one time, Lentz and Nugent (2000) argued that indirect rule was then used as a tool for chiefs to rule over their “tribes” according to the specified “native laws and customs” (345).



Figure 1.2 Tribes in Ghana  
Source: 1960 Population Census of Ghana, Special Report E.

Image 2: Map of Tribes in Ghana (1960 Population Census of Ghana, Special Report E., cited in Lentz and Nugent 2000, 11).

The colonial government had complete control over lands within the Northern Territories, unlike in the South of the Gold Coast where the British allowed traditional authority to make land claims consistent with their customary tenure (Bening 1995). Because Northern Territories land was held by the government, the Secretary of State said in 1922 that “no special formalities”

needed to be taken when the colonial government wanted to acquire ancestral land from communities (Bening 1995, 236). The colonial administration argued that this was due to the “surplus of unoccupied land available” in the Northern Territories (ibid.). Act 123 of the 1962 Administration of Lands Act claimed that “land can be vested in the President in trust where it is deemed expedient to do so in the public interest” (Bening 1995, 251). The Mineral Rights Ordinance of 1904 also appropriated all mineral rights in Northern Ghana to the control of the colonial government (Asante 1965; Bening 1995). The Northern Territories were comprised of both centralized and decentralized localities, meaning areas with organized governmental structures (centralized) and those that were acephalous (decentralized) (Lund 2008). Chiefs were the primary traditional authority in centralized areas and tindaana were the primary traditional authority in decentralized areas (Asante 1965). Clan heads could also act as traditional authority, such as in Bui that Steve Tonah’s (2008) work references in Chapter Two. Because the Northern Territories had more decentralized areas than in the South, their land tenure was more complicated, acclimated to two different yet intertwined systems (Bening 1995). The British administration introduced chieftaincy to the decentralized states in Northern Ghana (Tallensi, Frafra, Nabdam, Kusasi, Builsa, Bimoba and parts of Konkomba) during the colonial period of indirect rule, and strengthened chiefly authority in already centralized states (Kasanga and Kotey 2001).

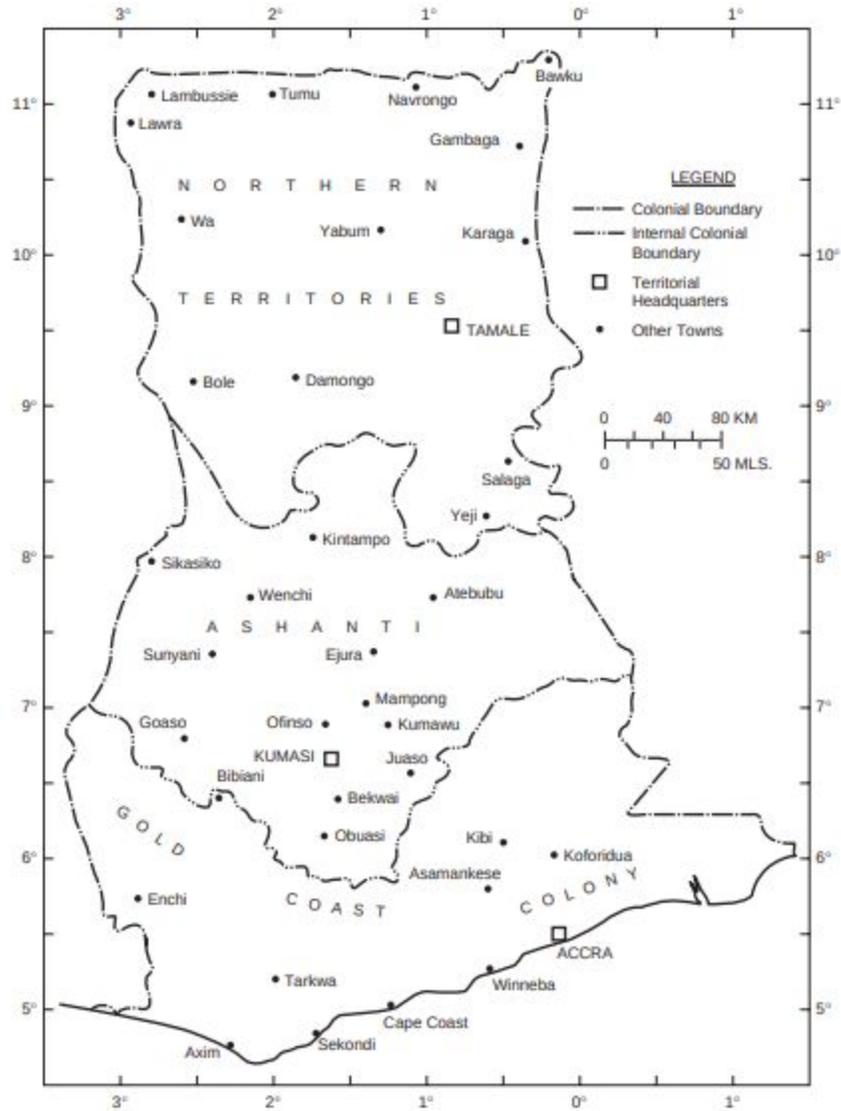
Throughout ninety years of colonization, which ended with Ghana’s independence from the British in 1957, there were a plurality of land systems, ranging from statutory to customary tenures (Kasanga and Kotey 2001). The resulting legal pluralism could at times be complicated and confusing to navigate when the state intervened among the practices of customary tenure

(Asante 1965). Despite this plurality, Kasanga and Kotey (2001) note that customary land tenure systems “still reign supreme in the North (of Ghana) and remain very strong in the South” (iii-iv). Asante (1965) claims that the overarching continuation and success of customary tenure is a representative trend across the African continent.

Northern Ghana has seen intense land struggles in both the colonial and postcolonial periods, but particularly distinct were the conflicts that erupted in 1979, when the Constitution of Ghana decreed that all land previously held in government trust would be returned to its “original owners” (Lund 2008). Written ambiguously by nonspecific and potentially ignorant lawmakers, confusion stirred as different institutions of authority, such as chiefs, tindaana, and landowning families, all reached for the opportunity to regain rights over specified tracts of land (Lund 2008). Particular traditional authorities could not be designated easily because of the legal plurality that now resided over land tenure-- statutory systems often regarded chiefs or written titleholders as the owners of the land, whereas customary systems recognized a handful of different institutions as potential traditional authority, tindaanas among these (Lund 2008). Contestations between potential authority figures to whom the land cited in the 1979 Constitution should be “returned” led some to gain exclusive ownership, others to see loss of rights over ancestral land, and gave others still the chance to revitalize their institutions which may have been eroded, such as the tindaana who had been sidelined by chiefs during colonial indirect rule (Lentz 2013). This specific situation in Northern Ghana’s history makes it a helpful case study for how to manage ancestral land in the face of sociopolitical challenges.

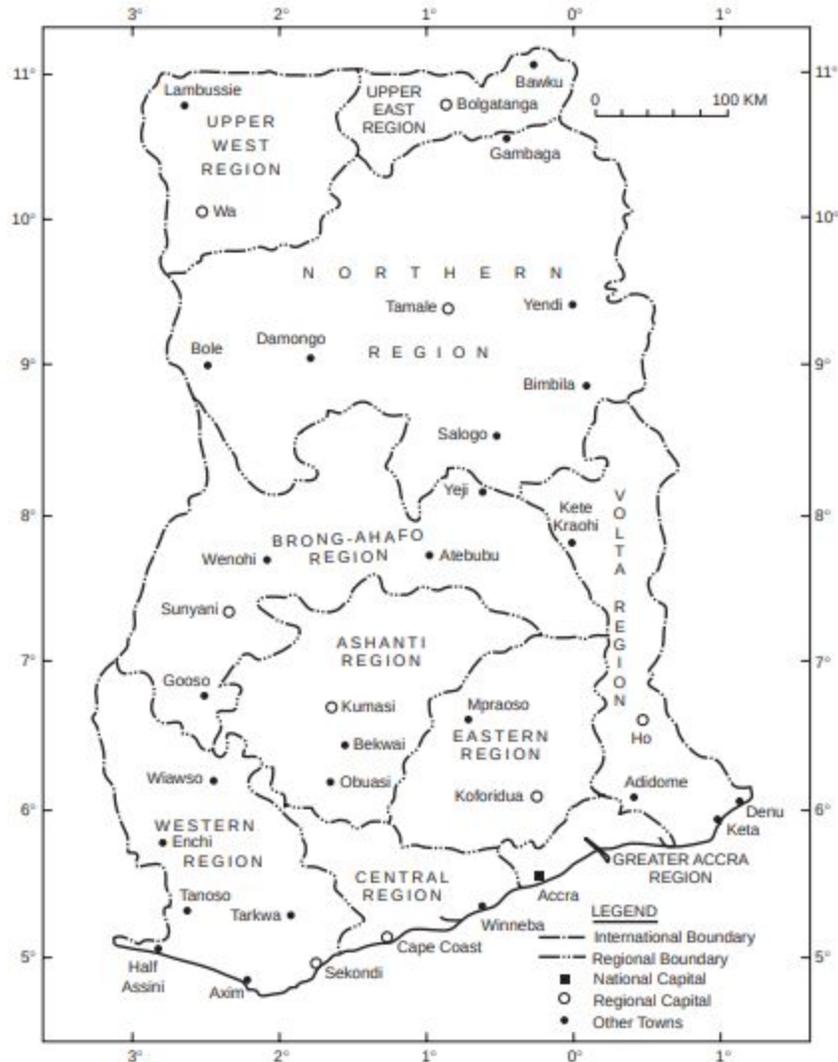
This thesis will move through a timeline of three specific periods in Northern Ghana’s history that each display one of its key findings, which I explain in detail in the conclusion. I

begin in Chapter 2 during British Indirect Rule to discuss colonial changes to ancestrally based authority, then move to the declaration of the Ghana's Constitution in 1979 in Chapter 3 to discuss postcolonial changes, and finally to the present day where I show my thesis' findings in the Conclusion for the continuation of tindaana as ancestrally based authority over land in Northern Ghana. I have included maps here of both the colonial Gold Coast and postcolonial Ghana (see Images 3 and 4), both with designated northern areas ("Northern Territories" on Image 3 and "Northern Region, Upper West Region, and Upper East Region" on Image 4) in order for my readers to understand the location of the study area within the country at different periods of time mentioned within this thesis.



Map 1. The Gold Coast, 1907. *Source:* Bening, 1999: 25.

Image 3: Colonial Map of the Gold Coast, 1907 (Bening 1999 cited in Lund 2008, xii).



Map 2. Regions of Ghana since 1983. *Source:* Bening, 1999: 146.

Image 4: Map of Ghana, 1983 Onwards (Bening 1999 cited in Lund 2008, xiii).

### *Methodology and Approach: Materials Reviewed*

I base this thesis on an exploratory literature review. I reviewed fifty sources of published literature pertaining to topics such as: land tenure, land law and legislations, colonial histories, postcolonial governance, traditional authority, belief systems, and ancestors in Africa. The

majority of this body of work pertains to Ghana with some pieces focused on other countries within the Sub-Saharan region (e.g., Shipton 2009 bases his work in Kenya; Witter and Satterfield 2014 in Mozambique.) Some of the scholars are Africans; many are not. I assessed this work with a focus on change and continuity in ancestrally based authority, in particular tindaanas. The review was exploratory in the sense that I did not systematically analyze the work according to predetermined attributes. Instead, I directed my time and energy toward identifying the work and understanding key concepts and arguments. In my conclusion I suggest areas for future research that would benefit from a more systematic review.

The topics of invention of authority (discussed in Chapter 2) and legal plurality (discussed in Chapter 3) emerged as two primary areas of interest and sites of contention, by which I mean authors differed in their arguments concerning traditional authority in Northern Ghana. As I discuss in the conclusion, scholarship has largely neglected the spiritual dimensions of customary tenure relations and the implications of ancestrally based authority for sustainable development.

Apart from the literature review, I have also been inspired by sustainable development courses I have attended at Appalachian State University, specifically Development Theory and Practice taught by Dr. Rebecca Witter and Endogenous Development: Appalachian to Ghana taught by Dr. Anatoli Ignatov (and co-taught by Dr. Salifu Mahama from the University for Development Studies in Ghana.) These courses helped to shape my initial interest in land justice that eventually led me to this topic. I have also been fortunate to be able to write many drafts of this thesis from Tamale, Northern Ghana, while conducting independent research and taking part in a rural community development field practicum with Tamale's University of Development

Studies. The Goodnight Brothers Sustainable Development Engagement Grant from Appalachian State University provided funding for the research, which took place over two weeks in Tamale and Lahagu in the Northern region, and Bolgatanga and Vea in the Upper East region, following eight weeks of study abroad in Tamale in the Northern region and Tadieso in the Brong Ahafo region of Ghana through the Third Trimester Field Practical Program associated with The University of Sustainable Development Studies.

My independent research included interviews with one tindaana, Alhassan Ya Kobu, one member of a prominent tindaana family, Simon Agongo, three Ghanaian scholars of history and development, Fusheini Yakubu, Mohammad Abdullahi, and Christopher Azaare, and the current secretary of the Association of Tindambas (tindaanas) of Bolgatanga, Timothy Baba, who is also from a tindaana family. I received IRB (Institutional Review Board) exemption from Appalachian State to ethically conduct this research across the three regions of Northern Ghana. I'm still grappling with what I've heard and observed in ways I return to in the conclusion, but my experiences in Ghana have greatly informed my ongoing learning about land tenure, people's relations with their ancestors, and the ongoing effects of colonial and postcolonial changes in governance. As I reflect on throughout the thesis, my recent conversations are foundational to my ideas about why understanding change and continuity in land tenure matters.

In what follows, I begin Chapter Two by discussing the traditional authority of the tindaana and the ways in which tindaana precolonially managed ancestral land in decentralized Northern Ghanaian communities. I then turn to Ghana's colonial period when the British administration "introduced" chiefs as authority over land while implementing Indirect Rule in

the Gold Coast. This chapter shows how colonial changes to ancestrally based authority “eclipsed” the power of tindaanas.

## Chapter 2: An “Eclipsing of Power”: British Colonialism and the “Invention of Authority”

This chapter examines changes in and challenges to ancestral authority over land in Northern Ghana from the precolonial era to the present. I focus, first, on some of the means by which tindaana, as the primary trustee over land in most Northern Ghanaian territories, “traditionally”<sup>1</sup> established authority over land. Recall from Chapter One that ancestors appoint tindaana to work as the intermediaries between the earthly and spiritual realms, by communicating with the Earth god and the ancestors, and with the living (usually via elders and diviners) to dictate land use and management (Millar 1999). Drawing from Richard Kuba and Carolyn Lentz’s (2002) example of Dagara expansion in North-west Ghana, I demonstrate how Dagara tindaana established authority over land in new places, most often through the use of earth shrines. Tindaana use earth shrines as the sites of sacrifice and ceremony involved in this communication, and revere the shrines as physical registries of first settlement (Kuba and Lentz 2002).

I then introduce means through which ancestrally based authority over land shifted under colonization when chiefs appointed by colonial administrators under direct rule began to usurp the traditional authority of tindaana (Tonah 2008). I use the example of the Dagara expansion to show how land authority was traditionally established, and then an example from Bui of what the change from traditional to introduced land authority looked like in Northern Ghana (Kuba and

---

<sup>1</sup> Recall that I use the term “traditional” cautiously and critically in this thesis, as the term has connotations of staticity, however, customary land tenure are dynamic and continually change through time.

Lentz 2002; Tonah 2008). I focus in particular on the colonial institution of indirect rule. Indirect rule was a system whereby colonial administrators establish, extend, promote, or protect their rule through alliances created between traditional authority figures and District Commissioners, who were part of the colonial administration (Ubink and Amanor 2008). Through indirect rule, colonial administrators suddenly introduced, or “invented” chiefs, as traditional authority where in the mainly decentralized Northern Territories of the Gold Coast, land had always been traditionally held by the tindaana. Hobsbawm and Ranger (2017 [1983]) first used the term “invention of tradition” in 1983 (which inspired my own use of “invention” of authority/chiefs in this thesis,) which they defined as “a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behavior by repetition, which automatically implies continuity with the past” (1).

*“O dzo beniib, o dzo keteng mu”*: *The Traditional Authority of Tindaanas*

In Northern Ghana, there is a saying (among Konkomba peoples,) “O dzo beniib, o dzo keteng mu”: “he holds the people, he holds the earth too” (Kirby 2006, 137). Tindaana are the primary traditional authorities over decentralized areas in Northern Ghana. Recall from Chapter One that when I speak of tindaanas, I am referencing the tindaana institution (rules, norms, practices) rather than the people who are tindaanas themselves. Ancestors select tindaanas to stand as the intermediaries between the living and the dead who they communicate with through Earth god, who is the ultimate allodial titleholder of all land in an area (Lund 2008; Millar 2006). The Earth god, in Northern Ghanaian cosmovision, is the ultimate ancestral authority over the land and land use decisions (Millar 2006). Community members wanting land and benevolence

from the Earth god must appeal to it via the *tindaana* who maintains a close relationship with that spirit (Millar 1999). The *tindaana*, thus, steps in as an intermediary between the living and the ancestors to make decisions and settle disputes about land. A brief example of how Dagara peoples established rights to land in precolonial times demonstrates the role of *tindaana* as intermediaries and establishes the importance of earth shrines as the physical manifestations of the material-spiritual relationship and maintained by *tindaana* and also the physical manifestations of first settlement in an area (Kuba and Lentz 2002).

Before colonialism, Dagara peoples lived in the region that now comprises north-western Ghana and Burkina Faso (Kuba and Lentz 2002, 378). An agricultural and mobile society, the Dagara ventured to new lands often in search of more fertile and larger tracts of land, and, in time, established control over the land in the new areas. Dagara *tindaana* established authority over land in new areas, which they cleared from the bush, or in land previously inhabited (by Sisala and Phuo peoples), by making sacrifices to earth shrines that offered spiritual cover and by orating tales of their grandfathers.

Dagara community members see their *tengansob* (*tindaana*) as the “master of the shrine” and a direct descendant of he who established the settlement (Kuba and Lentz 2002, 393). First settlement in an area matters because it signifies who belongs to that land and who has ownership rights over it. In many areas of Northern Ghana, earth shrines signify original property claims to land because they stand as physical sites of first settlement (*ibid.*).

Northern Ghanaians typically adorn earth shrines with iron rods, clay pots, and stones, and these elements can be arranged in different ways to signify changes in property rights of land, which can change due to negotiations and changing sociopolitical relations (Lentz 2013).

Dagara shrines are located at riverbeds and ponds, on hills, and in sacred groves, or wherever the first settler created a pact with the Earth god (Kuba and Lentz 2002). When the correct tindaana conducts appropriate sacrifices in the correct manner, the village is protected from evil (Kirby 2006). The Dagara *tengansob* gives sacrifices to the earth, which secures the fertility of the people and the farmland. They allocate land to those who ask for it, settle any land disputes, pour libations when the earth is “harmed” by impure acts, and enforce covenants on communal lands through leases (Kuba and Lentz 2002; Kasanga and Kotey 2001).

In return for sacrifices, communion, and rituals conducted at the shrine, the Earth god will instill power and protection onto the tindaana, so that he or she may take care of their land and people without worries of danger. In an example from Galiwe in Northern Ghana, their tindaana was once threatened at their Kpala shrine (MacGaffey 2013). In response, the tindaana warned the chief that if he brought harm upon him, he could suffer spiritual consequences. Regardless of the tindaana’s warning, the chief continued to threaten the tindaana, saying that he was going to kill him upon sunrise. Later that night, the chief supposedly had such terrifying dreams that he “disappeared into the ground” (MacGaffey 2013, 75). The earth shrine’s spiritual power found no match against the earthly chief in the fight for the tindaana’s continuity.

Returning to the Dagara, first settlers established their earth shrine by placing a stone under a tree to conduct sacrifices to the Earth God who inhabits that place. Lentz (2013) referred to this practice as establishing “ancestral compact with the land.” The earth shrine stands as a historical artifact of whose ancestors were the first to arrive in that community, thus who has the rights over the land. Dagara that come from the same lineage as the tindaana could move the center stone of earth shrines to new places when they migrated or fled to a new area to

re-establish their claims to authority and sense of community there, or take one *kubile* stone from another settlement's shrine to help established their own.<sup>2</sup> When an established or new person in the community makes a property claim over a piece of land, the earth shrine can be used to support or negate those claims (Kuba and Lentz 2002).

Earth shrines are important because they show reverence toward the ancestors who once held the land and concern for those who are yet to hold the land. They do this through standing as sacred displays of connections with the spiritual realm (Millar 1999; Kuba and Lentz 2002). The important role of spiritual relations and practices to land in Northern Ghana is contingent upon the continuation of the *tindaana* who has the traditional authority to engage with the earth shrine (Kuba and Lentz 2002). Under colonialism, neglect of earth shrines and changing relations to the land can pose significant risks to the spiritual heritage of ancestral land (Asante 1965). The example of Dagara expansion shows how land authority was traditionally established through earth shrines, which involved the spiritual realm (the spirits, gods, and ancestors of the land) meeting with the living realm through the first settlers on the land (Kuba and Lentz 2002).

---

<sup>2</sup> In many communities, including the Dagara and Sisala in Northern Ghana, the *tindaana* believes that the earth shrine is able to transfer its spiritual powers to smaller stones, or *kubile*, around it, making "children" from the "mother shrine." Some of these stones are mobile, and can help establish a new village or create a protective shrine for another community (Lentz 2013). These stones, which can move from place to place, are signifiers of negotiations between clan heads that can be traced back hundreds of years to show their presence on that land. However, some of the key sources of conflict over land have come from these situations where existing communities gave shrine stones to new communities, due to different understandings of main shrines and authority over which tracts of land were under which authorities' jurisdiction (Kuba and Lentz 2002). Certain places had taboos against sharing shrine stones because of matters of authority, control, and spiritual cover. The Phuo held strong beliefs that earth shrines could not be moved, whereas other groups felt secure in moving their shrines to new territories where they migrated (Kuba and Lentz 2002).

Next, I examine changes to land tenure that unfolded with British colonialism. I focus in particular on how the colonial imposition of indirect rule challenged tindaanas' authority by affording chiefs great influence over vast amounts of ancestral land in a short amount of time, particularly under the British colonial administration (Berry 1993). I use the example of Biu, a village located eighteen kilometers south of Navrongo in Northeastern Ghana, that I have drawn from Tonah (2008).

### *The Colonial Imposition of Indirect Rule*

Biu is a village in Northeastern Ghana which has experienced firsthand the shift in traditional land authority when the colonial administration introduced chiefs within village administration (Tonah 2008). Changes which occurred led to larger reconstructions of not only land relations, but also social order and "sense of belonging" within Biu. Shipton (2009) argued effectively that there is a correlation between a "sense of belonging" and access, ownership, and authority relations toward a person's ancestral land that are navigated through customary tenure. He said that the land serves as: a reminder of who came from that place and will always return there, a physical registry of the histories and traditions of specific groups of people, and was where community members established their own "home of homes" (Shipton 2009, 91).

Today the Biu village has a low population density of almost three thousand inhabitants, and among them are several different ethnic groups and two major clans: the Seenza and the Agobiza. The Biu village has moderate infrastructure characterized by markets, a clinic, and a primary and junior secondary school, as well as large expanses of vegetation and fertile land (Tonah 2008).

Precolonially, Bui villagers recognized the tindaana's administrative and spiritual authority over land. Clan heads governed activities of the group autonomously (ibid.). This means that each clan managed their people by their own accord, in a decentralized political-social structure (NHCLRC 2009). Clan heads consulted with tindaana for general guidance on leading the community, not the least of which when disputes arose over land. However, over time, tindaanas lost their traditional roles of authority in Bui, and a different traditional authority began to lead the community (Tonah 2008).

The British first gained control over the Gold Coast (modern-day Ghana) in 1867 (Bening 1995). One of the means by which British colonial powers gained and maintained control over land and people was through the process of indirect rule (Berry 1993). Tindaana and other elders resisted colonialism through fighting for their land and refusing to cooperate with District Commissioners and colonial government agents (Anabila 2017). Thus chiefs became the main traditional power structures with and through whom colonizers interacted (ibid.). The colonial government opposed the acephalous structures of the Northern Territories because they feared they would have difficulty administering control without strong political organization (Lund 2008). For example, in a report to the British colonial office, Lt-Colonel H.P. Northcott, the Colonial Commissioner of the Northern Territories, described "large tracts of the Northern Territories [that] appear[ed] to be uninhabited or sparsely populated by rude savages without recognized head chiefs or central forms of government" (Lund 2008: 30, Bening 1995: 229).

Colonial administrators introduced chiefs throughout Northern Ghana (e.g., in the states of Tallensi, Frafra, Nabdam, Kusasi, Builsa, Bimoba, and Konkomba) as well as the Upper East and Upper West regions (Kasanga and Kotey 2001). According to Tonah (2008), the colonial

invention of authority (chiefs) undermined the relevance of tindaana in Biu. In Biu, indirect rule was the tool used to transform clan heads into headmen, and eventually into chiefs (Tonah 2008). The colonial administration gave newly created chiefs political authority over the community, including its land. In these and other ways colonial administrators used chiefs all over Northern Ghana to act as mouthpieces for the government and to help bridge the divide between Ghanaian citizens and the British (Hobsbawm and Ranger 2017).

As the colonial government gave chiefs more control over land matters, tindaana's previous land authority was redirected and reinvested into the chiefs. This "altered the balance of power in Biu" by establishing a hierarchy among previously independent clan heads (Tonah 2008, 116). In centralized states where the community had already established chiefs as local leaders, the colonial government instilled further power into their offices. The colonial government gave chiefs who agreed to British peace treaties greater titles of paramount chiefs, which allowed them more control in the community (Anabila 2017). Several paramount chiefs around Biu began to challenge the tindaana's authority over the territory as the newly created hierarchy made their chiefly power greater (Tonah 2008). Chiefs now held administrative and judicial power over the communities, and in many communities (especially in the Northern region,) this included sovereignty over land which had always been held in trust by the tindaana. Colonial powers began to invest energy into the chiefs of each area in hopes that they would further projects and aims of the regime to others in their community (Anabila 2017). For example, district commissioners were known to enroll sons of chiefs at new colonial schools and teach their fathers English, which would help them succeed in an area now controlled by the British (ibid.).

However, new avenues for wealth led many chiefs to corruptly selling land and pocketing the revenue from the sale. As district commissioners said that chiefs now held allodial rights over land (ultimate ownership), and peasants continued with usufructuary rights (rights of use), chiefs began to overcharge ground rent fees from those on the land (Kasanga and Kotey 2001, 6). When members of the community tried to make complaints toward the chiefs, district commissioners sent them to court where the same chiefs handled disputes, thus never receiving justice (Ubink and Amanor 2008). Colonial powers refused to hold chiefs accountable, saying that the state would not intervene in land matters (Ubink and Amanor 2008). When chiefs sold land without a community consensus or approval from the tindaana, this worked against the understanding of land as an ancestral trust. Tindaana in Biu were formerly able to allocate farmlands to migrants or adults in the community without usufruct rights. They would allocate already established plots or clear bush land in return for small portions of every harvest “to be given to the ancestors” (Tonah 2008, 117). However, land was no longer being preserved for the ancestors and future generations, but rather exploited for the chief’s personal prosperity. Colonial Secretary T.S.W. Thomas noted the chiefly corruption in African land:

“By inherited instinct the African native sets greater store by the right to the use and enjoyment of sufficient land to support himself and his family than by any other right of all. Nevertheless, so acute is his enjoyment of the present and so inactive his imagination in regard to the future, that African chiefs (not only in West Africa) have time after time, when given the opportunity and subjected to temptation to do so, bartered away the most precious inheritance of their tribes for the most trifling monetary advantages” (Thomas cited in Bening 1995, 242, cit. 70).

As the British sought to understand more about these beliefs to increase their authority in ruling Ghanaians, they asked chiefs to help codify “custom,” and set them on a mission to outline

“customary land law” that only helped the British and elite to have even more power against the indigenous people of the land (Lentz 2013, 12). During the colonial era in Africa, Hobsbawm and Ranger (2017) argued that Europeans “drew upon European invented traditions both to define and to justify their roles, and also to provide models of subservience into which it was sometimes possible to draw Africans” (211). They explain that in order for the white man to convince himself and others that he was in control, he had to invent neo-tradition and present it to African communities in order to modernize and transform their ways of thinking to suit colonial agendas.

Sara Berry (1993) then argued that the proliferation of tradition amongst neo-traditions that arose out of colonial efforts to codify native custom and land law, an “intensification of custom” occurred in Ghana (347,) and where land was involved, customary tenure became even more obscure and flexible. Hobsbawm and Ranger (2017) argued the opposite: that this “transformed flexible custom into hard prescription” (212). MacGaffey (2013) agreed with Hobsbawm and Ranger (2017) that invention or authority and codification of custom worked to rigidify the practices and norms within customary social structures by imposing strict and non-negotiable land laws upon local communities and overpowering customary methods. Sara Berry (1993) continues in opposition-- saying that the British were not able to effectively impose their land laws upon communities, and that customary tenure became wildly more interpretive and negotiable through this process. As invented authority gave different accounts of custom to district commissioners, “native law and custom” determined by the colonial administration did not align with the reality of Africans, and conflict erupted from sudden changes in power within

previously well-ordered social structures and competition for recently restructured rights to ancestral land (Berry 1993).

“In general, colonial regimes imposed themselves on societies already engaged in struggles over power and the terms on which it was exercised. By announcing their intention to uphold ‘traditional’ norms and structures of authority colonial officials were, in effect, declaring their intention to build colonial rule on a foundation of conflict and change. The result was ‘a blizzard of claims and counterclaims’ to rights over land and people which served as ‘a mechanism for generating factional struggle’ rather than eliminating it” (Berry 1993, 333).

As information on “customary land law” came to the colonial powers, its accuracy was often muddied by the ability for chiefly and elite advancement by self-constructed accounts of custom, or changing definitions of custom by different informants (Berry 1993). Chiefs who wanted to be positively recognized in order to gain prominence would give varying accounts of custom that differed from place to place. Tindaana sometimes refused to give information on accounts of spiritual significance and attention to keeping tradition alive (Anabila 2017).

Although colonial powers were not attempting to change or rewrite customary land management, simply trying to codify it in a static and non-dynamic manner changed it from its original state (Lund 2008). “Customary land law” became an intermixing of tradition and modern relations to land, as conflicting interpretations and understandings made customary law even more dynamic than before (Berry 1993). Sara Berry argues that “chaos, rather than order, ensued” as colonialism pushed to define an entity that had always held multiple definitions depending on who was being asked and under what circumstances (Berry 1993). For example, protests and riots ensued in Ghana as customary land law did not acknowledge certain rights community members held precolonially. “In seeking to maintain social and administrative stability by building on tradition, officials wove instability-- in the form of changing relations of authority and conflicting interpretations of rules-- into the fabric of colonial administration”

(Berry 1993, 336). In Biu, introduced chiefs and tindaana hotly contested against each other who had rights over ancestral land in the community.

Chiefs began to be seen as the sole consultants among the people in their communities, and in Ghana, more power going to chiefs meant that less was going to the tindaana (Tonah 2008). In time, tindaana held less authority over land decisions, and as the only ritual authority over the land, this meant that as they were sidelined, so were the ancestors (Anabila 2017). For example, earth shrines could not be purified or sacrifices made to the ancestors without the tindaana (Kirby 2006). This was dangerous for relations with the Earth god and ancestors, because the tindaana was the only authority with spiritual oversight able to conduct sacrifices to the earth shrine, unlike chiefs, who were mainly judicial (Millar 1999). The Biu tindaana is still regarded as the legitimate authority over Biu land by a large portion of the community today (Tonah 2008). However, as the tindaana has retained some level of authority, he has still lost control over vast tracts of land in and around Biu. The office of the Biu tindaana therefore has to some extent eroded since British colonial impositions (Tonah 2008). This undoubtedly resulted in some losses of tradition, however, it also resulted in more parties contesting for the same land authority as the tindaana (Lentz 2013). This made customary tenure even more flexible and negotiable going forward (Berry 1993).

In this chapter, I examined changes in ancestral authority over land in Northern Ghana. Chiefs began to eclipse tindaana's positions of authority, which was mostly an effect of British indirect rule during the colonial period. Chiefs began to take over administrative decisions in many communities which previously had no organized political systems, however they still had no spiritual roles over the land (Kirby 2006). The tindaana retained roles concerning the spiritual

realm as they were the community leaders who had relationships with the ancestors and the Earth god, who they communicated with at Earth shrines (Kuba and Lentz 2002). This change in land authority in Northern Ghana from *tindaana* to chiefs was dangerous for several reasons. First, communities no longer had an intermediary to help them make appeals to the ancestors and gods through which they benefited (Millar 1999). Second, chiefs helped the colonial administration to codify customary land tenure as something more rigid than it actually was and not true to reality (Berry 1993). Third, chiefly corruption and exclusive practices often disenfranchised marginalized and poor community members (Lentz 2013). This matters because as chiefs took up roles over land decisions, community members no longer appealed to the ancestors and gods, and the way the community had previously managed customary land began to stray from tradition (Hobsbawm and Ranger 2017).

In the next chapter, I turn from the discussion of colonial changes to postcolonial changes in ancestrally based authority. I examine how the 1979 Constitution created an opening for competition and conflict between traditional and modern institutions of authority over land. Although chiefly authority hindered the prevalence of *tindaana* in Northern Ghana, ancestral institutions of tenure continued under new interpretations and negotiations in authority.

### Chapter 3: New Struggles over Land Authority and the “Return to Tradition”

This chapter examines how tindaana fought to reestablish and maintain their authority over ancestral land in Northern Ghana after the end of British colonialism in 1957. Recall from Chapter Two that through indirect rule colonial administrators appointed and empowered chiefs to extend their authority (Asante 1965). The imposition of chiefs undermined the authority of tindaana (Tonah 2008). In a landmark change to land legislation of the 1979 Constitution, the postcolonial Ghanaian government ordered all land held in trust by the government to be returned to its “original owners.” While this important change to law enabled Ghanians to reclaim land lost during colonization, it also created the opportunity for new and renewed claims – thus competing claims on land ensued (Lentz 2013). Tindaana, who originally held land in trust for the ancestors, living, and yet unborn, now had the opportunity to regain land that was during the colonial period (Lund 2008). Land owning families also saw this change to land law as a chance to reclaim land lost to the government and to chiefs during this time (ibid.). Chiefs appointed through British indirect rule also desired to uphold their powers of land jurisdiction (ibid.).

In what follows, I first introduce the 1979 change to land legislation. I then illustrate how tindaana, chiefs, and landowning families established competing land claims through first-comer narratives (Lentz 2013). First-comer narratives are stories of first settlers in an area and their compact with the land and Earth gods of that place. At ceremonies, in customary court cases, and when land disputes arise, people reaffirm their connections to land and one another through stories of those members of the lineage who, for example, first cleared the bush or conquered the

land and built a settlement there with a shrine to the Earth god of that area (Kuba and Lentz 2002). These narratives underscore the extent to which land tenure comprises social relationships (Berry 1993). When successful, first comer narratives established a basis of belonging (Lentz 2013). I draw from Christian Lund's (2008) and Jon Kirby's (2006) examples of conflicts in the Upper East and Northern regions of Ghana. The three examples from Bolgatanga, Kalbeo, and Chereponi demonstrate the competition between different land authority that occurred following the 1979 Constitution. The examples used to illustrate the competing land claims between chiefs, landowners, and tindaana, and the conflicts that occurred within affected communities as the struggle over land ownership put pressure on the social and political elements of customary land tenure in Northern Ghana (Lentz 2013; Lund 2008).

I argue that through the competition over ancestral land, land rights became more negotiable, by which I mean they could be contested, were hinged on social relationships, and were subject to change based on circumstances and who was involved in the decision (Berry 1993). Persuasive portrayals of ancestral histories, as well as differing interpretations to what constituted land ownership in a system of legal pluralism, allowed land to often be directed back to those who could prove they "belonged" to the community (Lentz 2013).

Amidst great changes to their authority, tindaana were able to return to tradition and adapt in their relationship to land in newer forms of customary tenure (Lund 2008). I use the term "return to tradition" because colonial inventions of authority temporarily marginalized the tindaana institution, but over time tindaanas reasserted themselves as traditional authority alongside equally powerful chiefs (Lund 2008). Although chiefs eclipsed their role over land through indirect rule during the colonial period, tindaana persisted. Following the 1979

Constitution, they saw the opportunity to fight for their rights to their ancestral land and regained positions of authority over many areas in the postcolonial era. In some places, such as the Upper East and Upper West regions, the authority of the tindaana was strengthened through these struggles. In many parts of the Northern region, among other areas, chiefs remain as the primary landholders, however tindaana maintain their roles as the spiritual authority of the land in all of Northern Ghana (Kirby 2006).

### *The 1979 Constitution and Postcolonial Land Divestiture*

Over twenty years after Ghana's independence in 1957, Ghana's 1979 Constitution proliferated a landmark change which led to much unrest among traditional authorities' claims over land rights (Lund 2008). Lands in the Northern and Upper regions, which had been vested in the government prior, were now being divested to their "original owners." Article 18 in the Constitution said that [returned] lands would now be vested "in any such person or in the appropriate skin without further assurance than this clause" (Lund 2008, 53). Because the colonial government did not recognize lands in these regions as skin or stool lands, the Constitution gave no stipulations for specifying legitimate authority figures who would have the final say over how the land was to be redistributed.

Although the 1979 Constitution did not outrightly specify which institution was to be recognized as the legitimate authority to own or distribute ancestral land after its "return," it did define certain trusteeship responsibilities of those who Northern Ghanaians determined to be the appropriate authority. Articles 11 (1;2) say that "(2) the common law of Ghana shall comprise the rules of law generally known as the common law, the rules generally known as the doctrines

of equity and the rules of customary law including those determined by the Superior Court of Judicature. (3) For the purposes of this article, “customary law” means the rules of law, which by custom are applicable to particular communities in Ghana.” The definition of customary law stated here is problematic, however, because it insinuates the rigid codification of customary law which Sara Berry (1993) argued does not reflect the negotiable and evolving nature of true customary tenure. Therefore, elements of “customary law” defined by the state will differ from on-ground realities in Northern Ghanaian communities (including the designation of a traditional authority). Article 267 (1) says that all stool lands should be vested in the appropriate stool in trust for the community. Article 295 (1) defines “stool” and “stool land” as follows: “‘stool’ includes a skin, and the person or body of persons having control over skin land; ‘stool land’ includes any land or interest in, or right over, any land controlled by a stool or skin, the head of a particular community or the captain of a company, for the benefit of the subjects of that Stool or the members of that community or company.” The position refers to the throne (stool) or sacrificial animal skin (skin) that the chiefly ancestors would sit on and engage in ritual with in the past, which now symbolizes the unity of ancestors and descendants through land (Bening 1995). Northern Ghana utilizes skins, while Southern Ghana is more frequently referencing stools (NHCLRC 2009). Just because a designated skin or stool has exercisable control over the land does not mean that it belongs only to him-- it is still held as an ancestral trust for the community. Ollennu described stool land as follows:

“Land is vested in a community which, like a brook, goes on forever, while men come and go... the title... remains in a continual flow of people” (Cited Ollennu 1962 in NHCLRC 2009, 38).

Although the Constitution recognizes the concept of keeping land as an “ancestral trust,” which is a necessary duty of traditional authority in Northern Ghana, it sidelines the authority of the tindaana by not also recognizing its institution where it recognizes that of the stool (Lund 2008). Article 267 (7) says that “the Administrator of Stool Lands and the Regional Lands Commission shall consult with the stools and ‘other traditional authorities’ in all matters relating to the administration and development of stool land and shall make available to them all relevant information and data.” As the position of “stool” is not always, but often, held by the chief in the community, Lund (2008) argues that the lawmaker who wrote the 1979 Constitution assumed the chief as the traditional land authority-- this is also evident by how the legislation never once explicitly refers to the tindaana institution. Lund says that this lack of representation “guaranteed the institution of chieftaincy” but also raised new land questions in Northern Ghana that did not benefit or determine any party specifically: who holds the allodial title to land? Who accrues the ground rent for the stool or skin? Is compensation going to be given to rightful landowners who now have government structures on their land, and how would rights to compensation be determined? Moreover, who are the traditional authorities that are able to determine the answers to these questions and implement them? Who should the land actually be returned to? The ambiguous language of the Constitution intensified ownership struggles that sometimes grew into conflicts between chiefs, tindaanas, and clan heads in Northern Ghana (Lund 2008).

Fierce competition began between customary authorities, primarily between tindaana and chiefs, tindaana and tindaana, chiefs and chiefs, and customary authorities and family heads (Lund 2008). Tindaana and family heads saw the opportunity to take back their ancestral land, and chiefs felt strongly about maintaining their jurisdiction over the land (Lund 2008). Both

institutions were also interested in acquiring as much land as possible in order to accrue ground rent from tenants under ownership rights (Ignatov 2019). Tindaana, who soon after the 1979 Constitution was adopted still lacked any official administrative rights over land, especially looked toward these land leases to reestablish their claims to land (Lund 2008). As land claims began to proliferate over Northern Ghana, the same competition arose over which authorities even held positions to settle conflicts of opposing claims (Lund 2008).

The nature of the recently divested land from the government meant that in some instances where tindaana and chiefs were managing the land with overlapping areas of authority, they were now fighting for exclusive ownership (Lentz 2013). Exclusive ownership meant that in the case of chiefs accumulating large tracts of land, the office of the tindaana continued at risk of erosion (Tonah 2008). Community members, whose land was supposed to be held in an ancestral trust for the community as a whole, were now facing either exclusion from rights or addition of rights by authoritative claims (Lund 2008). In order for these claims to be made by competing traditional authorities, traditional courts used first comer narratives, including the presence of earth shrines and stories of ancestral migrations, as signifiers of true ownership from settlement on Northern Ghanaian land (Lentz 2013). Lentz (2013) argues that the most persuasive narratives could be negotiated to grant ownership over land to a community member or authority figure who best proved they were indigenous to that place.

### *“Sons of the Soil:” First-Comer Narratives as Oral Registries of Land Ownership*

In this section, I demonstrate how first-comer narratives, specifically in the Upper East and Upper West regions of Northern Ghana, stand as oral registries of first settlement and

ancestral land claims (Lentz 2013). I then analyze how these narratives are constantly contested, refashioned, and negotiated through interactions with specific people and in different situations in order to secure the status of “autochthon:” or indigen to the area. I discuss the roots of “belonging” necessary to require ancestral land, and the social investments community members make in order to belong, thus acquire land, in Northern Ghana (Lentz 2013; Berry 1993).

The first man to begin a settlement out of the bush was given original ownership over ancestral land, and the violence that occurred in this search for new and unsettled territory is remembered through many ancestral histories (Lentz 2013). People laid out land claims by reciting first-comer narratives concerning the original meetings between tindaana (the first settlers) and the Earth gods in each of these areas (Lentz 2013). Knowing and reciting these narratives and names gave proof of “belonging” to the area in question (Shipton 2009).

“Framed in terms of ‘ancestry,’ these debates turned on ‘the deeds and privileges of the ancestors as well as on lines of uterine descent. ‘Ancestry’ is a historical construct rather than a genealogical fact” (Ubink and Amanor 2008, 44).

Ubink and Amanor’s (2008) argument of viewing ancestry as a historical construct highlights how ancestry, rather than being genealogically or legally proven, was being viewed in terms of belonging. History, as it had always been orated and never written in precolonial Northern Ghana, was reconstructed over time through different stories of first settlement, belonging to specific lineages, and the successes or failures of one's ancestors, as well as his current social standing in the community and methods of persuasion (Lentz 2013). Whether a person was a citizen or a stranger depended on a collective understanding of the group, social representation, and could be interpreted in different ways by different people (Lentz 2013; Shipton 2009). In the same way, these terms of ancestry could be negotiated, and often those

who were politically engaged held stronger land claims (Berry 1993). Histories of migrations became commonplace for either supporting or denying ones' ancestry belonging to the land in question. They could be used to either reinstate a person's land claim or purposely exclude him (Ubink and Amanor 2008). Histories presented would often include ancestral migrations, how long the party had stayed in each location, and each place stopped before they ended up settling in the location of the person telling the account (Ubink and Amanor 2008). Some of the stories included references to familial relations with earth shrines or earth shrine stones, when their ancestors designated a new land as belonging to his or her people after securing the permission of the *tendaana* (Lentz 2013, 94).

The real goal of the narratives was who was best at persuading those in positions of power of their people's legitimacy (Lentz 2013). At times, customary authority would require proof that the stories being told were actually truthful. For example, the Sisala in the Upper West region dictate which historical events count as truth by asking the ancestors in ritual to establish fact (Lentz 2013, 24). When a historical event seemed compromised by several varying accounts, the chief of Bu, a Sisala village, said, "This is what we know. This is what our ancestors told us. We testify this by the use of three fowl. When you go out with the fowl, you will say to the person against you: 'If it was your ancestor who settled there first, then collect his guinea fowl and kill it. If you told a lie and killed the fowl, you are dead'" (ibid.). The authority of the ancestors over land issues and customary practices is reinstated through this practice, and it illustrates how potent their vengeance over spiritual dispossessions could be.

Likewise, Joseph Yaro explains that chiefs or *tindaana* in Navrongo in the Upper East region are expected to validate true ownership over the lands they supposedly have authority

over by drinking a mixture of water and soil from that land (364). The tradition believes that when a land dispute occurs, both parties asserting their authority over the land should drink the concoction, and if a party member dies from sickness caused by the mixture, he or she was a fake. Elders use this method when competing claims or double sales of land occur to see who actually is in unity with the earth and who is selling land frivolously without spiritual authority (Yaro 2012, 364). However, ritual means are not the only way that oral histories have been validated customarily. In fact, they are often the final resort for when agreements cannot be civilly reached. More commonly, village elders and historians, such as Mr. Mohammad Abdullai who I open this thesis speaking to in the introduction, hold knowledge of the community's past and are asked to sit during such disputes to verify or negate given oral histories (Interview with Historian Mohammad Abdullai. Lahagu, Ghana. July 31, 2019).

Those who gained the title of first-comers from those in authority became the “autochthons”: sons of the soil (Shipton 1994). These autochthons were the only people with ability to own land in the majority of places: “those who are natural here have the voice” (Witter and Satterfield 2014, 6). MacGaffey argued that because of the ability of persuasion in first-comer storytelling, in Dagbon in the Northern region, a person’s belonging status rested more in their social network than in their ancestors being from that place originally (MacGaffey 2013). However, in areas strongly utilizing tindaana, such as the Upper East and Upper West regions, first-comer narratives may be more rooted in ancestral lineages to prove land claims, because the familial relation of a current proprietor to the tindaana holds greater influence over land holdings (Ubink and Amanor 2008). Tindaanas base their claims toward land ownership in

the belief and assertion that they are always the descendants of the first pioneer settlers, although this is bound to not always be true (Kuba and Lentz 2002; Ignatov 2019).

*Chiefs vs. Tindaanas: Conflicts over Land Allocation, Authority, and Ground Rent*

In this section, I draw from three examples of land authority conflict in Northern Ghana. I first give two of Christian Lund's (2008) examples which show conflict between tindaana and chiefs, and between tindaana and landowning families, in the wake of the 1979 Constitution. I then give an example from Jon Kirby (2006) of ritual conflict concerning traditional authority and their roles over land in Northern Ghana.

The first two examples take place in Bolgatanga in the Upper East region of Northern Ghana, where there continues to be a very strong tindaana institution among and also strong chieftaincy. Lund (2008) makes the argument that after the 1979 Constitution, legislation pitted traditional offices against each other for land rights, but also against landowners and traditional authority. The first conflict is between the Bolga Naba, the paramount chief of Bolgatanga, and the Tindaanas of Bolgatanga (Lund 2008). The second conflict is between community members and landowning families in Kalbeo and the tindaana of Tindonsobligo, who had tindaanaship over Kalbeo (Lund 2008). The third example takes place in Chereponi in the Northern region, where indirect rule imposed chiefs over the authority of the tindaana during the colonial period. In the example, a conflict occurs over a disagreement on ritual abilities of chiefs following the usurpation of the tindaana in Chereponi, which causes a death that pollutes the ancestral land (Kirby 2006). The story illustrates how the tindaana's traditional responsibilities have evolved and continued over land, even when the tindaana no longer holds official jurisdiction over it

(*ibid.*). Through the narrations of these three conflicts, I analyze the negotiability of land claims and the dynamic elements of customary tenure in the midst of changes, competition, struggles, and the overall continuation of ancestral land authority (Berry 1993; Lund 2008).

A) “Looting the Gods:” The Conflict between Bolga Naba and the Tindaanas of Bolgatanga

Lund (2008) tells a story out of Bolgatanga in the Frafra region in Northern Ghana in 1979 concerning a conflict over land between the chief and the tindaana. Just following the implementation of the Constitution, it was now unknown who actually had power over the land. Before the 1979 Constitution, government held the land in Bolgatanga in trust for the paramount chief of the region, called the Bolga Naba. Now that the state was not in control of lands, and loopholes in policy left authority unknown over land issues, tindaana were eager to try to gain back some of the control over land that had been taken from them through indirect rule only two decades earlier. Some of this interest was likely rooted in upkeeping ancestral heritage and ownership rights, however the interest also lied in authority figures’ ability to accumulate ground rent (Lund 2008). Ground rent, recognized in the Constitution, would be paid to the allodial title holders of the land, therefore land claims became opportunities for traditional authority to work in their own economic interests (Ignatov 2019).

Asam Suo and Michael Atongo were educated and passionate members of the tindaana clan in the area, and decided that this was a worthy cause to advocate for in the public realm. Suo and Atongo began collecting narratives, written accounts, and signatures toward a petition that worked against the ultimate power of the Bolga Naba (paramount chief). They decided that speaking publicly against the Bolga Naba’s character was how they would diminish his power.

Where defamation may be a typical response to frustrations today, it is especially dangerous in an ancestral system that is based on values of land bridging social relationships between people. By speaking against the Bolga Naba's character, Suo and Atongo were working against social cues that built the connection to the land in the first place. But what else were they to do when chiefs took their land during the colonial period, and tensions were still high between the two parties? They based their case on the idea that the Bolga Naba had usurped the tindaana of their religious duties, which was against custom (Lund 2008).

“The Bolga Naba should refund back the land revenue collected and... refrain from making sacrifices to the gods of the land and proven... protectors of the lives of the people. We are the tindaana and landowners of the Bolgatanga canton and responsible for all land questions in Bolga town area. From... time immemorial all land questions and acquisition was directed to us, the tindambas, which fact cannot be denied by the Bolga Naba as he or his ancestors own no land and know nothing about our land questions. Grandfathers of the Bolga Naba never interfered with our matters and customs, but the Bolga Naba Martin A. Abilba III has been interfering with our land matters by collecting the land revenue and making sacrifices and pouring libation whenever the need arises which is against custom” (Lund 2008, 55).

The two men demanded that the Bolga Naba should refund all revenue collected past 1954 when he came to power and stop interfering in the role of the tindaana as traditional land authority. After an unsolved case, Suo and Atongo led tindaana to return signing leases to land. At the same time, the Bolga Naba continued endorsing leases as well. Overlapping rights over land became commonplace as both institutions continued signing land over to interested community members. Almost a decade later, in 1987, the Bolga Naba made a stab back at the tindaana institution by accusing the Dapooretindongo, a tindaana in Bolgatanga, of being fake. This was another huge offense made outrightly against people coming from the same place and having lived on close land. The Bolga Naba said that the tindaana only had his position because

he “looted the gods” from another tindaana’s house and that the “Gods of the Bolgatanga skin rejected his sacrifices and libations” (Lund 2008, 57).

The fight continued as the Dapooretindongo (tindaana) filed another suit for defamation against the Bolga Naba and said that what made or unmade a tindaana was not to be of chiefly concern. In another argument, the Bolga Naba had been accused of trying to sabotage the important divination ceremony of the new tindaana after the death of the last one, in order to invalidate the Dapooretindongo’s legitimacy. Either way, there was no outcome of all of the claims fired between institutions, and the court adjourned all cases indefinitely. As the government introduced statutory systems of land management in Northern Ghana, customary land management also continued (Ubink and Amanor 2008).

The unorganized merging of the two models made way for ambiguity that ultimately left no answers for those making claims. Neither tindaanas nor chiefs were successful in assuring their interests because there were no definite guidelines for returning land seen as belonging to certain people in one tenure system and others in another tenure system, or in holding those chosen as legitimate authorities following competition accountable in the process. Moore observed that “it is a question whether what happens in the court is to be defined in terms of the ebb and flow of local micro-politics or in terms of a central government standard, a rule oriented, delegating judicial/bureaucratic model” (Lund 2008, 58). In the wake of this confusion, land remained unallocated and the competition between traditional authorities harmed many social relationships and strengthened others. The hostility between the two parties would lead to larger unorganization and frustration within the community, as they were both its traditional leaders (MacGaffey 2013).

Christian Lund (2008) argues that although legal plurality has increased with the introduction of statutory systems by the colonial and postcolonial governments, alongside established customary systems rooted in Northern Ghanaian tradition, these systems build off of each other rather than restrict one another. Ubink and Amanor also believe that the two systems work together, by arguing that there was “an accommodation between these approaches, which has resulted in the incorporation of a framework supporting the recognition of customary tenures within the evolutionary theory of property rights” (11). Both Lund and Ubink and Amanor’s arguments are opposite to Asante’s (1965) view, where he claims that although indirect rule through traditional authorities ended with Ghana’s independence in 1957, certain elements within Ghana’s postcolonial government continue to strip ancestrally based authorities of the ability to own land. I agree with Lund’s (2008) argument, noting throughout this thesis that customary tenure has continued to evolve in response to statutory norms, and in some ways allowed the tindaana institution to return even stronger as Northern Ghanaian land authority.

In Juul and Lund (2002), Lund argues that there is actually great fluidity within this system of legal pluralism because it allows for more negotiation and adaptability within its conflicts and solutions. Lund (2008) argues that the institution of the tindaana has continued “invisible to the law” (19), meaning that although the government believes chiefs or other authority have full control over land decisions, the tindaana have adapted and evolved alongside other authorities and within their communities to continue in their roles even if it is outside of state awareness. Christopher Azaare shared the same sentiments during an interview I conducted with him in his home in Gowrie, near Bolgatanga in the Upper East region of Northern Ghana. He claimed that even during the colonial period, chiefs led British district commissioners to

believe that they were handling all land decisions, however “the chief in silence will still approach the tindaana for land.” He went on to explain, chuckling to himself, that “the chief knows that when he dies, he needs the tindaana to bury him” (Interview with Elder Christopher Azaare. Gowrie, Bolgatanga, Ghana. August 3, 2019).

Although tindaana were in some way still respected locally, the lack of acknowledgement and representation in postcolonial legislature continued to proliferate ancestral land losses and further eclipse tindaanas (Lentz 2013). Therefore, In 1997, tindaanas formed the Association of Tindambas (tindaanas) of Bolgatanga and organized a conference for tindaanas from all around Northern Ghana to gather in order to fight back for their rights of ownership (Lund 2008). At the Inauguration of the Regional Lands Commission in 2000, a representative from the Association of Tindambas spoke and highlighted the struggles that tindaana were facing in being ignored and exploited. “People cannot just pretend that we do not exist...” and they asked that tindaanas be included in the Regional Lands Commission and within the Traditional Council of Northern Ghana (Lund 2008, 61). Representation in the Lands Commission and in the Traditional Council would allow for the interests of tindaanas to play a role in new land management systems and the outcome of ancestral land in the involved communities (Lund 2008).

#### B) The Conflict between Kalbeo and Tindonsobligo

Tindaana and landowning families in Northern Ghana also fought over land ownership rights following the 1979 Constitution (Lund 2008). Tindaana regained some power after the Bolga Naba lost authority over the last say on land in Bolgatanga. However, the community then ran into the same problem with some of the tindaanas, of them taking benefits from sales for

themselves and not always involving the ancestors or Earth gods in land decisions (Lund 2008). In 2001, the Bolgatanga District Assembly decided that they were going to move charcoal sellers in Kalbeo to a different location along the Tamale Road, even though their ancestors had been known to be settled on that land for over one hundred years. The Awure family were prominent landowners in Kalbeo and thought to be descendants of the first settlers there. The current tindaana of Tindonsobligo, Agongo Akubayela, who had tindaanaship over Kalbeo, began endorsing leases to many small entrepreneurs along this road. As land was given away quickly in individual leases (all endorsed by the tindaana,) community members and particularly the Awure family became frustrated that the land was being leased away so frivolously. When it was found out that the tindaana was also receiving 100,000 cedis from both the lessor and lessee for endorsements, tensions rose to conflict (Lund 2008, 62).

This example showcases that even tindaana can forfeit social relationships for independent greed, especially as introduced monetary leases furthered options for corruption (these were not a part of ancestral land systems traditionally) (Ignatov 2019). Tindaanas often looked to endorsements of leases as a duty that could secure their authority and a small income as land ownership rights became more difficult to ascertain (Ignatov 2019). One informant in Kalbeo said about the referenced site of leased land: “Land along the Tamale Road is selling like hot cake” (Lund 2008, 62). As land became more commercialized, leases were the perfect opportunity for tindaana to claim back their positions over land in Northern Ghana.

Landowning families of Kalbeo continued to fight against losing their land and being dispossessed without compensation, and the Tindonsobligo fought back, against their best interests, by saying that they should give up because the land was already sold. The Awure

family was furious, accusing the tindaana and the youth in the town of working with the District Assembly to negotiate sellouts of their family's ancestral land for their own benefit. Arguments became heated, and in time community members found out that the tindaana who had sold out the land was only an "interim tindaana," and in his temporary power leased out all of their land. The Tindansobliogo and Kalbeo youth engaged further in violence as they confronted one another. They set up roadblocks that would not allow movement into Bolgatanga, and fought against one another saying that they were disrespecting tradition, "only wanting 'chop' (money)" (Lund 2008, 64). When elders tried to come together to resolve the problems between the communities, a crowd from the four founding villages of Bolgatanga (Tindansonliogo, Tindanmolgo, Dapooretindongo, and Soe) met them, and all were insisting they were the true landowners. The Tindonsobliogo fought that the lands he gave through leases were vacant lands and held under his jurisdiction. The Awure family and other farming families in Kalbeo fought back, claiming they were usufructs and had rights over the land. The tindaana went as far as calling Kalbeo people "strangers" in efforts to keep rights over the land.

Some community members argued that even the Awure family only has usufructuary rights over their own land, but not the entire community's. Therefore, how could the tindaana (who was engaged by the original Awure family in Kalbeo to play a spiritual role) have any more land rights than they? The Kalbeo have decided to create their own tindaanaship and enskin their own tindaana, but the Lands Commission is awaiting resolution to the dispute before accepting the new tindaana (Lund 2008; Ignatov 2019). In its ruling on November 23, 2016, the Supreme Court of Ghana overturned earlier judgements concerning the case and determined that the tindaana of Tindonsobliogo "is the Tindana of Kalbeo also and consequently the allodial

owner of Kalbeo land in trust for them. It follows also that the respondent family can only have usufructuary title over such of Kalbeo lands as have been reduced into their possession as customary free holders thereof” (Awabego v Akubayela and Another (J4/6/2016), 17, cited in Ignatov 2019).

The violence and counterclaims illustrated in the conflict between landowners and tindaanas show that issues over ownership rights do not only occur between tindaanas and chiefs, but also between community members and traditional authority (Lund 2008). Questions began to arise over positions of full ownership and split ownership, because of the different relationships people had with their ancestral land that constituted belonging to that land prior to the declaration of the 1979 Constitution (Lentz 2013; Lund 2008, 65).

Even if community members were able to leverage their rights to the land over the tindaana, who would then be in charge of enforcing those new rights? If land was secured by a person, what certainties then did these land rights even provide for new owners? Would the tindaana end up using his power to overturn the rights of the people for his own interests and prestige? There are times when even ancestral authority does not actually listen to the ancestors, who look out for their entire community’s best interests and not just a powerful individual’s (Lund 2008, 62-65). The lack of designated institutions to hold tindaanas accountable in their practices toward customary land left room for tindaanas to exploit the community the ancestors appointed them to care for.

C) “Burying the Blood:” The Ritual Role of Tindaana in Purifying Harmed Land

Loss of ownership over ancestral land and differing views of rights of authority over that land at times led to conflicts (such as the two just referenced) between people in Northern Ghana, which some believe is an act of direct ancestral punity (Kirby 2006; Millar 1999). Since long before colonialism up until the present day, eruptions of violence have occurred over traditional authority which have “harmed” ancestral land and led communities to chaos (Kirby 2006). Land was harmed when it was polluted by human blood, which was one of the greatest grievances within the ancestral realm and required specific ritual purification (Kirby 2006). After the 1979 Constitution, conflicts in authority over the land intensified as new tenures continued to juxtapose against ancestral systems (Lund 2008).

Chiefs in Northern Ghana began to claim allodial ownership to local land over tindaanas, and one chief even questioned the power of the tindaana on ancestral land by saying, “the gods are annoyed: if the tindaana had power there would have been war to settle this subtle usurpation of their traditional and well established functions by chiefs” (Kasanga and Kotey 2001, 14). There were many land wars going on because of tenure changes: not only between chiefs and tindaana, but also between chiefs and chiefs, tindaana and tindaana, and family members pitting against one another. The unwritten arrangements and negotiability that are common in customary tenure systems have brought bloody conflict when parties have different stories of land allocation and verdicts cannot be reached civilly (Kasanga and Kotey 2001). Communities need tindaanas in order to perform necessary purification rituals that reconcile harm to the earth from violence (Kirby 2006; Ubink and Amanor 2008).

Ghana’s Earth cult, which Kirby (2006) references in regards to the institution of the tindaana, said that human blood on the earth between people and land (a two-dimensional

dispute) would require a three-dimensional resolution which included the Earth gods and ancestors who were also suffering the effects of the violence (Kirby 2006). Recall from Chapter 2 that the tindaana are the only authority with the ability to perform spiritual rituals on the land (Millar 1999). The blood of descendants would disrupt the vertical connection the ancestors held with the living world, and the tindaana had the relationships with both realms necessary to make that apology (Kirby 2006). The Konkomba and Dagomba people of Northern Ghana believed that spilling human blood was the worst act of desecration toward the earth, worse than sexual acts in the bush or “bad deaths” (such as dying alone in the bush, drowning, or committing suicide) (Kirby 2006, 139). Spilled blood was such a taboo that even a war cry, without actual war ensuing, would alarm the spiritual realm that purification was now necessary (Kirby 2006). The greater the bloodshed, the longer the healing process would take and the longer the land would be left infertile (Kirby 2006). “Burying of the blood” or “smoothing of the land” was the only way that the land could be ritually purified after war between people, and it had to be, or the land would never be productive toward its cultivators again. Rattray quoted one of his informants, saying, “The land is a bitter thing, it will cast you out, finish your house” (Kirby 2006, 138). Spiritual reconciliation was necessary for the community’s lifeway to continue (Kirby 2006, 139).

Politicians would sometimes extend reconciliation so that they could build their legitimacy in the process, and times of mourning occurred in these “liminal periods” (Kirby 2006). If tindaana did not deal with liminal periods quickly, “hot” wars would resume (Kirby 2006, 142). “Strange disruptions” would also occur when liminal periods went on for too long, such as spirits in the bush beating elders or illnesses taking over large portions of the village

youth. The “spiritual obstruction” of unhealed land caused increasing intensity of misfortunes as liminal periods continued (Kirby 2006, 145). Tindaana had to perform purification rituals in order to heal the land, which brought together all involved in the violence to reconcile (Kirby 2006).

In 1994-95, the Dagombas, Gonjas, and Kokombas in the Northern region went to war over communal land misunderstandings, which dispossessed many people from their land and destroyed what property was left to those who stayed (Kasanga and Kotey 2001, 15). Kirby (2006) said that the “ethnic conflicts” that are so often spoken about in Northern Ghanaian regions actually have their basis in social conflicts tied up in acquiring that land and rights over the land, including competing claims on authority.

“Northern “ethnic” conflicts are essentially land wars. It is no longer the “people” of the land but the land itself as an economic commodity that is of interest to modern day combatants... yet, ironically, it is the land in the ritual sense that, sooner or later, all are forced to come back to in order to insure a lasting peace” (Kirby 2006, 141).

I illustrate the tindaana’s important role in purifying land harmed by conflict with Kirby’s (2006) example from Chereponi, in the Northern region. In this example, a conflict that ended with the death of a young Ghanaian looked as if it was caused by confrontations between two different people groups, but was actually rooted in questions of authority over land. The question derived from the concern that the chief of Chereponi did not have spiritual jurisdiction over the land, therefore could not care for his community properly (Kirby 2006). A tindaana was needed to perform the ritual of “burying the blood” from the death, in order to pacify the gods so that life in the community could return to normal (Kirby 2006; Millar 1999).

In 1984, the chief of Chereponi, an area about 100 kilometers north of Yendi, suddenly lost one of the young men in his family after an altercation at a market with a Sagbana youth. The Chereponi chief held jurisdiction over both Chereponi and Sagbana lands, but did not want to recognize sacrifices to the Earth because he saw it to infringe upon his authority as full “landlord” in Chereponi. Because the Chereponi chief was originally appointed his role through indirect rule, the Sangbana youth antagonized the Chereponi youth, saying that his chief did not have any spiritual authority at all and therefore could not be fully responsible for the welfare of the people of Sangbana. He questioned the chief’s connection to the Earth in relationship to his ability to take care of the people (Kirby 2006).

This was a common concern following chiefs gaining authority over land, because it had been customary knowledge that only tindaana had ritual authority over the land and the necessary relationships with the Earth gods of each area. Because this topic is so interconnected with familial and social ties, fierce loyalties quickly caused bloodshed between the parties (Kirby 2006; Berry 1993). The Sagbana youth stabbed the Chereponi youth in the belief that without a tindaana, the youth’s chiefly family could not care for his people (recall the Konkomba saying I quote in Chapter Two: “he holds the people, he holds the earth too” (Kirby 2006, 137). The stabbing polluted the land, which elders in Chereponi believe began a chain reaction of other crises and misfortunes that plagued the community for weeks afterward. The elders in the community demanded purification rituals to negate the spoiling of their land as granaries emptied and the mother of the involved youth became ill. The chief repeatedly ignored the demands over time, most likely because there was no tindaana to perform them correctly, and as he did so, “strange disruptions” continued to bother community members. Elders would walk

their normal route home through the bush and come out bruised and beaten by spirits. Countless other people fell ill, along with the involved boy's mother. Diviners urged that there was an "obstruction" over the earth, and that ritual to cleanse the earth was the only way to remove it. Elders from all thirteen Sangbana compounds left the next morning on April 1st with the Sangbana tindaana to buy goats that would be used in the sacrifice, and later in the day gathered with the sacrificial animals (chickens and goats) at the exact spot the boy had been killed at the market. Regrouping at the same place where the blood was spilled is called "kata mboja," or, "burying the blood." In this ritual, the elders and tindaana first dig a hole a foot deep and six inches in diameter, and then pour libation into it. Blood from the throat of the slain chickens and goats is next poured into the hole, and the same knife that killed the young boy is not only used to sacrifice the animals, but also thrown into the hole and buried. The meat of the goat is shared between all involved in the sacrifice, and the rest of the goat's body also goes into the hole. Now that the hole is buried and the ritual conducted, the earth can begin to be healed and gain back its fertility. Misfortunes should finish plaguing the community and life can continue as it did before spilled blood offended the Earth god. (Kirby 2006, 145).

This story of burying the blood at Chereponi reflects the importance of local cosmovisions in land management (Millar 1999). The youth from Sangbana did not want to recognize the power of the Chereponi chief because he was not appointed by the ancestors (as a tindaana would be through a diviner) but rather chosen by the colonial office (Asante 1965). As the Chereponi chief continued as the traditional authority regardless, the stabbing of the youth spilled blood upon the earth which polluted it and required cleansing. The earth shrine needed to be renewed due to the land being desacralized. Diviners consistently told elders of the area that

the Earth shrine was causing the chaos in the community and that the obstruction needed to be removed, and until the land was purified once more through the “kata mboja/ burying of the blood” ritual, chaos would continue (Kirby 2006, 144). The chaos could not be managed until someone with authority dealt with the spiritual obstruction upon the land. The gods of the earth and the ancestors required cleaning of the mess made to their homeplace. Therefore, the elders of the community, who are thought to be the closest living people to the ancestors (Kopytoff 1965), and the tindaana from Sangbana (because there was not a proper tindaana in Chereponi) came together to perform the purification ritual in order to reconstruct the health of the land for the betterment of all involved. Not only the living members of the community, but also the dead, and the gods over the land, all played a part in the solution (Kirby 2006; Richard Crook in Ubink and Amanor 2008). The tindaana was a crucial player in the success of the ritual and the health of the community going forward, as the chief did not have the ritual authority to help in spiritual matters.

In summary, the three conflicts narrated in this section do not stand apart, but rather come together, to give the larger picture of what was at stake for landowners in Northern Ghana (as traditional authority or landowners.) They do this through showing the extent to which customary land tenure has morphed and altered with the introduction of statutory land laws, the creativity and intensity of methods used to assert the most powerful claims over land, the evolution of ritual authority, and overall, the influx of political dynamics over ancestral land (Lund 2008). The conflicts all illustrated that the resulting legal pluralism of the customary and statutory institutions made land rights more exclusive yet less defined (Lentz 2013). At the same time, claims also became much more negotiable and social, with alternating stories based on

different situations and use of power being used to secure land access (Berry 1993). Through the bloodshed and frustration brought by the conflicts, nevertheless the dynamism of customary land continued, reaching into ancestral histories and defining what it really means to belong to the land. The three examples in these conflict find that alongside fervent contestations, recurring and changing claims, and within both the courts and in communities, landowners were overall unable to find common understandings of the 1979 Constitution's open-ended question: "who owns the land?" (Lund 2008, Ignatov 2019). Only the "burying the blood" ritual settled Chereponi's spiritual problem, however the problem was in fact instigated by the uncertainties this question posed.

The conflicts in Bolgatanga and Kalbeo, although they did not end in any formal decisions to reinstate tindaanas as traditional authorities, showed the tindaana's reemergence in the competition over land ownership (Lund 2008). Where chiefs had eclipsed the role of the tindaana during indirect rule, the 1979 Constitution left in its wake a new arena in which tindaana could negotiate and reestablish their claims to ancestral land (Lund 2008; Lentz 2013). Tindaana regained their voices in the fight for land rights, ownership, and ritual responsibility as they continued in the dance of ancestral land management in Northern Ghana. In this way, the traditional authority of tindaana returned fiercely across Northern Ghana.

In this chapter, I showed ancestral land's "return to tradition," with tindaana re-establishing some aspects of their roles as traditional authority and reinstating their rights over land decisions (Lund 2008). However, the examples used also showed how chiefs became more prominent over time in customary land management, and how tradition adapted and continued with openness for new players to compete for these authority positions and perform necessary

obligations to the land (Lentz 2013). Chiefs gained roles as land trustees as they were (often) introduced into decentralized communities, and tindaana regained roles over land that they had held before the imposition of indirect rule and now had access to negotiating again (Lund 2008). At times, these intense changes which occurred over a short period of time could lead to disputes which materialized into conflicts (Kirby 2006). When conflicts upset the ancestors, customary land tenure recognized the tindaana as the only traditional authority with the ability to appeal to the spiritual realm (Kirby 2006; Millar 1999). The changes following indirect rule and the 1979 Constitution resulted in negotiations and restructuring of land relations that have overall continued ancestral land's dance of "tradition" into the present day in Northern Ghana.

The flow and evolution of tradition following the openness of the 1979 Constitution did not necessarily return all ancestral land to the authority of the tindaana, but returned the institution of the tindaana to the ever-dynamic system of customary land tenure in Northern Ghana. Although tindaana have struggled, fought, and been overruled in their land authority throughout the colonial and postcolonial periods, they have continued fiercely as essential elements to ancestral land (Lund 2008). Tindaana demonstrate the merging of tradition with modern land management, and as their influence continues across Northern Ghana, so does that of the ancestors (Ubink and Amanor 2008). The continuation of the tindaana is important because when a community can acknowledge the spiritual implications of their land, they can properly keep it as an ancestral trust for future generations (Asante 1965).

Steve Tonah (2008), referenced in Chapter 2, says that the tindaana institution was eroded with the invention of chiefs within local communities. Lund (2013) argues in Chapter 3 that in the midst of several traditional authorities all vying for the same exclusive ownership over

land, tindaana had the opportunity to renew their roles in customary tenure where they had been marginalized by joining the fight for land rights. I agree with both Tonah and Lund's interpretations here, which I think work together. It is important to recognize the tindaana's marginalization as a consequence of the invention of authority as Tonah (2008) does, while also understanding that the merging of wildly different tenure systems in a short amount of time left land questions uncertain, and amidst uncertainty, proliferated opportunities for traditional authority to re-secure their holds on land via adjusting and revitalizing their institutions (Lentz 2013; Ubink and Amanor 2008; Berry 1993).

In what follows, I will conclude my discussion of change and continuity in ancestrally based authority over land in Northern Ghana. I will do this by first summarizing my three main findings within the research, and then arguing why the spiritual and sustainability implications of the enduring tindaana institution matter for land as a spiritual heritage in Northern Ghana.

## Chapter 4: Conclusion: “For the Living, the Dead, and the Yet Unborn”

I conclude this thesis by outlining my three main findings concerning change and continuity in ancestrally based authority over land in Northern Ghana. First, British indirect rule did cause considerable erosion of the authority of tindaana during the colonial period (Tonah 2002). Second, tindaana were able to reassert many aspects of their authority through negotiation, competition, and conflict following the 1979 Constitution (Lund 2008). Third, overall tindaana have continued in Northern Ghana, and their ritual capabilities concerning land are of prime importance to customary land management (Lund 2008; Ubink and Amanor 2008; Kirby 2006). After describing these findings in detail, I explain my main argument about the impressive adaptability of the tindaana institution and customary tenure in upholding ancestral land as Northern Ghana’s spiritual heritage, and the importance of recognizing the spiritual elements of ancestrally based authority for development in Northern Ghana to be sustainable.

My first finding is that British colonialism and indirect rule did work to derail the traditional authority of the tindaana by giving power over land to chiefs during the colonial period (Tonah 2002). In centralized areas of Northern Ghana, where chiefs maintained previous administrative roles, colonial authorities extended their power by making them the official representatives of communities and ranking them in a hierarchy of paramount and sub-chiefs (Ubink and Amanor 2008). In decentralized areas, including most though not all of Northern Ghana, colonial administrators invented chiefs where they had previously not existed in order to fulfill a mediator position for the colonial government. Tindaanas often resisted colonial attempts to be managed by the British like the chiefs were by refusing to talk to or interact with district

commissioners, and do the same to chiefs in front of the commissioners. However, Christopher Azaare argued to me that part of the reason the two institutions of traditional authority began to build upon each other was because in secret they both respected their individual roles over the land (Interview with Christopher Azare, August 3, 2019). Azaare's argument mirrored MacGaffey's (2013,) that chiefs and tindaanas were from the same customary system, and knew and respected the roles of each authority. As chiefs became the primary administrative consultants of land recognized during the colonial period in Northern Ghana, the practices and norms of ancestral land management changed (Tonah 2008). Communities that relied on chiefs rather than tindaana risked losing or diminishing the intermediary functions of the tindaana who maintained relations between the living and the dead (Kirby 2006). Chiefs also had roles in changing views toward the land, as the colonial administration used chiefs in poor attempts to codify customary land tenure. Sara Berry (1993) argues that this often led to vague and unrealistic depictions of customary tenure systems that did not mirror the reality of flexible and spiritual ancestral land management.

My second finding is that the open-endedness of the 1979 Constitution allowed for land ownership to become more negotiable and contested between many different parties, which at times lead to conflicts over land in communities (Lund 2008). In a context where ostensibly all land formerly held "in trust by the government" was now being returned to its "original owners," people strategically and opportunistically adopted and employed first settlement narratives to establish authority over and belonging to land (Lentz 2013). A person's "belonging" depended on how persuasive they could be when incorporating their ancestral histories, as well as the perspectives of and social connections to the officials granting the rights (Lentz 2013). As

different landholders began to gain authority over land, chiefs, tindaana, and community members clashed over misunderstandings of who was able to make land decisions (Lund 2008). When these decisions caused some people to lose ancestral land or heightened disagreements between customary parties, violence could occur which harmed the land (Kirby 2006). The 1979 Constitution also, however, allowed for tindaana to reestablish themselves as landholders and fight for their rights over ancestral land (Lund 2008). Tindaanas used the vagueness of the Constitution to renew claims to ancestral land and continue signing leases to those desiring land in the community (Lund 2008). Elders in the community also reassured the necessity of the tindaana's ritual authority when the land needed to be purified (Kirby 2006). As tindaana regained at least some elements of land ownership back from the chiefs, they could then help to heal the harmed land from spiritual obstructions caused by conflict (ibid.).

My third finding is that tindaana were overall able to continue despite their roles over land changing. In some areas, tindaanas reestablished themselves as the main traditional land authorities where, during the colonial period, their power was usurped by chiefs (Lund 2008). In other areas, such as certain villages in the Upper East and Upper West regions, the tindaana institution remains as the primary authority over land and has even been strengthened over time (ibid.). Tindaana's connection with the Northern Ghanaian cosmovision dictates that they are the only traditional authority capable of performing rituals and sacrifices on the land (Millar 1999; Kirby 2006). As purification rituals are necessary for healing harmed land, and communication with the ancestors allows them to work with the living beneficially, I argue that the spiritual role of the tindaana is a vital element of customary land management in Northern Ghana. Kirby (2006) said that is known that "there is no place without a tindaana" (136). Therefore, in order

for a community to maintain its equilibrium with the natural world, tindaanas had to renew their roles in customary land systems, although they had adapted over time and were now changed institutions. As tindaana regained their place in land management, engagement with the ancestors continued, which preserved land in Northern Ghana for the dead and yet unborn, and safeguarded communities from spiritual punity (Kirby 2006). Of course, tindaana do not always preserve land. Authors in the literature such as Lund (2008), Lentz (2013), Kasanga and Kotey (2001), and Ubink and Amanor (2008) all note their concerns toward explosions in land sales and land alienation that seems to be correlated with the resurgence of the tindaana institution. Yes, tindaanas have adapted in response to changing customary tenure, however, what exactly have they adapted to? Capitalism and modernization? Can adaption to change be a bad thing for tradition, where it ultimately breaks down the foundational beliefs that were originally the bases of institutional practices? Ubink and Amanor (2008) argue that sometimes when customary tenure “returns to tradition” in the present-day, these adaptations can adopt neoliberal aims which derail what traditional authority once designated as sacred.

Before I began this thesis, I expected to find that British colonialism destroyed or negated customary land tenure systems in Ghana; I expected that people’s relations to the ancestors would be severed; and I expected there to be a shift in Northern Ghana to a more privatized, modern land system that mimicked those of the British. I had these expectations, at least in part, because of the way my sustainable development discourses emphasized the enduring legacies of colonialism on social systems and increased commodification of land and environment within Africa. I interpreted through my learnings that colonialism so greatly interrupted local lifeways within Ghana that the spirituality and local knowledge systems of the people were threatened

with obliteration. I believed that communities were only successful in retaining these systems by intentionally and delicately preserving them as a part of their heritage. And I still believe both of these things, because colonialism was not a neutral act-- it was rooted in dangerous beliefs of white supremacy and oppression that destroyed many peoples' lives and took others. Therefore, I don't think the emphasis on colonialism is misguided. Far from it. Colonialism, the enduring legacies of colonialism, and globalization have significant impacts on people, places, and ideologies which they have interacted with at some point in time, encouraging their breakdown if they did not align with colonial goals. These legacies have proved so significant that the enduring institutions of tindaanas and the extent to which they have maintained their intergenerational, more-than-material, and inclusive elements, actually really surprised me (and reminded me of the power of human resilience.)

Among other things I'm grappling with are the internal factors that may have been just as or more important to changes in ancestral land as those induced by colonialism. For example, in an interview with a local historian in Ghana's Northern region, Mr. Fusheini Yakubu, he said that he didn't think colonialism even had a role *at all* in the changes tindaana had faced. He said rather that local leaders at the time contested on their own over authority, and that the general community population more heavily regarded their local ruling than any rulings imposed by the state (Interview with Dagbani Historian Fusheini Yakubu. Tamale, Ghana. 25 July 2019). In another interview with the Tindaana of Luhaga, a village outside of Tamale in the Northern region, he said that Christianity, as an effect of colonialism, has impacted land more than indirect rule did. He claimed that the introduction of Christianity has led many community members to denounce African Traditional Religion (ATR,) which has had negative effects on views toward

the tindaana because he interacts with the ancestors and other gods (Interview with Tindaana Alhassan Ya Kobu. Lahagu, Ghana. 31 July 2019). Further study is needed toward these points, however they brought up interesting perspectives regarding my direction of this thesis.

I learned that, in many cases, the ancestors are stronger than ever and that they continue to demonstrate their pleasure or anger by communicating with the tindaana at the earth shrines to this day. (The historian, Mr. Yakubu, said that he himself has heard the audible “cry of the gods” when the community he was in was facing a crisis. He said that it sounded like a wail of a cat, and that it came from the clouds) (Interview with Dagbani Historian Fusheini Yakubu. Tamale, Ghana. 25 July 2019). Finally, I was thrilled to learn that 80-90 percent of land in Northern Ghana is still held customarily, which I also noted in the introduction (Kasanga and Kotey 2001).

However, there *have*, of course, been some big losses and changes to customary land tenure, and the imposition of indirect rule and creation of chiefs *has* caused major setbacks for traditional belief systems and the institution of the tindaana. In some places in Northern Ghana, tindaana no longer have any say over the land, and in some, tindaana have not returned at all (NHCLRC 2009). In the Northern region, the tindaana that persisted typically only holds ritual rights today and is no longer responsible for delineating, leasing, or selling land (this is now handled by the chief) (Interview with Tindaana Alhassan Ya Kobu. Lahagu, Ghana. 31 July 2019). In the same way, some precolonially centralized northern states still do not engage with tindaana today, where if institutions had been left to spread and interact naturally over time, they might have at some point adopted tindaana. Nevertheless, the tindaana institution has proven its resiliency, arguably aided by the spiritual oversight of those who have walked that same land from time immemorial hitherto (Berry 1993).

*Main Argument: A Sustainable Spiritual Heritage*

Although there is a surprisingly considerable amount of research dedicated to the narrow topic of ancestrally based authority in Ghana (particularly involving the tindaana,) I find that my novel contribution to the literature is my specific focus on the spiritual implications of changes to the institution of the tindaana and the neglected sustainability dimensions directly related to these implications. I argue that the spiritual role of the tindaana is of the utmost importance because tied up with their authority is the belief systems that were foundational to the tradition and belonging of the people in Northern Ghana, and that if development is to be sustainable, it must take into account the desires, responses, and action plans of people within the specified communities (Millar 1999). I argue that the changes and continuity of ancestrally based authority over land matters because ancestral land in Northern Ghana is still under the threat of encroaching privatization, international land grabs, and exploitation of land with natural resources (Richards 1985). Because local traditional authorities have the best understanding of how to manage and preserve their ancestral land, they must be recognized and consulted as important players within sustainable development in Northern Ghana. The dismissal of spirituality that comes as a consequence from the marginalization of the tindaana institution furthers threats to land in Northern Ghana because it is no longer being kept as an ancestral trust (Asante 1965). As the only mediators between the spiritual and living realms concerning land, the ancestors hold tindaanas accountable in upholding intergenerational, more-than-material, and inclusive spiritual heritages toward land that directly correlate with the initiatives of true

sustainable development (Ignatov 2019; Millar 1999). Throughout this thesis, I analyze the neglected spiritual and sustainability aspects within change and continuity of ancestrally based authority.

Since ancient days, relations to land in Northern Ghana have repeatedly, unfailingly been under the pressures of change. The ability to endure was crucial to the preservation of tradition among indigenous communities, noted by Hobsbawm and Ranger (2017). I argue that because of the adaptable nature of customary land tenure, ancestrally based authority have been able to continue, and that tindaana-based authority reflects and ensures a legacy of spiritual relations to land because they stand as the chosen cross-realm intermediaries in communion with the ancestors (Millar 1999). Because they have remained a part of Northern Ghana's land system, tindaana can continue to appease the ancestors via ritual, sacrifice, and holding the land as an ancestral trust for the community (Asante 1965). Yes, there are still authority conflicts, as land ownership in Northern Ghana has a familial element that brings forth strong loyalties and resentments, however they have not yet gone so far as to break down the tindaana institution (Lund 2008). Richard Crook notes that Alternative Dispute Resolution (ADR) methods are being set up by and for rural communities to find more appropriate solutions to authority conflicts (Ubink and Amanor).

When discussing options going forward for rightfully recognizing the neglect within the literature to the spiritual and sustainability aspects of customary tenure, I pull my own recommendations within my conclusion from the arguments of David Millar (1999), and Janine Ubink and Kojo Amanor (2008). David Millar (1999) argues that rural people need to be consulted first when planning a development project, and that the through different methods of

participatory rural development, local people can initiate plans that best fit their needs and are practical to their communities. Ubink and Amanor (2008) similarly argue that “increasing devolution of land administration to local and customary-based institutions will result in a more equitable management of land,” and that harmonization between statutory and customary sectors will come when local people are the ones who negotiate the management of their own lands.

I agree with both Millar (1999) and Ubink and Amanor’s (2008) arguments-- and I argue that the only way to sustainably develop land in Northern Ghana is to recognize the traditional authority that is present in local communities and know how to correctly preserve it for the future, as both a precious resource and a spiritual heritage. The only point of Ubink and Amanor’s (2008) argument I would caution toward is that despite its inclusive nature, I don’t believe customary tenure in Northern Ghana is always equitable to women and migrants (which I discuss in the thesis’ conclusion). Paulin Hountondji (1997) argues that inequitable practices and beliefs should not be upheld for the sake of “tradition” but rather that it is imperative they are revisited, and when harmful, left in the past.

Seeing the tindaana at work in Northern Ghana today, including one who was enskinned just this year after being divinely appointed by the gods, reminds me that the ancestors are still very much active in their communities and tindaana are upholding these crucial ritual roles over the land. Northern Ghana continues to stand as the only part of Ghana that utilizes the tindaana and have overall been successful in keeping a spiritual heritage alive for hundreds of years through recognizing the tindaana’s legitimate ancestrally based authority within customary land tenure (NHCLRC 2009). I argue that the literature has largely neglected the spiritual and sustainability implications in changes to ancestrally based authority, and that the only way land

can be held with regards to these elements is by engaging local people (and the ancestors) in development initiatives due to their understanding of the belief systems and local realities foundational to ancestrally based authority in Northern Ghana (Millar 1999). Only if ancestrally based authority and the ancestors are involved in development will it continue sustainably over time, as an ancestral trust.

When ancestral land is lost, the ancestors can react with vengeance upon a community, putting its people in danger (Kirby 2006). Northern Ghana is still facing threats concerning loss of ancestral land- especially land holding valuable natural resources, like land for mining or forests for timber products. Sacred groves, the homes to many ancient earth shrines in Northern Ghana, are in danger because of this exploitation (Yangmaadome 2012). Development pressures and international land grabs become more commonplace as western countries desire control over these resources. International companies and organizations have moved in to all parts of Ghana to exploit their resource bases and impose Western technologies where there may not be any interest by customary landholders (Millar 2003). For example, the Frafra from Vea, in the Upper East region of Northern Ghana, tell a story concerning an irrigation development project (which I draw from Millar 1999). Upon looking out across the vast field where the irrigation project is set up, one will see very sparse trees on both the farming side and the dam side, where trees once abounded. The story is told by a seventy-year-old chief in Vea, who recounted:

“Long ago my people and I showed our concern about the ‘disappearing trees’ since the dam was constructed by consulting our ancestors through the soothsayer. The ancestors told us that the gods were protecting those trees, because for them, the trees were living creatures just like humans, and so needed protection. When the irrigation project came along, it did not give us the opportunity to consult our gods, and went ahead and cleared the trees on the farming side. So all the trees got annoyed and walked away from the area, never to come back again” (Millar 1999, 3).

The chief then said that because the ancestors were annoyed, the community could not yet replant the lost trees. He said that only when the ancestors approved the planting of new trees, the community would do so, saying, “that is the way to go about things. We would have protected some of the trees or would have planted some back. They will not be the same but we would have pleased our gods” (Millar 1999, 3). If the local people (and the tindaana) had been able to consult with the lands’ ancestors before the external irrigation project sidelined their autonomy, they would not now have to fix the problems caused by “development” from the outside (Millar 1999).

Situations like these often overpower local traditional authority with large sums of money and through higher governmental corruption (Yangmaadome 2012). By the time Ghana gained independence in 1957, Asante (1965) says that foreign powers held its entire known mineral resources in concession agreements. Since then, legislations have been passed to curtail such vast granting of concessions to foreign entities, however they still occur at a high volume (Asante 1965).

Knowing the spiritual significance of land and the role of the ancestors, and the way that they have adapted and continued in time, is important for Ghanaian youth today. Modernization has had an effect on the amount of youth who continue in their tradition or take on new ideas about land, local language, and largely, spirituality (Millar 2003). If local language is lost or children move away from their ancestral homes, ancestral histories and first comer narratives can often not be passed down, as they have always been recited in their mother tongue and given orally at home (Lentz 2013). The introduction to Christianity through mission work and colonialism, as well as Islam through migration and the slave trade, have also resulted in less

children following the African Traditional Religion (ATR) or believing in the ancestors (Interview with Elder Christopher Azare. Gowrie, Bolgatanga, Ghana. 03 August 2019). This has dangerous implications for the continuation of the office of the tindaana, the preservation of ancestral land for future generations, and the necessary relationship between the community, the ancestors, and the gods of the land.

It is important to recognize that ancestral land management and customary tenure systems have been able to manage land in Ghana in a way applicable to many people over many generations, and that all elements involved are intertwined with belief systems that have upheld the people too (Kirby 2006). As Ghana has developed and continues to do so, it is seen as an opportune location for development projects and international economic and trade investments (Millar 2003). However, if we are going to take sustainable development seriously, we must take seriously the systems that are rooted in peoples' belonging and have continued over time to preserve that which is crucial to their livelihoods (Millar 1999; Shipton 2009). We must ensure that even as the world changes and new developments take place, that they do not negate the importance of tradition (Hobsbawm and Ranger 2017). Although we have seen that customary systems are adaptive and malleable, we must be certain that our efforts do not add to the struggles indigenous communities already have in upholding what is most important to them. Therefore, it is necessary going forward that local community members, traditional authorities (such as tindaanas,) and the ancestors are invited into any projects that involve the land in Northern Ghana. I argue that the most "sustainable" way ancestral land can be managed is through recognition of the spiritual elements that have been embedded within it through space and time.

For further research I pose the following questions, which arose while working through the main topics of this thesis and could be later utilized in a more systematic literature review: First, How can the institution of tindaana be more equitable and held more accountable? Women and migrants are often not given the same rights to land that men and autochthons are in Northern Ghana. Ignatov (2019) describes that the ancestors are who are in charge of holding tindaana accountable (through death,) but who among the living is situated within customary legalities to ensure this accountability on a day-to-day level? Second, would better defined land rights in the Constitution and stricter land legislation resolve or proliferate land conflicts in Northern Ghana? Written and documented ancestral histories? Titles to the land? Lund (2008) gave examples of conflicts that arose from legislative ambiguity-- but could the implementation of extreme or rigid rules cause an uprising or similar problem in Ghana that would dismantle, rather than just destabilize, customary tenure? Third, would a greater focus on conservation for the tourist economy or resources for the export economy be an easier transition to preserving land in light of modern capitalist development in Ghana? The self interest of the elite and powerful has been referenced severally throughout this thesis, among examples of traditional authority also pocketing ground rent and selling precious land for cash (Ignatov 2019; Lentz 2013; Danquah in Asante 1965). Is the solution to accentuate ancestral land's value through monetary terms? Or would this completely negate land's spiritual element that is so crucial to belonging within Northern Ghana?

I close this thesis reflecting on a visit just yesterday, July 31, 2019, to Mr. Alhassan Ya Kobu and his family. Mr. Ya Kobu is a tindaana who lives in Lahagu in the Northern region of Ghana. After welcoming me into their home, we settled on a small wooden bench and a bright

blue plastic chair under the comfortable shade of a *Dawadawa* tree. As the bright morning sun peeked through the leaves and rested on my notebook page, I surveyed my surroundings. The tindaana's wife, laden in pink and orange flowered ankara, the traditional West African fabric, looked toward her grandchildren as she stirred a red fish stew. They were sprawled across dusty wooden flats on the ground, their feet bouncing in the air behind them as they laid on their bellies and laughed among each other. Beginning the interview, I handed the tindaana a small plastic bag of kola nuts (caffeinated fruits of trees from the genus *Cola* commonly chewed throughout Western Africa, particularly in association with traditional meetings). As Mr. Ya Kobu broke one nut in half and bit off a chunk of the bitter fruit, he shared with me traditions passed from his grandfather to his father to him. For example, as his family cat pushed against his leg and he pet her with the tip of his cream-colored Nike flip flop, he delicately held up a blonde bundle of hair tied at the end, about six inches in length. He explained to me that this goat tail traveled to his home in the night over a year ago, guided by the spirits and laid in front of his door, to signal to him that the ancestors chose him as Lahagu's next tindaana. Mr. Ya Kobu also described to me the ways by which he "cries out to the gods" at Lahagu's earth shrine. He explained that the ancestors (including deceased male members of his own lineage) "met with" that same shrine many years ago when they settled there (Interview with Tindaana Alhassan Ya Kobu. Lahagu, Ghana. July 31, 2019). Mr. Ya Kobu's children, one of whom, may also become tindaana, also appreciated the accounts, regarding him with inquisitive, big eyes.

The compilation of this thesis and my time completing it in Northern Ghana has driven home the real reason why the changes and continuity in ancestrally based authority over land matters. As a spiritual heritage, ancestral land in Northern Ghana belongs to its people, and

having an ancestrally based authority in effect, such as the tindaana, ensures that this legacy is fulfilled regardless of how it has had to adapt over time. Before closing, I do want to issue an apology for where my thesis may have romanticized the tindaana institution. I am aware that tindaanas also break from customary beliefs and also work in their own interests at times. Their institution also, to this day, still marginalizes women and migrants from becoming traditional authority or owning land in some forms. Although women help the tindaana in preparing sacrificial foods, and some areas in the Upper East region allow the enskinment of female tindaana (NHCLRC 2009), for the most part women lack the same ownership rights that men in rural Ghanaian communities hold (Millar 2006). Migrants are at times denied lights to land because it is said that their lineages did not originate from there, and they essential don't have a basis of belonging (Lentz 2013). Hountondji (1997) warns of this kind of regressive and hurtful attachment to tradition. He says that tradition should not be retained "as is" blindly, but when inequitable needs to be reassessed and reconfigured. Patriarchal, xenophobic, and largely detrimental characteristics of tradition unfortunately do remain, even within the tindaana institution, but as evolutionary as customary tenure has proven itself to be, I have hope that oppressive elements may one day be left in the past. I say this as I remember the fleeting glances of Mr. Ya Kobu's one young daughter, with short braids kept close to her head and a black and red skirt dusty from play, who may or may not have the chance to take up her father's important role one day (it's up to you, ancestors!)

The tindaana fights to keep the land for her, as well as all of the other curious children with big eyes and hushed laughter, the aging uncle sitting under the shade of the young tree trunk, the wife making soup with a headscarf blowing in the warm, mid-morning wind, the

smock-clad community members walking in front of round, block houses, and not least for the ancestors, the deceased family and friends who came before. The tindaana journeys into the dense bush where the earth shrine can be found, nestles his knees into the sun-dried dirt, holds out his offering of two fowl or a goat, and to them makes a plea that by his sacrifices, their people may prosper.

## References

- Anabila, Christopher Azaare. "Recollections of Past Events of British Colonial Rule in Northern Ghana, 1900-1956." In *Politics of African Anticolonial Archive*, by Shiera S. El- Malik and Isaac A. Kamola. London: Rowman & Littlefield International, 2017.
- Apusigah, Agnes Atia, Ph.D. "The Matri-Force as an Option for Sustainable Development in Africa." *Endogenous Development and Bio-cultural Diversity*, 2007.
- Asante, Samuel K. B. "Interests in Land in the Customary Law of Ghana. A New Appraisal." *The Yale Law Journal* 74, no. 5 (1965): 848. doi:10.2307/794709.
- Ault, David E., and Gilbert L. Rutman. "The Development of Individual Rights to Property in Tribal Africa." *The Journal of Law and Economics* 22, no. 1 (1979): 163-82. doi:10.1086/466937.
- Bening, R.B. "Land Policy and Administration in Northern Ghana 1989-1976." *Transactions of the Historical Society of Ghana* XVI li (January 1995).
- Berry, Sara. "Debating the Land Question in Africa." *Comparative Studies in Society and History* 44, no. 04 (2002). doi:10.1017/s0010417502000312.
- Berry, Sara. *No Condition Is Permanent: The Social Dynamics of Agrarian Change in Sub-Saharan Africa*. Madison, WI: University of Wisconsin Press, 1993.
- Berry, Sara. "Property Rights and Rural Resource Management: The Case of Tree Crops in West Africa." *Cahiers - ORSTOM, Serie Sciences Humaines*, no. 24 (January 1988).

Collins, Andrea, and Matthew I. Mitchell. "Revisiting the World Bank's Land Law Reform Agenda in Africa: The Promise and Perils of Customary Practices." *Journal of Agrarian Change* 18, no. 1 (2017): 112-31. doi:10.1111/joac.12201.

Constitution of the Republic of Ghana, 1992. Ghana Publishing Company, Accra, 1998.

Friedenthal, Lora, and Dorothy Kavanaugh. *Religions of Africa*. Philadelphia: Mason Crest, 2014.

Gengenbach, Heidi. "Naming the past in a "Scattered" Land: Memory and the Powers of Womens Naming Practices in Southern Mozambique." *The International Journal of African Historical Studies* 33, no. 3 (2000): 523. doi:10.2307/3097433.

Gyekye, Kwame. *African Cultural Values: An Introduction*. Accra: Sankofa Publishing Company, 1996, Ch. 11 "Ancestorship and Tradition, pp. 161- 68.

Haverkort, Bertus, Katrien Van T Hooft, and Wim Hiemstra. *Ancient Roots, New Shoots: Endogenous Development in Practice*. London: Compas, 2003.

Hobsbawm, E. J., and T. O. Ranger. *The Invention of Tradition*. Cambridge: Cambridge University Press, 2017.

Hountondji, Paulin J. *Endogenous Knowledge: Research Trails*. Dakar: Codesria, 1997.

Ignatov, Anatoli. "Who Owns the Land? Legal Pluralism and Conflicts over Land Rights in Ghana." Washington DC: 2019 World Bank Conference on Land and Poverty, 2019.

Interview with Dagbani Historian Fusheini Yakubu. Tamale, Ghana. 25 July 2019.

Interview with Elder Christopher Azare. Gowrie, Bolgatanga, Ghana. 03 August 2019.

Interview with Historian Mohammad Abdullai. Lahagu, Ghana. 31 July 2019.

Interview with Secretary of Tindaana Association Timothy Baba. Vea, Ghana. 04 August 2019.

Interview with Simon Agongo. Tamale, Ghana. 07 August 2019.

Interview with Tindaana Alhassan Ya Kobu. Lahagu, Ghana. 31 July 2019.

Juul, K., and Christian Lund. *Negotiating Property in Africa*. Portsmouth, Heinemann, 2002.

Kasanga, Kasim, and Nii Ashie Kotey. "Land Management in Ghana: Building on Tradition and Modernity." *International Institute for Environment and Development*, February 2001.

Kendie, Stephen Bugu, and Bernard Guri. "Indigenous Institutions, Governance and Development: Community Mobilization and Natural Resources Management in Ghana." *Endogenous Development and Bio-cultural Diversity*. 2006.

Kirby, Jon P. "The Earth Cult and the Ecology of Peacebuilding in Northern Ghana." *African Knowledges and Sciences*, 2006.

Kopytoff, Igor. "Ancestors as Elders in Africa." *Africa: Journal of the International African Institute* 41, no. 02 (1971): 129-42. doi:10.2307/1159423.

Lentz, Carola, and Paul Nugent. *Ethnicity in Ghana: the Limits of Invention*. New York: St.

Martins Press, 2000.

Lentz, Carola, and Richard Kuba. *Land and the Politics of Belonging in West Africa*. Leiden: Brill, 2006.

Lentz, Carola. *Land, Mobility and Belonging in West Africa*. Bloomington: Indiana University Press, 2013.

Lund, Christian. "Local Politics and the Dynamics of Property in Africa." *Cambridge University Press*, 2008. doi:10.1017/cbo9780511510564.

MacGaffey, Wyatt. *Chiefs, Priests, and Praise-Singers: History, Politics, and Land Ownership in Northern Ghana*. University of Virginia Press, 2013.

Mahama, Salifu Edward, and Felix T. Longi. "Conflicts in Northern Ghana: Search for Solutions, Stakeholders and Way Forward," *GJDS*, Vol. 10, No. 1 & 2 (2013). <http://dx.doi.org/10.4314/gjds.v10i1&2.7>.

Mccall, John C. "Rethinking Ancestors in Africa." *Africa: Journal of the International African Institute* 65, no. 02 (1995): 256-70. doi:10.2307/1161193.

Millar, David. "Ancestorcentrism: A basis for African Sciences and learning epistemologies" in *African Knowledges and Sciences: Understanding and supporting the ways of knowing in Sub-Saharan Africa*, ed. David Millar, Stephen B. Kendie, Agnes A. Apusigah and Bertus Haverkort. COMPAS, 2006, pp. 53-63.

Millar, David. "Improving Farming with Ancestral Support" in *Ancient Roots, New Shoots*, pp. 153-68. 2003.

Millar, David. "Traditional African Worldviews from a Cosmvision Perspective" and "When the Spirits Speak" in *Food for Thought: ancient visions and new experiments of rural people*, pp. 131-38, 139-54. 1999.

NHCLRC 2009 Report, Project Secretariat of the ACLP. "Literature Review Report on Customary Law on Land in Ghana." National House of Chiefs/Law Reform Commission, June 2009.

Nkrumah, Kwame. "Consciencism: Philosophy and Ideology for Decolonization." Monthly Review Press, 1964.

Ollennu, N.A. *Principles of Customary Land Law in Ghana*. London: Sweet and Maxwell, 1962.

Peters, Pauline E. "Land Appropriation, Surplus People and a Battle over Visions of Agrarian Futures in Africa." *Journal of Peasant Studies* 40, no. 3 (2013): 537-62.  
doi:10.1080/03066150.2013.803070.

Quiroz, Diana, and Tinde Van Anandel. "Evidence of a Link between Taboos and Sacrifices and Resource Scarcity of Ritual Plants." *Journal of Ethnobiology and Ethnomedicine* 11, no. 1 (2015). doi:10.1186/1746-4269-11-5.

Rattray, R.S. *The Tribes of the Ashanti Hinterland*, vol. 1. London: Oxford University Press, 1932.

Richards, Paul. *Indigenous Agricultural Revolution: Ecology and Food Production in West Africa*. London: Hutchinson &, 1985.

Shipton, Parker MacDonald. *Mortgaging the Ancestors: Ideologies of Attachment in Africa*. New Haven: Yale University Press, 2009.

Shipton, Parker, and Mitzi Goheen. "Introduction. Understanding African Land-Holding: Power, Wealth, and Meaning." *Africa* 62, no. 03 (1992): 307-25. doi:10.2307/1159746.

Shipton, P. "Land and Culture in Tropical Africa: Soils, Symbols, and the Metaphysics of the Mundane." *Annual Review of Anthropology* 23, no. 1 (1994): 347-77.

Smith, Linda Tuhiwai. *Decolonizing Methodologies: Research and Indigenous Peoples*. London: Zed Books, 2012.

Tonah, Steve. "Chiefs, earth priests and the state: Irrigation agriculture, competing institutions and the transformation of land tenure arrangements in Northeastern Ghana." In *Contesting Land and Custom in Ghana: State, Chief and the Citizen*, ed. Janine Ubink and Kojo S. Amanor, 113-30. Leiden: Leiden University Press, 2008.

Ubink, Janine M., and Kojo S. Amanor. "Contesting Land and Custom in Ghana : State, Chief and the Citizen." *Law, Governance, and Development Research*, 2008. doi:10.5117/9789087280475.

Witter, Rebecca, and Terre Satterfield. "Invisible Losses and the Logics of Resettlement Compensation." *Conservation Biology* 28, no. 5 (2014): 1394-402. doi:10.1111/cobi.12283.

Yangmaadome, Bernard Guri, Daniel Banuoku Faabelangne, Emmanuel Kanchebe Derbile, Wim Hiemstra, and Bas Verschuuren. "Sacred Groves versus Gold Mines: Biocultural Community Protocols in Ghana (PLA 65)", 2012. <http://pubs.iied.org/G03405/>.

Yaro, Joseph A. "Re-inventing Traditional Land Tenure in the Era of Land Commoditization: Some Consequences in Periurban Northern Ghana." *Geografiska Annaler: Series B, Human Geography* 94, no. 4 (2012): 351-68. doi:10.1111/geob.l2003.



“Tindaana, young child, and ancestress under Baobab.” Original illustration by Lauren Burrows.  
August 2019.