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## THE PARADOX OF DEMOCRATISATION IN AFRICA: CHIEFTAINCY, LAND RIGHTS AND KONKOMBA EXCLUSION IN NORTHERN GHANA IN THE 1990s.

## ABSTRACT

*This article explores the paradoxical impact of democratisation on belonging in northern Ghana. It argues that, while democratisation was expected to forge inclusion and create political space for marginalised ethnicities to acquire rights to chieftaincy and land, it rather reified and institutionalised their exclusion. The adoption of constitutional rule in Ghana in 1992 rapidly diminished state power and weakened its capacity to administer justice through the redistribution of resources. Formalising land ownership and chieftaincy through constitutional provisions created boundaries of exclusion and set the stage for violent conflicts. The article makes the point that constitutional rule in Ghana stimulated struggles over belonging and led to local mechanisms of exclusion based on autochthony.*

*Key words: Konkomba, Northern Ghana, Belonging, Land, Chieftaincy, Democratisation*

### 1. INTRODUCTION

In the last three decades, belonging has proved to be a powerful analytical tool for understanding stranger-autochthon relations in Africa. Peter Geschiere has contributed immensely to our understanding of how Africans employed the notion of autochthony to redefine belonging in African societies.<sup>1</sup> The nexus between autochthony,



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<sup>1</sup> P Geschiere and F Nyamnjoh, ““Capitalism and autochthony”: The seesaw of mobility and belonging”, *Public Culture* 12 (2), 2000, pp. 423 – 452; P Geschiere,

land and power in Africa has created complex but fertile grounds for “othering” within African communities, resulting in conflicts between supposed indigenes and outsiders over belonging. Surprisingly, these contestations and conflicts over belonging increased with the move towards democratisation in Africa in the 1990s. In 1998, Geschiere and Birgit Meyer analysed how globalisation and liberalisation in Africa paradoxically led to local mechanisms of exclusion.<sup>2</sup> Bambi Ceuppens and Geschiere have suggested that the upsurge of contestation over belonging in the 1990s was not restricted to Africa.<sup>3</sup> Yet the African case was unique in the way ruling elites used belonging as a powerful weapon to exclude individuals and groups from the political process. In many parts of Africa, democratisation generated contestations over belonging, leading to violent exclusion of supposed strangers. In South Africa, this process of exclusion took the form of xenophobic reaction where the local population attacked foreigners for taking over local jobs and business opportunities.<sup>4</sup> In Zimbabwe and Cote D'Ivoire, the state redefined citizenship to exclude ethnic strangers from voting and contesting elections, respectively.<sup>5</sup> Piet Konings study of Cameroon examines how politicians in that country exploited the division between autochthons and allochthons for electoral gains

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*The perils of belonging: Autochthony, citizenship and exclusion in Africa and Europe* (Chicago: The University of Chicago Press, 2009); P Geschiere, “Autochthony and citizenship: New modes in the struggle over belonging and exclusion in Africa”, *Forum for Development Studies* 32 (2), 2005, pp. 371-384.

- 2 P Geschiere and B Meyer, “Globalisation and identity: Dialectics of flow and closure”, *Development and Change* 29, 1998, pp. 601- 615.
- 3 B Ceuppens and P Geschiere, “Autochthony: local or global? New modes in the struggle over citizenship and belonging in Africa and Europe”, *Thee Annual Review of Anthropology* 35, 2005, p. 397.
- 4 LB Landau (ed.), *Exorcising the demons within: Xenophobia, violence and statecraft in contemporary South Africa* (New York: United Nation University Press, 2012); F Nyamnjoh, *Insiders and outsiders: Citizenship and xenophobia in contemporary South Africa* (Dakar: Codesria Books, 20006); J Crush, “The dark side of democracy: Migration, xenophobia and human rights in South Africa”, *International Migration* 38 (6), 2000, pp. 103 – 133; M Neocosmos, “The politics of fear and the fear of politics: Reflections on xenophobic violence in South Africa”, *Journal of Asian and African Studies* 43 (6), 2008, pp. 586 –594. See also, C Gray, “Cultivating citizenship through xenophobia in Gabon, 1960-1995”, *Africa Today* 45 (3), 1998, pp. 389 – 410.
- 5 J Muzondidya, “Zimbabwe for Zimbabweans”: Invisible subject minorities and the quest for justice and reconciliation in post-colonial Zimbabwe”. In: B Raftopoulos and T Savage (eds.), *Zimbabwe: Injustice and Political Reconciliation* (Cape Town: Institute for Justice and Reconciliation, 2004), pp. 213-235; Whitaker, “Citizens and foreigners”, pp. 109 – 126; A Daimon, “Mabhurandaya”: The Malawian diaspora in Zimbabwe, 1895-2008 (PhD, University of the Free State, 2015); J Mujere, *Autochthons, strangers, modernising educationists and progressive farmers: Basotho struggle for belonging in Zimbabwe, 1930s-2008* (PhD, University of Edinburgh, 2012).

during the political democratisation of the 1990s.<sup>6</sup> Beth Whitaker underscores the elite's manipulation of citizenship rights in favour of ruling parties in ways that fuel broader xenophobic sentiments and exclusionary nation-building in Congo and other parts of Africa. He contends that these exclusionary tactics were often achieved through constitutional amendments and other legal means that legitimise the acts and allow the elites to be seen as embracing the rule of law.<sup>7</sup> Others have focused on how such manipulations have triggered political violence.<sup>8</sup> There is a burgeoning literature on the increased contestations over belonging in the 1990s. This literature often presents the exclusionary effects of democracy as a perversion engineered by the political elites. In this article, I present democracy as a paradox which engenders both inclusion and exclusion. While the democratisation process opens up space for agitation for inclusion, it also institutionalises and reifies boundaries of exclusion by entrenching the control of privileged groups. I examine the failed attempts by the Konkomba of northern Ghana to obtain rights to land and political representation in the 1990s to illustrate how democratisation shaped local belonging during the period of increased democratisation.

## 2. LAND, CHIEFTAINCY AND BELONGING

Several studies on Africa have established a link between land, chieftaincy and belonging.<sup>9</sup> Carola Lentz, for example, observes that control over land in Africa was linked to political power and authority because landowners easily converted land rights into social and political capital.<sup>10</sup> For this reason, people used history, ancestry and origin to make claims to land not merely for access to a material resource but to political power and authority. In northern Ghana and elsewhere in Africa, one's right to possess land represents the ultimate

6 P Konings, "Mobility and exclusion: Conflicts between autochthons and allochthons during political liberalisation in Cameroon". In: M de Bruijn *et al.* (eds.), *Mobile Africa: Changing patterns of movement in Africa and beyond* (Leiden: Brill, 2001), pp. 184-9.

7 BE Whitaker, "Citizens and foreigners: Democratisation and the politics of exclusion in Africa", *African Studies Review* 48 (1), 2005, pp. 109 – 126.

8 G Nzongola-Ntalaja, "Citizenship, political violence, and democratisation in Africa", *Global Governance* 10 (4), 2004, pp. 403-409.

9 R Kuba and C Lentz (eds.), *Land and the politics of belonging in West Africa* (Leiden: Brill, 2006); J Fontein, *Remaking Mutirikwi: Landscape, Water and Belonging in Southern Zimbabwe* (London: James Currey, 2015); C Lentz, *Land, mobility, and belonging in West Africa* (Indianapolis: Indiana University Press, 2013); C Lund, *Local politics and the dynamics of property in Africa* (Cambridge: Cambridge University Press, 2008); C Lund, "Property and citizenship: Conceptually connecting land rights and belonging in Africa", *Africa Spectrum* 46 (3), 2011, pp. 71 – 75; S Berry, *Chiefs know their boundaries: Essays on property, power, and the past in Asante, 1986–1996* (Portsmouth, NH: Heinemann Publishing, 2001).

10 C Lentz, "Land rights and the politics of belonging in Africa: An introduction". In: R Kuba and C Lentz (eds.), *Land and the politics of belonging in West Africa* (Leiden: Brill, 2006), p. 2.

proof that one belongs to the community. Only ethnic groups with a legitimate claim to land within a particular territorial boundary (although artificially constituted) were regarded as full citizens. Right to traditional authority was equally dependant on the legitimacy of the ethnic group with land rights.<sup>11</sup> Denial of land was also a denial of belonging thus, contestations over land was equally struggle over inclusion.<sup>12</sup>

Although the Konkomba claim to be one of the earliest inhabitants of northern Ghana, their centralised neighbours regard them as immigrants who have recently come into Ghana from the republic of Togo.<sup>13</sup> Since the 1970s the state rationalisation of land claims has denied them land rights although they retained rights to use it. Their lack of land ownership rights reinforced their perceived immigrant status and positioned them as outsiders who did not belong in the Ghanaian nation-state. Since the colonial period, the Konkomba were excluded from chieftaincy rights under British indirect rule system because they were thought to be “acephalous” or “chiefless”.<sup>14</sup> As a result, the British ruled them through Dagomba chiefs.<sup>15</sup> Since chieftaincy was intimately connected with land rights in northern Ghana, they also lacked control over land. The post-colonial Ghanaian governments continued this arrangement, and by the 1990s the Konkomba still had no paramount chiefs and lands of their own.

Although land rights varied throughout Africa, in most cases claims to land were fashioned around social belonging mediated by ethnicity. Community attachment to ancestral land or a homeland was a fundamental dimension of the notion of belonging in Africa. The land was communally owned, and the inability of one to point to a homeland or a home village affected their status as community members.<sup>16</sup> Because of the importance of land, pre-colonial land ownership in northern Ghana was non-exclusionary. Every person or group of people had the right to own land. As Lentz points out, customary land tenure was inclusive, flexible and fluid, allowing land rights to be renegotiated to accommodate changing relations between first comers and late comers.<sup>17</sup> Colonialism introduced some changes to the

11 Lentz, “Land rights and the politics of belonging in Africa”, p. 2.

12 S Berry, “Property, authority and citizenship: Land claims, politics and the dynamics of social division in West Africa”, *Development and Change* 40 (1), 2009, pp. 23– 45; S Dorman *et al.*, “Introduction”. In: S Dorman *et al.* (eds.), *Making nations, creating strangers: State and citizenship in Africa* (London: Brill, 2007), p. 16.

13 I Mahama, *Ethnic conflicts in northern Ghana* (Tamale: Cyber Systems, 2003).

14 See, RS Rattray, *Tribes of the Ashanti hinterland*, Volume 1 and 2 (London: Clarendon Press, 1932).

15 B Talton, *Politics of social change in Ghana: The Konkomba struggle for political equality* (New York: Palgrave Macmillan, 2010).

16 Lentz, “Land rights and the politics of belonging in Africa”, p. 2.

17 Lentz, “Land rights and the politics of belonging in Africa”, p. 11.

traditional land tenure system, but the land remained accessible to all groups. In 1927, the “Land and Native Rights Ordinance (Northern Territories)” declared all lands in the Northern Territories, public lands but opposition from the Legislative Council led to another Ordinance in 1931 declaring all Northern Territories’ lands “native lands”.<sup>18</sup> But even so, the Governor still retained the final authority over the sale and management of land in northern Ghana. In effect, although administered by customary law, northern land remained legally a form of “Crown Land” over which the colonial government had ultimate control. Christian Lund identifies this land tenure system as “legal pluralism” where both the modern state and chiefs had authority over land.<sup>19</sup> This pluralist land control allowed some form of flexibility that insulated the marginalised groups with the government acting as a protector. In the 1990s this pluralism was removed after land ownership was renegotiated and enshrined in the constitution.

Closely related to land ownership was chiefly power. Basing the colonial rule on Native Authorities controlled by ethnic chiefs, the colonial state incorporated chieftaincy into colonial governance in the indirect rule system where chiefs represented their ethnic group and controlled land of their native areas.<sup>20</sup> As a means by which “natives” could own land, chieftaincy was an essential source of power. In multi-ethnic areas, the colonial administration reduced some ethnic groups to subjects and elevated others to rulers.<sup>21</sup> This colonial categorisation became the basis of the post-colonial marginalisation and disempowerment for the chiefless peoples. As Wyatt MacGaffey writes, “in the northern context today, to have or to have had chiefs is to associate oneself and one’s group with superior status. Those who supposedly had none are at risk of being called slaves by others”.<sup>22</sup> Colonial officials associated chieftaincy with ethnicity and made it the basis for constructing ideological and social boundaries of inclusion and exclusion, and instituting it as a primary form of collective identification and belonging.<sup>23</sup> In post-colonial Ghana, this idea of ethnicity as communal identity persisted

18 RB Bening, “Land policy and administration in Northern Ghana 1898”, *Transactions of the Historical Society of Ghana* 16 (2), 1975, p. 239.

19 Lund, *Local politics and the dynamics*, p. 13.

20 JNK Brukum, “Chiefs, colonial policy and politics in Northern Ghana, 1897-1956”, *Transactions of the Historical Society of Ghana* (3), 1999, p. 113.

21 S Kunkel, “Taxation without Resistance: Native treasuries in the Northern Territories”, *Ghana Studies* 22, 2019, p.120.

22 W MacGaffey, *Chief priests and praise-singers: History, politics and landownership in northern Ghana* (Charlottesville: University of Virginia Press, 2013), p. 16.

23 C Lentz and P Nugent (eds.), *Ethnicity in Ghana: The limits of invention* (New York: St. Martin’s Press, 2000).

and chieftaincy continued to be a symbol of local belonging as well as a determinant of political participation and access to resources.<sup>24</sup>

During the early independent period in Ghana attempts were made by Kwame Nkrumah, to curtail the powers of chiefs. Following the overthrow of Nkrumah however, the subsequent governments made efforts to restore the influence of chiefs but the chieftaincy institution never fully regained its control until the 1990s. In the 1990s there was a resurgence of chiefly power not only in Ghana but in Africa as a whole.<sup>25</sup> With increased democratisation, chiefs came to play a vital role not only as “vote banks” in elections but also as “development brokers.”<sup>26</sup> However, as Kate Baldwin notes, the idea of relying on chiefs to facilitate development had its problems. Chiefs were interested only in “facilitating the delivery of geographically [ethnically] targeted good”.<sup>27</sup> It was therefore not surprising that the Konkomba complained that their lack of chiefs excluded them from development and state resources.<sup>28</sup> Before the 1990s, the Konkomba leaders remained ambivalent towards chieftaincy. As late as 1980, Konkomba Youth Association (KOYA) noted that the Konkomba did not “attach much importance to chieftaincy as the other tribes” because it was a symbol of colonial oppression and exploitation.<sup>29</sup> But with the coming into force of the 1992 Constitution, Konkomba attitude towards chieftaincy changed and they began to make demands for recognition of their chiefs.

Increased democratisation was expected to provide space for groups like the Konkomba to obtain equal access to chieftaincy. However, rather than providing equality, the processes of democratisation instead served to institutionalise exclusion and inequalities among groups. Catherine Boone and Dennis Kwame Duku have shown that increased democratisation process at the national level in Ghana and its state institutionalisation of land holdings, “rather than working to chip away ethnic privilege and chiefly authority”, work instead to shore up ethnic privileges and the exclusion of ethnic strangers.<sup>30</sup> As we shall see in the next section, democratisation proved

24 Dorman *et al.*, “Introduction”, p. 16.

25 F Nyamnjoh, “Might and right: Chieftaincy and democracy in Cameroon and Botswana”. In W van Binsbergen (ed.), *The dynamics of power and the rule of law* (Leiden: LIT Verlag/African Studies Centre, 2003), p. 122; K Baldwin, *The paradox of traditional chiefs in democratic Africa* (Cambridge: Cambridge University Press, 2016).

26 Baldwin, *The paradox of traditional chiefs*, p. 4.

27 Baldwin, *The paradox of traditional chiefs*, p. 11.

28 Interview: Author with U Mawong, Local KOYA chairman, Lungni, 16 February 2017.

29 KOYA, Memorandum on Konkomba Lands Submitted by the Konkomba Youth Association to His Excellency, the President, Dr. Hilla Limann on His Visit to the Northern Region to Settle the Nanumba-Konkomba Conflict, 11 July 1981.

30 C Boone and DK Duku, “Ethnic land rights in western Ghana: Landlord–stranger relations in the democratic era,” *Development and Change* 43 (3), 2012, p. 672.

to be a serious barrier for the Konkomba to obtain recognition for their locally created chieftaincy and land claim.

### 3. CHIEFTAINCY, LAND AND EXCLUSION IN A DEMOCRACY

Without government recognition, local Konkomba leaders lacked the power to exercise control over their people and represent their communities in local government institutions. Following the move towards constitutional rule in the 1990s, the Konkomba felt that the opportunity had come for them to obtain access to the chieftaincy institution and subsequently right to land. They then began to agitate for state recognition for their chiefs. In June 1993, they petitioned the National House of Chiefs demanding that the government recognised their chiefs and elevate one of them, preferably the chief of Saboba (*Uchabobor*), to a paramount status with a traditional council and power to enskin divisional chiefs.<sup>31</sup> In their petition, they argued that they were linguistically and culturally different from their neighbours under whose chiefs they were placed. For the Konkomba, the prevailing situation where they were described as “chiefless” and put under Dagomba, Mamprusi, Nanumba and Gonja chiefs was the result of the “obsolete” colonial policy of indirect rule.<sup>32</sup> Claiming ownership over their settlements on Ghana-Togo border, they emphasised their indigenous status and numerical strength as a reason they should have “a clearly defined traditional area of their own”.<sup>33</sup> In contrast to the view expressed in colonial records and their earlier stance, they declared that “from time immemorial, the Konkomba have always been ruled by a chief or traditional authority beginning from the Head of the family to the Head of the clan and Head chief of the clan.”<sup>34</sup> This statement registers a noticeable shift towards chieftaincy among the Konkomba in the 1990s. Considering the vital role that chieftaincy has come to play in modern state bureaucracy and development, it was not surprising that the Konkomba now put chieftaincy at the centre of their struggle for equality and belonging. As Benjamin Talton points out, by embracing chieftaincy as a means of attaining political

31 KOYA, Petition of Chiefs, Elders and the Youth of Konkomba Land to the National House of Chiefs for the Creation of Paramount Stool for Konkomba land to be known as “Ukpakpabur”, 29 June 1993, p. 3.

32 KOYA, Petition of Chiefs, Elders and the Youth of Konkomba Land to the National House of Chiefs, 29 June 1993, p. 2.

33 KOYA, Petition of Chiefs, Elders and the Youth of Konkomba Land to the National House of Chiefs, p. 3.

34 KOYA, Petition of Chiefs, Elders and the Youth of Konkomba Land to the National House of Chiefs, p. 2.

autonomy, the Konkomba had come to accept colonial prescription of what constituted a legitimate ethnic group.<sup>35</sup>

However, the general democratic framework seemed to close off the route to state recognition of the Konkomba as a legitimate ethnic group through the acquisition of chieftaincy. To insulate the chieftaincy institution from state abuse, the 1992 Constitution forbade state-appointment of chiefs.<sup>36</sup> Only traditional authorities now had the power to make and recognise chiefs. The Konkomba application for a paramount skin must then be directed to the Ya Na (the ruler of the Dagomba state) whose authority they sought to challenge. There were now two crucial obstacles for the Konkomba. First, the petition had to be approved by the Ya Na and the Northern Regional House of Chiefs – a body made up of the chiefs of the four centralised groups.<sup>37</sup> Second, they required a territorial area (land) to be designated as Konkomba traditional area. To circumvent the first obstacle, the Konkomba made their application directly to the National House of Chiefs, by-passing the Ya Na and the Northern Regional House of Chiefs. Under the new constitution, this was wrong, and as the Ya Na argued, for the Konkomba petition to receive any attention, it had to be re-routed through him to the National House of Chiefs.

The Konkomba reluctantly complied, and as expected, the Ya Na, who under the constitution had the ultimate power to grant the Konkomba request turned it down. In his reply to the Konkomba rejecting the application, he argued that the Konkomba had no allodial title to land in Ghana. Without resorting to the usual conquest narrative, the Ya Na insisted that the Konkomba who resided in Ghana were recent migrants from French Togoland.<sup>38</sup> Accusing the Konkomba of presenting “a pack of false claims” in their application, Ya Na proceeded to refute the Konkomba arguments for a paramountcy. First, he disputed Konkomba claim that they were the second-largest ethnic group in the Northern Region. He suggested that an ethnic group that claims to be the second-largest group in the region should have more than just two representatives in the Ghanaian parliament. He further presented population figures of the various districts in the region to show that Saboba district, which was inhabited by the Konkomba, was very small in

35 B Talton, “Food to eat, pito to drink”: Education, local politics and self-help initiatives in Northern Ghana, 1945-1972”, *Transactions of the Historical Society of Ghana*, New Series 7, 2003, p. 227. Talton, *Politics of social change in Ghana*, p.14.

36 J Jonsson, “The overwhelming minority: Inter-ethnic conflict in Ghana’s northern region”, *Journal of International Development* 21, 2009, p. 511.

37 These centralised groups were the Dagomba, Nanumba, Mamprusi and Gonja. The first three were of one ancestor and therefore closely related.

38 Ya Na, Reply to Konkomba Petition for Paramountcy, Dagomba Traditional Council, 22 October 1993, pp. 6-11.



terms of population and could not be constituted into a traditional area.<sup>39</sup> Also, he contested the Konkomba claim that the British colonial policy of indirect rule was to blame for the existing system of Dagomba hegemony in northern Ghana. He insisted that the British only formalised a pre-colonial arrangement in which the Dagomba had established their authority over the Konkomba.<sup>40</sup> He also cited lack of chiefly tradition among the Konkomba as one of the reasons why the Konkomba could not have a paramount chief. For Ya Na, the institution of chieftaincy was utterly unknown in Konkomba customs and traditions, and therefore the award of paramountcy to the Konkomba would amount to the “bastardisation of the chieftaincy institution.”<sup>41</sup>

With Ya Na’s refusal to grant the Konkomba application, tension arose between the two groups and a conflict became imminent as both groups began to stockpile arms.<sup>42</sup> The democratisation process that had started in 1992 had a huge role in bringing about this tension. First, democracy weakened the state’s ability to ensure social justice. Some observers interpreted the state failure to recognise Konkomba chiefs as a clear case of a neo-patrimonial state caught up in its double-dealing game. As Nana Kwaku Brukum reveals, the National Democratic Congress (NDC) government could not take any bold steps to correct social injustice against the minority groups for fear of losing votes from the majority in subsequent elections.<sup>43</sup> In October 1993, an independent newspaper, the *Ghanaian Chronicle*, reported that the Konkomba were preparing for a conflict against the centralised groups because of the chieftaincy snub.<sup>44</sup> According to the paper, the Konkomba felt

39 Ya Na, Reply to Konkomba Petition for Paramountcy, Dagomba Traditional Council, 22 October 1993, pp. 2-3.

40 Ya Na, Reply to Konkomba Petition for Paramountcy, Dagomba Traditional Council, 22 October 1993, p. 5.

41 Ya Na, Reply to Konkomba Petition for Paramountcy, Dagomba Traditional Council, 22 October 1993, p. 5.

42 To defuse the mounting tension, government dispatched a twelve-member delegation to the chiefs and opinion leaders of the ethnic groups concerned to deal with the impasse but the delegation’s intervention failed to calm down tension. As the conflict became imminent, the Dagomba accused KOYA of harbouring secessionists’ tendencies, and having clandestine connection with the Togoland Liberation Movement (Tolimo). In November 1993, a letter discussing arms supplies, secret meetings and preparations for the conquest of Kpandai and Yendi, purporting to be an internal communication within the Togoland Liberation Movement, was widely circulated in Tamale and Yendi. The letter stated that the minority groups had made plans with the help of the Togoland Liberation Movement to conquer Kpandai and later Yendi. By presenting the Konkomba as secessionists, the Dagomba sought to portray them as hostile foreigners, thus neutralising their demand for “traditional self-determination” in Ghana. See, JU Kachim, *Staying on the margins: Konkomba mobility and belonging in northern Ghana, 1914-1996* (PhD, University of the Free State, 2019), pp. 182-3.

43 NJK Brukum, “Ethnic conflict in northern Ghana, 1980-1999: An appraisal”, *Transactions of the Historical Society of Ghana* 4-5, 2000/2001, pp. 131-147.

44 *Ghanaian Chronicle*, 31 October 1993.

even more aggrieved when the ruling NDC government, which they backed in the 1992 election in return for support of their chieftaincy claim, failed to respond favourably to their request.<sup>45</sup> The newspaper suggested that the government could not fulfil its promise to the Konkomba because it had also assured the other groups that it would maintain the status quo.<sup>46</sup> It is clear from these opinions how state power to ensure social justice had been weakened by the introduction of electoral democracy.

In addition, the 1992 Constitution formalised and strengthened Dagomba claims over northern lands and the exclusion of the Konkomba. The institutionalisation of land in northern Ghana began in 1978 when the military regime of Col. Ignatius Kutu Acheampong established a committee to renegotiate land ownership in northern Ghana.<sup>47</sup> During this renegotiation, history became crucial for establishing first comer and late comer claims. Relying on oral traditions, the Konkomba argued that their ancestors were the first to settle in northern Ghana, particularly around Yendi. Unlike Cameroon and elsewhere, graves and funerals did not play an important role in Konkomba land claims, but control over gods and shrines did.<sup>48</sup> To substantiate their claim, the Konkomba pointed to their control over land gods in the Yendi area as proof of their earlier settlement.<sup>49</sup> Although not entirely dismissing Konkomba first comer argument, the Dagomba emphasised conquest as giving them rights over territories inhabited by the Konkomba. They argue that their ancestors might have encountered the Konkomba in the Yendi area but conquered and expelled them from the area before the advent of colonialism.<sup>50</sup> The committee, which was biased in terms of membership towards the centralised groups, concluded that the Konkomba had no rights to land in northern Ghana. It recommended that land should be vested in the chiefs of the four chiefly ethnic groups on the grounds of conquest. While the then military government was overthrown shortly after that, the committee's recommendation found its way into the 1979 Constitution

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45 *Ghanaian Chronicle*, 31 October 1993.

46 *Ghanaian Chronicle*, 31 October 1993. See also, *Africa Report*, May/June 1994.

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

48 J Fontein, "Graves, ruins, and belonging: towards an anthropology of proximity", *Journal of Royal Anthropological Institute* 17, 2011, pp. 706-727; P Geschiere, "Funerals and belonging: Different patterns in Southern Cameroon", *African Studies Review* 48 (2) 2005, pp. 45-64; J. Mujere, "Land, graves and belonging: land reform and the politics of belonging in newly resettled farms in Gutu, 2000-2009", *The Journal of Peasant Studies* 38 (5), 2011, pp. 1123-1144.

49 Report of the Committee on Ownership of Lands.

50 Report of the Committee on Ownership of Lands; See also, I Mahama, *Ethnic conflicts in Northern Ghana* (Tamale: Cyber Systems, 2003), pp. 203-5.

and subsequently, the 1992 Constitution.<sup>51</sup> Since this new landholding system was enshrined in the constitution, the president lost his powers to protect the landless groups. The continued exclusion of the Konkomba from land and traditional leadership was incompatible with the democratic ideals of equal citizenship. One newspaper reported that President Jerry John Rawlings had realised this and reminded the chiefly groups that no ethnic group came to Ghana with land. He suggested that he will be willing to support all minority groups in their quest for land rights.<sup>52</sup> Although president Rawlings had become sympathetic to the Konkomba plight, he could do nothing to ensure justice.<sup>53</sup> Thus enshrining land control in the constitution failed to ensure Konkomba access to land but instead amplified inequalities and intensified their historical marginality as governments lost its power to enforce equal access to land.

More revealing was the fact that the constitution had tied the hands of the president with regards to chieftaincy matters. If the government still had the power to elevate chiefs, the Konkomba would have been given a paramountcy even without land rights. In October 1993, Nana Akuoku Sarpong, the Presidential Advisor on Chieftaincy Affairs, made a speech in Accra in which he noted that the Government was aware of “some cheating in chieftaincy” and had decided that “every group must be able to install chiefs’ because “chieftaincy is not for only one group of people.”<sup>54</sup> In 1992, just before the coming into force of the constitution, the government granted the Mo ethnic group their own paramountcy to become the fifth ethnic representation at the Northern Regional House of Chiefs.<sup>55</sup> However constitutional developments in the country had effectively closed off this channel of state recognition of minority chiefs. In the 1992 Constitution, the government ceded all powers regarding the creation and promotion of chiefs to the traditional authorities. With the coming into force of the 1992 Constitution therefore the president no longer had the power to grant paramountcies.

It would be recalled that the biggest challenge raised by the Dagomba against the Konkomba application for paramountcy was the Konkomba lack of land in Ghana.<sup>56</sup> In his December 1993 address to the Regional House of Chiefs in Tamale, Nana Akuoku Sarpong put the land issue to rest by

51 J Jonsson, “The overwhelming minority: Inter-ethnic conflict in Ghana’s Northern region”, *Journal of International Development* 21 (4), 2009, p. 511.

52 *The Statesmen*, 20 February 1994.

53 D Tsikata & W Seini, “Identities, inequalities and conflicts in Ghana”, CRISE working Paper, Oxford, 2004, p. 25. See also, Talton, *Politics of social change*, p. 172.

54 *Ghanaians Times*, 2 December 1993.

55 Jonsson, “The overwhelming minority”, p. 509.

56 See, Dagomba Traditional Council Reply to the Konkomba Application for a Paramountcy, 22 October 1993.

suggesting that the issue of land and paramountcy could be treated differently. The Ya Na could approve the petition of the Saboba chief while the land issue was settled in the Courts.<sup>57</sup> In this address, the minister told the people gathered on that occasion, the majority of whom were Dagomba, that “in the light of our democratic process minority rights must be respected” and that “what lies at the base of the threatened peace is the right to be recognised as minorities amid majorities.” He urged the chiefs “to accept changes which evolve out of their social processes than to force the hand of government into effecting such changes”.<sup>58</sup> These words were only empty threats as the constitution did not allow the government to interfere in chieftaincy matters. Nevertheless, he was heckled and booed by the crowd, and he had to be escorted out of the venue to avoid a mob attack.<sup>59</sup> He had uttered the unthinkable – the right of the Konkomba to have chiefs.

Armed with the constitutional provision, the Ya Na reminded the government that the 1992 Constitution did not permit government to interfere with chieftaincy matters.<sup>60</sup> It is evident that by December 1993, if the government had power to create a paramountcy, the Konkomba petition would have been approved. Within the democratic dispensation, the government could not act on the chieftaincy issue without violating article 270 of the constitution. If the government’s reluctance to violate the constitution caused the tension in 1993, then as Martyn Wienia points out, the tension was “not so much the criminalisation of the state... but rather a deliberate government inertia, caused by a dedication to the constitutional rule of law, which triggered violence.”<sup>61</sup> This demonstrates that attempts by African governments to follow democratic principles did not guarantee inclusion for all groups. In fact, it reveals the stifling effects of democratisation on efforts by marginalised groups to obtain equality. Although constitutional democracy in Africa did not only provide space for equal citizenship, it at the same time entrenched the privileges of some groups and completely excluded others. Democratisation and the rule of law severely constrained Konkomba aspirations. While acknowledging the injustice of the system, the state appeared helpless in assisting the Konkomba to achieve recognition for their

57 Address of Nana Akuoku Sarpong, Presidential Advisor on Chieftaincy Affairs to the Northern Region House of Chiefs on 1 December 1993.

58 Address of Nana Akuoku Sarpong, Presidential Advisor on Chieftaincy Affairs to the Northern Region House of Chiefs on 1 December 1993, Also see, *Ghanaian Times*, 2 December 1993. *Africa Report*, May/June 1994, pp. 53-57.

60 Minutes of Courtesy Call on the Ya Na by a Twelve-Member Government Delegation Led by Nana Obiri Yeboah Okumanini Dr. Obiri Yeboah II, Paramount Chief of Effutuakwa and Member of Council of State at Ya Na’s Palace on Monday 20<sup>th</sup> Day of December 1993, p. 5.

61 M Wienia, *Ominous calm: Autochthony and sovereignty in Konkomba/Nanumba violence, peace in Ghana* (Leiden: African Studies Centre, 2009), p. 13.

local leaders. Without a strong state to ensure social justice, the Konkomba became even more frustrated at their inability to obtain equality under the democratic dispensation. Having discussed how democratisation led to the exclusion of Konkomba from land and chieftaincy rights, we now turn to the eruption of the conflict and the increased agitation for autonomy and why the Konkomba failed.

#### 4. TRADITIONAL AUTONOMY AND THE PARAMOUNTCY TRAP

By December 1993, the tension between the Konkomba and their centralised neighbours arising from the former's inability to obtain state recognition for their chiefs required only a little spark to break into an open conflict. This spark was provided on 31 January 1994 when a quarrel between two men over the purchase of a guinea fowl in the market of Nakpayili led to the killing of one of them.<sup>62</sup> The conflict quickly engulfed the whole of Northern Region involving the Gonja, Nanumba, Dagomba and Konkomba. According to some estimates, by the time the conflict was over in 1995, there were more than 135 000 internally displaced people, and over 10 000 killed.<sup>63</sup>

During the conflict, the Konkomba reiterated their demand for autonomy from the Dagomba traditional authorities. For the Dagomba, the Konkomba remained foreigners and could not be accorded traditional autonomy.<sup>64</sup> In their view, only full citizens could obtain traditional representation in the Ghanaian state. The Dagomba described as erroneous the Konkomba view that by virtue of the 1956 plebiscite they had become Ghanaians. In the former's view, foreigners could not suddenly acquire citizenship right because they had participated in a plebiscite.<sup>65</sup> Reading Konkomba support for separation in the plebiscite as an attempt to drag everyone in British Togoland into their Togo "homeland", the Dagomba accused the Konkomba of secessionist tendencies.<sup>66</sup> Ethnic interest and voting pattern in the northern section of the Togoland during the plebiscite requires some research, but as Kate Skinner argues in the case of the Ewes of southern Togoland, in opting for

62 The 1994 conflict is popularly known as the "Guinea Fowl War" because of the incident that finally sparked the violence but the conflict has very little to do with the fowl. See Jonsson, "The overwhelming minority", pp. 507–519.

63 Wienia, *Ominous Calm*, p. 78.

64 Rely of Ya-Na and Dagbon Youth Association to Konkomba Position and Supplementary Papers to the Permanent Negotiation Team, 4 August 1994.

65 Rely of Ya-Na and Dagbon Youth Association to Konkomba Position and Supplementary Papers to the Permanent Negotiation Team, 4 August 1994.

66 Rely of Ya-Na and Dagbon Youth Association to Konkomba Position and Supplementary Papers to the Permanent Negotiation Team, 4 August 1994.

separation, the Konkomba might have been motivated by the necessity to safeguard themselves against the marginality, exploitation, and servitude they experienced in the past.<sup>67</sup> This contestation over Konkomba allegiance reveals how colonial borders have become influential in the construction of local belonging in post-colonial Africa.

Though it is clear from history that the ancestors of the Konkomba have inhabited northern Ghana since time immemorial, the Konkomba remain second class citizens without rights to chieftaincy and land. The constitution seems to have upheld and sanctioned such a subservient position. Throughout the contestations, the Dagomba continued to appeal to the constitution for the maintenance of the status quo. In a letter to the Asantehene, the Konkomba complained about the Dagomba attempts to use the constitution to deny them their land and chieftaincy rights. As they put it, "We think that it would be the most serious mistake to use the Constitution as a ploy to deprive us of our possessions".<sup>68</sup> While they had always considered their exclusion from traditional politics and land ownership objectionable, the Konkomba found it even more so in the democratic dispensation. In their position paper, they argued that their exclusion from traditional governance was "unacceptable, undemocratic and not practicable in the modern context."<sup>69</sup> For the Konkomba, the move towards democratisation was a liberating moment in which all ethnic groups must "have equal representation in the modern state."<sup>70</sup> This meant political and economic participation of all citizens, which had no place for exclusion. They interpreted their continued exclusion from traditional politics not only as a violation of the 1992 Constitution but also as rendering Ghana's independence "meaningless."<sup>71</sup> They called the existing ethnic power relations "a new and more oppressive form of traditional slavery", and insisted that their exclusion had made them "hewers of wood and carriers of water". And that the time had come for a change.<sup>72</sup> While rejecting the Dagomba use of the constitution to exclude them from land right, the Konkomba appealed to the same constitution to demand equality. This paradox reveals that democracy was a double-edged sword which could be used to include and exclude at the same time.

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67 K Sinner, *The fruits of freedom in British Togoland: Literacy, politics and nationalism, 1914-2014* (Cambridge University Press, 2015), p.141.

68 A Letter from the Konkomba to the Asantehene, Signed by Ubor Bejilah on behalf of the Saboba Chief, 8 March 1994.

69 *Ghanaian Times*, 21 October 1994.

70 KOYA, Konkomba Position Paper to the Permanent Negotiation Team into Conflicts in the Northern Region of Ghana, July 1994, p. 11.

71 KOYA, Petition of Chiefs, Elders and the Youth of Konkomba Land, p. 3.

72 KOYA, Konkomba Position Paper, July 1994, p. 10.

By the end of 1994, a consensus emerged among the stake holders negotiating for the end of the conflict between the Konkomba and their centralised neighbours that the Konkomba right to chieftaincy must be recognised. The Permanent Negotiating Team (PNT) then persuaded the Ya Na to accept this consensus.<sup>73</sup> On 20 December 1994, a formal reconciliation ceremony was organised at Yendi between the Dagomba and the Konkomba during which the Konkomba admitted that they erred by sending a petition directly to the National House of Chiefs and a new application was presented to the Ya Na. The media report carried the incident as “the Konkomba apology” for causing the conflict. The Ya Na’s speech in which he thanked the Konkomba for their courage and good sense for admitting their guilt for “waging a brutal and senseless war against Dagombas ... and now come repentant” substantiated this report.<sup>74</sup> In reaction to the media report, KOYA wrote to the Chairman of the PNT, requesting him to explain the 20 December event in Yendi to the Ghanaian public. They claimed that the ceremony did not amount to an apology and that the Konkomba “rejected and would continue to reject a situation where one party seeks to rehabilitate its image by demanding an apology”.<sup>75</sup> This incident caused a serious setback in the peace process and led the Ya Na to revoke his earlier promise to grant the Konkomba a paramountcy.

Meanwhile, the Ya Na began to sow a seed of discord between two Konkomba chiefs by openly favouring the chief of Sanguli (Usangubor) against the KOYA supported Saboba chief (Uchabobor). This strategy achieved the desired result of splitting the Konkomba front. By January 1995, a deep crack had emerged between Usangubor and Uchabobor. The Sanguli faction, under the leadership of Samuel Dalafu, a former Member of Parliament for Saboba constituency and heir to the vacant Sanguli Skin, began to distance themselves from the whole project of a united Konkomba paramountcy. On 6 January 1995, a letter from the regent of Sanguli, addressed to Uchabobor, copied to the Ya Na questioned the authority of the Saboba Chief to speak on behalf of all the Konkomba. The letter demanded that the Ya Na “should first raise the status of Konkomba chiefs including Sanguli-Na who are senior to Saboba-Na before he makes Saboba-Na the paramount Chief.”<sup>76</sup> The Ya Na and the Dagomba authorities quickly seized upon this letter to further polarise the Konkomba front.

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73 Mahama, *Ethnic conflicts*, pp. 141-2.

74 *Ghanaian Times*, 30 December 1994.

75 KOYA to the Chairman of the Permanent Negotiation Team, 15 February 1995. See also, *The Independent*, 22-28 February 1995.

76 A Letter from the Regent of Sanguli to Saboba-Na, 6 January 1995.

In his reply to the new Konkomba application for the paramountcy, the Ya Na dismissed the application once again, reiterating Konkomba lack of land rights and their foreign status.<sup>77</sup> On this occasion, the Ya Na, however, introduced a new element directed against Uchabobor and openly favoured Sangubor for the paramountcy. He wrote:

In the first place, the chiefship of Saboba is a very recent creation. Many Chiefships were created by the Ya Na and some Divisional Chiefs in Dagbon for Konkombas long before Saboba. Examples are the Chieftaincies of Sanguli, Nambile Nahu and Nafebi. These Chiefships have not yet aspired to the status of paramountcy. Saboba cannot all of a sudden be raised to a paramountcy over and above the long-existing Chiefships.<sup>78</sup>

The Ya Na substantiated his claim by citing the point raised in the letter of the regent of Sanguli, which demanded that, he elevated chiefships that were older than Saboba, including Sanguli, before Saboba.<sup>79</sup> The seniority argument introduced by the Ya Na was intended to divide the Konkomba front. The Germans created both Saboba and Sanguli chieftaincies in the late 1890s.<sup>80</sup> Under the British indirect rule system, both chieftainships were reduced to headmen status and placed under the Dagomba divisional chief of Sunson, who enskinned both chiefs as his subordinates until Saboba boycotted such subservience in 1989.<sup>81</sup> With the centrality of Saboba in the Konkomba liberation struggle, many Konkomba agreed that Uchabobor should be the natural choice for a Konkomba paramountcy.<sup>82</sup>

When it became clear that the Ya Na wanted to elevate Sanguli over and above Saboba, Uchabobor together with 13 other Konkomba chiefs accused the Ya Na of scheming to impose a puppet chief on the Konkomba. They wrote:

We have realised that after several petitions and appeals to Ya-Na and the National House of Chiefs for Paramountcy and Traditional Council for Konkombas, the Ya-Na is still adamant and with impunity assuming the power to impose a puppet chief of his choice on all Konkombas in the person of Samuel Dalafu. The unflinching support of

77 A Reply to the Petition of Saboba-Na for Paramountcy and Traditional Council, Dagomba Traditional Council, 21 April 1995.

78 A Reply to the Petition of Saboba-Na for Paramountcy and Traditional Council.

79 A Reply to the Petition of Saboba-Na for Paramountcy and Traditional Council.

80 For a detail account on the circumstances leading to the German establishment of these chiefships, see JU Kachim, "African resistance to colonial conquest: The case of Konkomba resistance to German occupation of Northern Togoland", *Asian Journal of Humanities and Social Studies* 1 (3), 2013, pp. 162-172.

81 Notice of Nomination, Election and Installation of Chabob-bor, Ubor Bowan Kwadin of Saboba, Chief Palace, 7 May 1989.

82 Interview: Author with K Wujangi, Former KOYA Chairman, Saboba, 8 January 2011.



Konkombas before the ethnic conflict is still behind Bowan Kwadin, Chief of Saboba for paramountcy for all Konkombas.<sup>83</sup>

They called Samuel Dalafu a stooge whom the Dagomba were trying to use to divide their ranks but assured the public that such attempts were doomed to fail.<sup>84</sup> They reaffirmed Uchabobor as the popular choice of all Konkomba chiefs throughout Ghana for elevation to paramountcy. They claimed that Samuel Dalafu was an agent of “Dagomba imperialism” and vowed to resist his imposition on the Konkomba.<sup>85</sup>

Once the Konkomba began to fight among themselves, the Ya Na decided to elevate not one but three Konkomba chiefs to paramount status – Nambibor, Usangubor and Uchabobor. Presenting his action as a compromise, the Ya Na shrewdly calculated this move to divide the Konkomba ranks. The elevation of Uchabobor and indeed the granting of three paramountcies to the Konkomba was extremely satisfactory to everyone engaged in the peace process except the Konkomba themselves. On the surface, granting the Konkomba three paramountcies was an extremely generous gesture, which would ensure lasting peace in northern Ghana.<sup>86</sup> But it was inherently destructive to the Konkomba cause and a source of irritation for them. KOYA condemned the gesture as a divide and rule strategy that should not be allowed to see the light of day.<sup>87</sup> In a letter to the National House of Chiefs, the Saboba chief warned that “if the present elevation of Sanguli was allowed, the peace being sought after in the Northern Region would not be achieved.”<sup>88</sup> However, once the government and the peace negotiators were now on the side of the Ya Na, the Saboba chief was compelled to acquiesce. By promoting several chiefs, the Ya Na did not only succeed in reducing the influence of Uchabobor among the Konkomba, but he also succeeded in converting the power struggle between the Konkomba and the Dagomba to an intra-Konkomba struggle.

The constitutional mandate of the Ya Na to grant the Konkomba a paramountcy allowed him to subordinate Konkomba chiefs under Dagomba rule. All Konkomba chiefs elevated to a paramountcy were expected to

83 Petition against the Installation and Purported Elevation of Samuel Dalafu as Paramount Chief of Kikpakpang (Konkomba State), Saboba Chief and 14 others, 25 July 1995, p. 1.

84 Response to the Ya-Na’s Reply to the Petition of Uchabo-bor for the Elevation to the Status of Paramountcy and Creation of Traditional Council, Uchabo-bor’s Palace, 6 June 1995, p. 2.

85 Response to the Ya-Na’s Reply to the Petition of Uchabo-bor for the Elevation to the Status of Paramountcy and Creation of Traditional Council, Uchabo-bor’s Palace, p. 3.

86 Mahama, *Ethnic conflicts*, p. 143.

87 KOYA, Reaction to Agreements on Issue Arising from Demands made against Each other by Dagombas, Konkombas and Bassaris at Kumasi IV, KOYA’s Position, n.d.

88 Letter from the Saboba-Na to the President of the National House of Chiefs, Uchabo-bor’s Palace, 29 May 1996.

swear oath of allegiance and loyalty to the Ya Na.<sup>89</sup> Consequently, the Konkomba became trapped in a subservient paramountcy which lacked the liberating essence of their struggle. Objecting to this subordination and exclusion from land control and traditional politics, the Konkomba insisted that without addressing their traditional independence, the government had “failed to find a solution to the remote and immediate causes of the conflict.”<sup>90</sup> The inequalities and exclusion which characterised Konkomba relations with their neighbours before the conflict remained intact at the end of the conflict. While the Dagomba manoeuvre was important in Konkomba inability to obtain land and chieftaincy rights, it is worthy of note that the constitution and government’s attempts to follow the rule of law was a major obstacle against Konkomba struggle for inequality.

## 5. CONCLUSION

Despite the increased wave of the democratisation in Africa in the 1990s, colonially sanctioned inequalities between ethnicities remained in force. These inequalities have manifested mostly in land rights, and ethnic political representation. Paradoxically, the more African states move towards constitutional rule and the rule of law, the more exclusion and ethnic boundaries were becoming more difficult to surmount. This article illustrates in many ways how the promise of inclusion under the democratic dispensation in Africa remains elusive for many groups. While creating political space to demand inclusion, democratisation institutionalised boundaries of exclusion through customary and ethnic privileges. Thus, rather than resolving the long-standing contestations over belonging in Africa, democratisation intensified and reified exclusion.

In Africa, exclusion from land rights was a denial of belonging. The land was not only valuable because of its link to belonging but because of its association with power and political representation. Thus, once a group was excluded from land, they were equally denied local political representation which affected their full citizenship rights. It is for this reason that struggle over land and chieftaincy in Africa always manifested in conflict over belonging. Any hopes of realising more inclusive citizenship and belonging would require equal access to land and local representation based on justice and equality for all.

Although inequalities and contestation over belonging have been part of the African society, the article demonstrates that processes of democratisation

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89 Mahama, *Ethnic conflicts*, 143.

90 KOYA, Reaction to Agreements on Issue Arising from Demands made against Each other by Dagombas, Konkombas and Bassaris at Kumasi IV, KOYA's Position, n. d.

intensified and formalised exclusion at the local level in ways that rendered less privileged groups as outsiders. Such exclusionary frameworks of othering, marginality and disempowerment during the democratic period in Africa need not be understood as a perversion but as an unavoidable by-product of democracy. The Konkomba case demonstrates that without completely dismantling the colonially institutionalised privileges of certain ethnic groups, the electoral and constitutional democracy practised in Africa may not be a panacea to marginality and exclusion.