

## “THIS IS GHANAIAN TERRITORY!” LAND CONFLICTS IN TRANSNATIONAL LOCALITIES ON THE BURKINA FASO-GHANA BORDER

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### Abstract

Traditional land rights in Dagara and Sisala societies in Burkina Faso and Ghana which were stateless in pre-colonial times are closely connected with the concept of earth-shrine parishes under the protection of a local land god and ideally under the control of the “first-comers” to the area. The earth priests perform regular sacrifices at the shrine and allocate land to later immigrants as well as the right to build houses and to bury their dead, often in exchange for gifts. The international border between Ghana and Burkina Faso, which was drawn up in 1898 and runs along the 11th parallel, often cuts across earth-shrine parishes. Particularly since the border demarcation exercise in the 1970s, the spatial separation of the Sisala earth priests on one side of the border from the Dagara immigrants on the other side has given rise to intricate conflicts over land rights. The paper will present the history of one such conflict and look at the various land-related discourses – traditionalist, nationalist, and Christian – which the adversaries put forward in order to substantiate their claims.

### Résumé

“THIS IS GHANAIAN TERRITORY!” LE DROIT FONCIER CONFLICTUEL DANS DES VILLAGES FRONTALIERS (BURKINA FASO – GHANA) - Le droit foncier traditionnel dans les sociétés Dagara et Sisala au Burkina Faso et au Ghana est étroitement lié à l'idée de territoires sous la protection d'un sanctuaire de la terre. Selon la norme, les sanctuaires sont sous la garde des “premiers-venus” dans cette région. Les chefs de terre font régulièrement des offrandes auprès du sanctuaire et ils ont le droit d'assigner des terres aux immigrants venus plus

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tard et de leur donner la permission à construire des maisons et à enterrer leurs morts. La frontière internationale entre le Ghana et le Burkina Faso qui a été tracée en 1898 et qui est située sur le onzième parallèle croise souvent des territoires sous la protection d'un sanctuaire de la terre. Particulièrement depuis l'accord et la démarcation frontalière des années 1970 la séparation spatiale des chefs de terre sisala sur une côté de la frontière et des immigrés dagara sur l'autre côté a donné lieu à des conflits complexes à propos du droit foncier. Cette étude démontre l'histoire d'un tel conflit et jette un regard sur les différents arguments relatifs au droit foncier – traditionalistes, nationalistes et Chrétiens – que les adversaires expriment afin de rendre leur demandes légitimes.

## Introduction

The following event took place in the early 1990s, on the shores of a small pond in Kyetuu, a village situated right on the international border between Ghana and Burkina Faso. The last border demarcation defined the pond as lying on Ghanaian territory. A few years before the event in question, the pond had been dug out with the help of heavy road-construction equipment. Until then, the pond used to dry up towards February or March; now, it contains water and plentiful fish almost throughout the year. The young men of Kyetuu and neighbouring Dagara villages on the Ghanaian side of the border have now acquired modern fishing nets and turned fishing into a continuous profitable individual enterprise – something quite different from the traditional yearly communal fishing activity. Close to the pond, but on the Burkina Faso side of the border, live the Sisala earth priests of Kyetuu. They regard the pond and the territory on which the Dagara have settled as their ancestral lands, and consider themselves the legitimate patrons of any fishing activity. When these Sisala tried to prevent the Dagara young men from fishing without their permission, a fierce battle developed. The Dagara are said to have pointed guns at the earth priests envoys and chased them away, shouting that Burkinabé citizens had no right to trespass or fish on Ghanaian territory.

There are, of course, other versions of this event. What interests me here is the light which this conflict throws on the different concepts of boundaries and land rights that have developed in recent decades in the villages straddling the international border. Conventional views of colonial borders insist that they are divisive, arbitrarily drawn by the European powers and forced upon unwilling Africans. Recently, however, a number of historical and anthropological studies have pointed to the influence which local populations exert in the definition and implementation or subversion of the borders, often turning them into an important economic and political resource. Even though borders are decided and drawn up in the metropolitan centres, they have to be made locally. They therefore become privileged sites of interaction between

older local concepts of land rights and boundaries, and European ideas of lineal borders, territoriality and nation-states.<sup>2</sup>

It is this interaction of indigenous and European concepts of territoriality, boundaries and land rights that I wish to explore in this paper. The case of Kyetuu (and neighbouring villages) is particularly revealing because, in the pre-colonial period, the Dagara and Sisala were “stateless societies” with notions of territoriality quite different from the European, modern ones. In what follows, I will first sketch the development of the international border, make some remarks on local understandings of boundaries and outline the settlement history of Kyetuu. I shall then analyse the land- and border-related arguments which the adversaries in the fishing conflict put forward in order to substantiate their claims. I shall conclude with a brief consideration of the wider implications of the Kyetuu case for our understanding of the making of boundaries and perceptions of space in the West African savannah.

### The history of the international border

The Anglo-French Convention of 1898 put an end to almost a decade of struggle for power in the Volta region, between the British and the French, whose changing alliances with Samori, Babatu and various local “strong men” had drawn the Black Volta region into a turmoil.<sup>3</sup> The Black Volta and the 11th parallel, running east of the Volta to Togoland, were agreed upon as the border between British and French colonial territory. It is the border along the 11th parallel which interests me particularly here.

In 1900 a first British-French boundary commission worked for eight months on the basic cartography and delimitation of this 300-km-long border and informed the local population which colonial power they now belonged to.<sup>4</sup> A second commission in 1904 undertook the actual demarcation on the ground, by marking trees and setting up piles of stones at regular intervals. Both commissions were pragmatic enough to allow villagers to continue to use their hereditary resources of farmland, pasture and water on the other side of the border.<sup>5</sup>

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<sup>2</sup> See ASIWAJU 1985 for more conventional approaches to African borders, NUGENT and ASIWAJU 1996 for the recent shifts in emphasis. WILSON and DONNAN 1998 provide a useful overview over the current state of the debate.

<sup>3</sup> See WILKS 1989: 103–40, KAMBOU-FERRAND 1993 for details.

<sup>4</sup> An overview of the agreements and demarcation exercises is presented in “Historique (1890–1904) de délimitation Soudan-Gold Coast”, Léo 6 Dec. 1924, Archives de la Délégation Générale du CNRST, Ouagadougou (CNRST), Délimitation des Frontières de Haute-Volta, Série B, III/1. For the various ad hoc agreements before 1900, see CNRST, Délimitation des Frontières de Haute-Volta, Série B, I/4 and 5; for the 1900 commission: *ibid.* Série B, I/6.

<sup>5</sup> “Mission d’abornement avec la Gold Coast, 1904”, *ibid.*, Série B, II/I.

In 1924–5, a third boundary commission restored the many boundary markers that had disappeared in the meantime. They decreed that compounds that were not satisfied with their allocation to one or other of the colonies were free to move, with bag and baggage, to the other side of the border within the next six months. A year later, the colonial governments attempted to suppress the continuing cross-border use of agricultural resources. But the attempt never got beyond the stage of making a detailed census of the monetary value of the resources which French “natives” used on British territory and vice versa.<sup>6</sup>

With the exception of the years of the Second World War, no further attempts at a more rigid control of movement across the border seem to have been made until the first fresh demarcation exercise after independence, in the early 1970s. The course of the border was then corrected in a few places and, for the first time, concrete pillars were erected, about one kilometer apart from each other. For a number of years, Ghanaian border guards patrolled the area more actively in order to suppress drug trafficking and other kinds of smuggling, and many of my informants speak of this period as “the time when the border came”.<sup>7</sup>

None of the demarcation exercises took into account the indigenous institution of earth-shrine parishes on which land rights are customarily based in the Black Volta region. Earth-shrine parishes are territories believed to be under the protection of a local earth god. Ideally, they are under the control of the “first-comers” and their descendants, who perform regular sacrifices at the shrine and allocate land to later immigrants, often in exchange for substantial gifts. The “late-comers” also have to consult the earth priests before building houses or burying their dead. In earth-shrine parishes such as Kyetuu, which were divided by the international border along the 11th parallel, the earth priests usually continued to exercise their rights and duties across the border.

This does not mean, however, that the local population was not aware of the new border. At least since the 1920s, if not earlier, people had clear ideas of the approximate course of the border and, more importantly, of the political allegiance of the compounds in its vicinity, although these ideas did not coincide fully with the official map.<sup>8</sup> The reason for this awareness was the

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<sup>6</sup> *Ibid.*, Série B, II/2 and 4.

<sup>7</sup> On the history of the border between Ghana and Burkina Faso, see also HIEN 1996: 203–15, 309–57.

<sup>8</sup> In 1928, the British District Commissioner of Lawra and the French Commandant de Cercle in Léo signed an agreement on which stretches of the boundary and which boundary markers were to be maintained by which side. They note that the meandering footpath along the border does not really correspond to the official boundary but is regarded as such by the “natives”; “Rapport sur les marques frontières...”, 31 Aug. 1928, CNRST, Série B, III/4, conservation, § 2–4; populations locales, § 1–3.

fact that the border soon became an important political resource, used as a protection against colonial tax and forced labour requirements.

How did the local population perceive the international border? I would argue that for many decades it was not understood in the way that the colonial officers saw it, that is, as a neatly drawn continuous line separating two territories, but rather as a zone of contact or buffer zone between two different spheres of influence and networks of power. A short explanation of local concepts of boundaries seems necessary here. When speaking of the international border, the Dagara and Sisala population usually resort to the respective French and English terms, “frontière” and “border”. Very rarely do they apply the terms *turbogr* (Dagara) and *susubuo* (Sisala), the only indigenous words for boundary. *Turbogr* and *susubuo* literally refer to a continuous line of holes or a ditch and are mainly applied to the boundaries between different fields. Within Dagara and Sisala settlements, fields owned by different lineages are usually marked off physically by a ditch, path or hedge of shrubs.<sup>9</sup> While field boundaries are imagined as continuous lines, the nature of the “border” of earth-shrine parishes is much more difficult to define, and the term *turbogr* is used here only very occasionally. During the early phases of settlement in the area, when land was not scarce, the earth-shrine parish was probably understood not as a flat homogenous territory, but as a vaguely defined field of ritual power, with a well-defined centre (the earth shrine) in the inhabited and regularly cultivated space and with concentric circles of influence, thinning out towards the uncultivated bush which separates the settlement from the neighbouring earth-shrine parishes. This bush was a zone of contact rather than a separating boundary, and intricate agreements regulated the question of how to divide the prey of hunters who ventured into these zones. The concept was rather one of specific meetings points in the bush, marked by natural features or signs cut into trees, than lineal boundaries. However, when the settlements grew and the bush was cultivated, more exact “borders” between the earth-shrine parishes had to be defined, usually according to which earth priest had given a person the permission to cultivate or build.<sup>10</sup>

My argument concerning the international border is that it was first perceived in the accustomed way as a buffer zone. Interestingly, even the

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<sup>9</sup> On local concepts of boundaries, see also BENING 1973 and HIEN 1996: 60–5.

<sup>10</sup> In the early years of their administration of the Northern Territories of the Gold Coast, the British commissioners engaged in an interesting debate on the nature of village boundaries and land rights and on the question whether these boundaries were “imaginary lines” or rather commonly appropriated zones of bush. See Read to Chief Commissioner, 22 Nov. 1908, enclosure 3 in Gold Coast No. 41 of 19 Jan. 1910, Public Record Office (PRO), London, CO 96/493; Wheeler to Chief Commissioner, 20 Sep. 1911, National Archives of Ghana (NAG), Accra, ADM 56/1/105; Read to Chief Commissioner, 5 Dec. 1914, NAG, ADM 56/1/105. See LENTZ 1998: 149–52 for a full discussion of this debate.

European boundary commissions made concessions to such local concepts. Their use of trees or small streams as boundary markers<sup>11</sup> was also the established practice of hunters. In some places, the border deviated from the 11th parallel in order to take account of features of the landscape and to avoid cutting through a settlement. As long as the local population ignored the border in land matters, its exact lineal course was not of great importance. But in the recent conflict in Kyetuu, the border is being used as an argument, and people have become more aware of the importance of its exact course. That this course was altered during the 1973 demarcation exercise, in an attempt to correct its deviation from the 11th parallel, has certainly fuelled the conflicts mentioned above. But before I enter into the contested land-related discourses, let me briefly sketch the settlement history of Kyetuu.

### The peopling of Kyetuu

It is not clear whether the first Sisala settled in Kyetuu before or during the Zaberma slave-raids of the 1870s and 1880s. All interview partners agreed, however, that the Kyetuu Sisala had established their own earth shrine well before the turn of the century. When the Anglo-French border was drawn up, they found their compounds on French territory while much of their farmland and their holy hill was part of British territory.<sup>12</sup>

The first Dagara to settle in Kyetuu – two Kpagnyaane brothers, Kuuzie and Domepuo – arrived in 1926, in search of fertile farms and, more importantly, in fleeing from taxes and forced labour in the French colony. Kuuzie had met the Kyetuu Sisala at the Niégo market, and their friendship prepared the way for the allocation of a large piece of Kyetuu land to him. Later, Kuuzie invited a number of *arbile*, mother's brothers, and their families from Niégo to join him in his new abode. The Sisala settled them on their lands in the British colony. Kuuzie's and his relatives' trans-border migration was not unusual. From the 1920s onwards, an increasing number of Dagara fled into British territory, particularly from the Niégo district, where a Dagara big man called Denyuu – later to become the official *chef de canton* for the Dagara east of the Volta – had established a harsh regime in the name of French colonial rule. The Kyetuu Sisala, on the other hand, had their own reasons for settling Dagara immigrants on their British lands. After the 1925 census of the value of cross-border properties they must have feared losing access to these fields. Giving them out to strangers guaranteed some source of income in the form of gifts after the harvest and at funerals and other ritual occasions. There is considerable disagreement, however, between the

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<sup>11</sup> "Rapport sur les marques frontières...", 31 Aug. 1928, CNRST, Série B, III/4, préambule, § 5–7.

<sup>12</sup> A list of the relevant interviews on the settlement history is included below, in the references.

descendants of Kuuzie and the Sisala who gave the land, as to the exact terms of their transaction. The Dagara insist that, in exchange for 16,800 cowries, seven fowls, a sheep and a goat, they received not only the land, but also a stone from the Sisala earth shrine, thus acquiring the right to settle later immigrants, construct houses and bury their dead without consulting the Sisala further. The Sisala, on the other hand, maintain that they neither received nor demanded more than symbolic gifts from the Dagara, insignificant in economic terms, and never gave them an earth-shrine stone.

In 1929 a second group of Dagara to Kyetuu came, under the leadership of Nyour, a clanbrother (Tambiile) of Kuuzie, and through Kuuzie's intervention they too were given land on the British side of the border. The small stream which separates Nyour's section from Kuuzie's also serves as the administrative boundary between Lawra (today, Jirapa-Lambussie) and Tumu Districts and between the two Sisala paramount chiefdoms of Lambussie and Zini.

A third group of Dagara, led by Tuole, of the Kpiele patriclan, arrived from Niégo in 1930, in fleeing from Denyuu's harsh rule, and were settled near Nyour. Like Kuuzie, Tuole had made friends among the Kyetuu Sisala on the Niégo market, and because he spoke Sisale, the earth priests asked him to act as their intermediary for all land-related matters concerning Nyour's and his own section. Later, the Sisala chief of Bangwon – the neighbouring Sisala village on British territory – also appointed Tuole as headman, who was to follow the Lambussie paramount chief through Bangwon. Again, Nyour's and Tuole's descendants insist that they gave the Kyetuu landlords 50,000 and 30,000 cowries respectively, seven fowls each and a goat, as well as a Dagara smock, while the Sisala claim that they received nothing. There is agreement, however, that neither Nyour nor Tuole were given an earth-shrine stone. But while Nyour's family has to ask the Sisala for permission to hold funerals, Tuole received the right to go ahead and bury his dead and settle later-coming immigrants. The contested nature of the settlement history (the first-comers were not recognised as the political representatives of the group) is reflected in the competition between the descendants of Tuole and Nyour over the place name, whether to call the whole section Tuolegang or to retain Nyourgang at least as distinctive sectional name.

When the last group of Dagara arrived towards the end of the 1930s, Kyetuu lands on British territory were no longer large enough to accommodate them. Uukyor and his family – clan-mates of Tuole – were therefore settled on the French side of the border, not far from the Sisala compounds. Uukyor was later joined by a related Kusiele family, who also could not find enough space to settle in Tuolegang, and by a Bekuone friend. The Sisala made Uukyor the spokesman for the Dagara on the French side of the border, responsible for the allocation of land in his section and other internal matters. Uukyor's descendants and the Sisala agree that Uuykor did not give anything substantial in exchange for their land but only two fowls, flour and a calabash in order to perform the necessary sacrifices before the first cultivation of the land.

The Dagara insist, however, that Uukyor later presented gifts to the Sisala in exchange for the right to bury the placenta and dead children.

Today, the Dagara of Kyetuu by far outnumber the Sisala, who live exclusively in the Burkina Faso section of the village. Administratively, Kyetuu straddles two states and three districts: Kyetuu “centre” and Uukyorgang belong to the Département Bourra in the Sissili province of Burkina Faso, while Kuuziegang and Tuolegang (plus Nyourgang) in Ghana belong to the Tumu and Lawra (since 1988 Jirapa-Lambussie) Districts, respectively. As regards the chieftaincy, Kuuziegang’s Dagara headman is under the authority of the Fielmuo Naa, who in turn follows the Sisala paramount chief of Zini, while Tuolegang is responsible to the Sisala chief of Bangwon, which is part of the Sisala paramount chiefdom of Lambussie.

### The population of Kyetuu (Burkina Faso and Ghana)

Sections of Kyetuu	Political allegiance	Inhabitants	Houses (1999)	Ethnic group / patrilineals
<b>Burkina Faso:</b> <b>Kyetuu</b> <b>Uukyorgang</b>	Département Bourra Département Bourra	1996 census: 684	5 21	Sisala Dagara houses: 13 Kpiele 3 Kusiele 3 Bekuone 2 Kpagnyaane
<b>Ghana:</b> <b>Kuuziegang</b>	Tumu District	1984 census: 352	28	Dagara houses: 3 Kpiele 10 Kusiele 3 Bekuone 10 Tambiile
<b>Tuolegang</b>	Jirapa-Lambussie District	?	26	Dagara houses: 18 Kpagnyaane 5 Birifuole 3 Kuwere 1 Benyine 1 Gbaane

Politically, then, Kyetuu has never been united. This is reflected in the fact that no official meetings at which all the inhabitants of Kyetuu are present are ever held, not even among the Ghanaian sections of the village. No communal labour is undertaken jointly by all sections. Nor are the Dagara regularly invited to the annual sacrifices at the Sisala earth shrine. However, kinship and friendship networks are dense, and villagers from both sides of the border attend the market in Kyetuu-Baper and each other’s funerals. Because of these day-to-day interactions and the multiply interlinked settlement histories of the different clans, there is a shared sentiment of belonging to a common locality.

Before returning to the fishpond conflict, I wish to underline three aspects of the settlement history:

- First, the international border has been an important factor in the establishment of the Dagara. Through the various demarcation exercises, and because the British District Commissioners responsible for the maintenance of the international border made the local chiefs accompany them on their tours of inspection along the border, its course was fairly well known by the 1920s.<sup>13</sup> For the Sisala, giving out their Gold Coast lands to the Dagara immigrants may have been partly due to the customary Sisala practice of settling strangers at some distance from their own compounds, and partly a strategy to avoid the potential difficulties of cross-border agricultural activities. The Dagara immigrants who came from the French colony consciously used the border as protection against the impositions of French colonial rule. In the 1930s, even the Sisala earth-priest family left their houses on the French side of the border and for a number of years sought shelter with Tuole's family.
- Secondly, whether the whole of old Kyetuu is still to be considered a single earth-shrine parish is a contested issue. Kuuziegang, the oldest Dagara section, insists that they have bought their own shrine. The Sisala deny this but can do little to force Kuuziegang to respect their ritual authority. Tuolegang and Uukyorgang, on the other hand, in principle still accept that the Sisala are the legitimate landowners and earth priests. The four Dagara sections differ in their rights and obligations vis-à-vis the Sisala because the precise terms of their settlement were negotiated with the individual owners of the land in question. But in addition, these specific arrangements are open to different interpretations – which the fishpond conflict brought into the open.
- Thirdly, although as regards population the Dagara constitute the majority in Kyetuu and many neighbouring villages, local political control has always remained in the hands of the land-owning Sisala, on both sides of the border and during both the colonial and post-colonial periods. In the colonial period, the leaders of the immigrant Dagara in Sisala-owned areas were never promoted beyond the status of headmen, in neither the French or British colony: the positions of substantial chiefs were reserved for the Sisala. In post-colonial systems of local government, too, the Dagara were either not represented at all – as in Burkina Faso where the Kyetuu Sisala did not accept a Dagara RAV (Responsable Administratif du Village), – or prevented from acquiring positions beyond that of a simple village representative in the District Assembly. Politically, the Sisala play on their position as first-comers and original landowners, and the younger Dagara

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<sup>13</sup> The British were responsible for the maintenance of the border from the Black Volta to a border marker south of the village of Bourra; on this and the patrols along the border see “Rapport sur les marques frontières...”, 31 Aug. 1928, CNRST, Série B, III/4, conservation, § 2–4; populations locales, § 1–3.

particularly are beginning to resent their “discrimination” – a development which also plays an important role in the fishpond conflict.

### The fishpond conflict

The controversial fishpond is situated in Tuolegang, or, to be precise, between Tuolegang and the Sisala section of Kyetuu (see map 2). In addition to providing fish and being a water source for humans and animals, the pond also has ritual importance for the Sisala. It was the pond that made the Sisala hunter who is believed to have founded Kyetuu decide to settle there. The crocodiles it used to accommodate were regarded as holy animals with a special connection to the Sisala. Some thirty years ago, however, some Muslim Wala traders from Fielmuo and Hamile are said to have hunted the crocodiles and sold their skin, meat and bones at a good profit. As a consequence, so the local population believes, the crocodiles disappeared and the pond dried up during the dry season. That the Sisala earth priests no longer performed their sacrifices at the pond as diligently as before is also said to have contributed to the “spoiling” of the pond. Ten years ago, however, Sisala earth priests paid a contractor working on the Fielmuo–Hamile road to come with his heavy equipment and dig out the pond. However, the question of who organised and paid for the improvement of the pond is somewhat controversial. The Sisala earth priests were reluctant to admit any Dagara contribution to the improvements, while the Dagara young men insisted that it was their initiative – an argument clearly designed to strengthen their claims to use the pond’s resources. Despite some remaining doubts, it is clear that, for reasons of accessibility, the pond could only have been dug out by machinery brought in from the Ghanaian side; thus the inhabitants of Tuolegang must have played an important part. In any case, ever since the improvements were made, the pond has contained water and plentiful fish throughout the year.

Before 1973, the pond marked the boundary and thus belonged to both Burkina Faso and Ghana; the new border demarcation assigned it to Ghanaian territory. However, this becomes an argument only for those who challenge the traditional foundations of land and fishing rights. Traditionally, the yearly communal fishing activity used to be organised by the Sisala earth priests. When the marshy valley was dry enough to allow access to the deeper pools of water which contained the fish, they fixed a date and invited the inhabitants of all sections in Kyetuu to come and fish, after the necessary sacrifices had been performed. The catch was divided into three parts, one part belonging to the earth priests, the other two parts being distributed among the participants in the fishing activity.

Outside this communal fishing, which was carried out using baskets, individual fishing with rod and line was tolerated as long as the catch was small. Conflicts over individual versus collective fishing and over fishing

methods arose only after the pond had been dug out and the fish became plentiful.<sup>14</sup> The young Dagara men took to fishing outside the fixed season and with large, fine-meshed nets – a much more efficient method to which the Sisala object, because of a taboo, as some say, or simply because they cannot afford to buy nets, as others explain. In any case, the new method can quickly deplete the number of fish and interrupt their regular reproduction. In addition, the Sisala are vexed because the Dagara young men do not give any share of their catch to the earth priests, and they complain that the Dagara Christians ridicule their sacrificial activities at the pond.

However, there is little the earth priests can do to prevent the Dagara young men – who, according to my Sisala interlocutors, evidently fear no supernatural sanctions – from fishing. Whether the fishermen are protected by their Christian faith or by magical devices against the wrath of the water spirits, also remains an object of speculation among the Dagara elders, who try in vain to control their youths.

The conflict came to a head when a young Dagara engaged a Sisala in a fight at the pond, injuring him badly. The Sisala young men threatened to retaliate, and the Dagara are said to have pointed guns at the Sisala, shouting that the pond was part of Ghana and that the Sisala, as Burkinabé, had no right to trespass on “Ghanaian territory”. The Tuolegang Dagara headman and the Sisala earth priests called on the chief of Bangwon and the paramount chief of Lambussie. The latter insisted that, even if the pond was on Ghanaian territory, the Dagara had no right whatsoever to take matters concerning the international border into their own hands. The Lambussie chief suggested, however, that, in order to avoid future trouble, the Kyetuu earth priests should transfer all traditional rights and obligations for their Ghanaian lands to the Sisala earth priests of Bangwon, a village neighbouring Tuolegang. This transfer was formally effected during a large meeting in the summer of 1998, where it was diplomatically agreed that the pond was a communal resource to be used diligently by all and that nobody should start fishing before the Bangwon Kuoro had given the go-ahead. The fact that on the Burkina Faso side of the border the earth priests appear as the major actors in the conflict, while in Ghana the chiefs intervene in land matters, is due to differences in the colonial and post-colonial development of the chieftaincy. In Burkina Faso, in the course of Sankara’s “revolution”, the earth priests experienced a recent re-evaluation of their role as “authentic” indigenous authorities while in Ghana the colonially introduced chieftaincy continues to be, albeit semi-officially, the most important institution of local government, called in to mediate land conflicts.

Shortly after the meeting of summer 1998, the Lambussie Kuoro died. As an employee of the Tumu District administration, the Bangwon Kuoro was absent from his home village most of the time, and up to March 1999 he had

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<sup>14</sup> This is possible because the catfish (or barble) found in the pond can survive for several months in mud and multiply faster with the arrival of more abundant water supplies.

not yet visited the Kyetuu earth priests or the Tuolegang headman in order to clarify the details of the new arrangement. For some time after the 1998 meeting nobody fished at the pond, but by the beginning of 1999, the Dagara young men had resumed their activities. They claim that it was the young Sisala themselves who had started to fish again, and that if they had waited until the official go-ahead was given, they would have found the pond empty. The Dagara elders, in turn, complained that they were not able to prevent their young men from fishing. Be that as it may, particularly during the Lenten season fish can be sold at a good profit in the markets of both sides of the border, and none of the young men are willing to forgo this attractive source of income. In February 1999, when I watched a young man fishing with a net, assisted by two young boys, in less than an hour he caught about two to three kilos of small and medium-sized catfish and some five large ones, the whole catch fetching up to 20,000 Ghanaian Cedis or 6,000 CFA – a sum which partly explains why the Tuolegang agreement has not been implemented and the conflict continues to simmer.

### Traditionalist, nationalist and Christian discourses on land rights

It is not the economy of fishing, however, which interests me here but the arguments of the adversaries concerning boundaries and land rights. These arguments are closely connected with three intersecting fields of tension: first, inter-generational conflicts; secondly, tensions between Christians and non-Christians; and thirdly, tensions between the Sisala and the Dagara. But before elaborating on these tensions and showing how they affect the debate on the pond, a brief remark on the relationship between land and water rights is necessary. As many other parts of Africa, the Black Volta region is characterized by a complicated system of levels of rights to natural resources. “Ownership” and usufructuary rights to agricultural land, pastures, economically exploited trees and waters (ponds, streams) do not necessarily coincide. It is possible, for example, to give a certain field to a “stranger” for cultivation, even for a lifetime, but to reserve the right to harvest the trees standing on that field. It is because of this differentiation of rights that the Sisala earth priests gave land to the Dagara immigrants but claim to have maintained control over the pond.

Regarding tensions between generations, I have mentioned that the Dagara elders complain that the young men no longer respect their authority, but go ahead and fish with modern equipment without asking for permission. These are longstanding complaints about the diminishing control of the seniors over the juniors which can be found almost anywhere, particularly in areas such as Kyetuu, with scarce land, high rates of labour migration and thus the basis of early independence. In the older Dagara settlements on Sisala land, however, the generational position also affects the way in which the Dagara understand their rights and obligations vis-à-vis the Sisala. Members of the older generation have either immigrated into the village themselves or were born

shortly after their fathers' arrival and grew up to respect the Sisala as the legitimate landowners. The young Dagara, on the other hand, have been born in the new village and often feel that they should have the same rights to consider themselves *tengbiir*, children of the land, as their Sisala age-mates. Many of them are no longer willing to accept that, even more than sixty years after their grandfathers' arrival, the historical configuration of "first-comers" and "late-comers" should still justify a distinction between "landowners" and "settlers".

This conviction is often reinforced – and partly cross-cut – by the Christian faith. The older non-Christian Dagara usually fear the ritual power of the land spirits and, by extension, of the Sisala earth priests, many of whom are also known to be powerful sorcerers. The Christians, on the other hand, object to being involved in sacrifices to the earth shrine and see themselves as protected by their God. Already in the early 1930s, after a series of conflicts, the Dagara Christians were granted their own cemetery, since when they only inform the Sisala of funerals and occasionally present gifts to them after the harvest – as a matter of politeness, as they see it, but not of obligation. The Sisala interpret these gifts as an expression of respect of their position as landlords. But the Christians feel that all Sisala and Dagara are equal before God and that therefore nobody should be discriminated against because of historical coincidences in settlement history.

The third field of tension is that of inter-ethnic relations. As I have pointed out, the Dagara have become the majority of the population in many of the Sisala settlements of the region. But due to their early conversion to Christianity, many more Dagara than Sisala have had access to school education, and the Dagara by far outnumber the Sisala in regional administration and public services on both sides of the border. The Sisala tend to see themselves as the historical losers, discriminated against by the Dagara. Therefore, they cling all the more strongly to their position as landowners, using it to claim political control at least at the local level. In the Ghanaian village of Fielmuo, near Kyetuu, which is also on what was originally Sisala land, the Dagara insist that they received their own earth-shrine in the late 1910s and that they regulate their own chieftaincy affairs without consulting the Sisala earth priests of Nimoro. In Bozo, a Sisala village with a majority of Dagara population, near Kyetuu on the Burkina Faso side of the border, a long-standing conflict over who has the right to appoint the Dagara chief (or representative) still remains unresolved. In all of these cases, the Sisala argue that their status as the original landowners implies the right to political control. It is with these experiences in mind that the paramount chief of Lambussie suggested that the Burkinabé Kyetuu earth priests should transfer their traditional rights over land in Ghana to their fellow Sisala in Bangwon. He foresaw that the international border could be used as an argument in conflicts over land and power. The Dagara could insist – and some of the educated young men did indeed make this point – that water resources on the Ghanaian side of the border were to be administered by the responsible body of local

government, namely the Dagara-dominated Jirapa-Lambussie District Assembly. The only way to prevent this and to strengthen traditional land rights was to transfer these rights from a Burkinabé to a Ghanaian Sisala community. This strategy had already been applied more or less successfully in the 1940s and 1950s in the market town of Hamile, another cross-border earth-shrine parish.<sup>15</sup>

Interestingly, in the eyes of the Kyetuu earth priests it was not a transfer, but a mere delegation of rights to Bangwon and not a question of ethnic solidarity but of their specific relation with the family of the Bangwon earth priests and chiefs. This family is considered to be sister's sons, *tolbie*, and as such it was collecting gifts from the Dagara of Tuolegang already, long before the fishpond conflict. The Kyetuu earth priests therefore regard the 1998 agreement as a mere extension of this long-standing arrangement and expect their sister's sons to continue, at least for some time, to come and present part of these gifts to them, the original landowners.

The fishpond conflict thus reveals a complex interplay of land-related discourses, drawing on traditionalist, Christian and modern political – “nationalist” – arguments. The Kyetuu earth priests are most forward in their traditionalist line of argument, insisting that they are the first-comers and therefore have the right to control all land-related issues, even across the border. It is for this reason that they systematically deny any past Dagara payment for the land or for an earth shrine. The Dagara, on the other hand, are arguing partly within the framework of traditional land-rights when they claim to have received their land and certain ritual rights in exchange for substantial gifts. In addition, however, the young Christians particularly, but also some of the elders, put forward modern political arguments. First, they insist that the pond is on Ghanaian territory and that as Burkinabé citizens the Kyetuu earth priests have no rights to it. In other contexts, however, citizenship is handled more flexibly and unofficial dual citizenship (the holding of two ID cards etc.) is not unusual.<sup>16</sup> The Dagara young men's argument that, as Burkinabé citizens, the Sisala earth priests had no rights to a pond on Ghanaian territory, is therefore probably more a pragmatic one than the expression of a deeply felt nationalism.<sup>17</sup> Secondly, they adhere to a mixture of Christian arguments and the revolutionary discourse of Jerry Rawlings, which demands that the land and all resources should belong fully to those who need and cultivate them. And finally, the Lambussie chief and the Ghanaian Sisala support the traditionalist line of argument, but also seek to come to terms with the

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<sup>15</sup> On the Hamile conflict, see LENTZ 1998, chap. 15.

<sup>16</sup> At least during elections, accusations are regularly being raised that “aliens” from the other side of the border are being issued with voters' cards by interested parties in order to swell the number of voters.

<sup>17</sup> However, there exists a certain pride in being “Ghanaian” (or, vice versa, Burkinabé) which has connotations of certain qualities of modernity – a topic which space does not permit me to explore more fully here.

international border; they are searching for solutions in the interests of strengthening the position of the Sisala as a whole.

## Conclusion

To conclude, let us look briefly at the wider implications of the Kyetuu case for our understanding of the making of boundaries and perceptions of space and land conflicts in the West African savannah. The conflict in Kyetuu is obviously a telling example of “legal pluralism” – of the co-existence and interaction of various legal and political registers on which actors draw in context-specific, strategical ways. In the Kyetuu case, state legislation on water resources and the concept of a sovereign territorial state were, at least implicitly, brought into play by one side, while the other insisted on the traditional foundations of land rights, based on the idea of spiritual provinces and the configuration of first-comers and late-comers. The conflict had not yet been brought before the “modern” political authorities, but this is an option which one or other side may resort to in the future.<sup>18</sup> Until now, the adversaries have tried to solve the conflict within a more or less “traditional” framework. However, a closer examination reveals that the intervention of the Lambussie Kuoro is by no means as “traditional” as it first appears because first, chieftaincy in the area is a colonial innovation, and secondly, in pre-colonial times neither the Bangwon nor the Lambussie chiefs would have had any say in the affairs of a separate earth shrine area such as Kyetuu. We are thus dealing with “neo-traditional” intermediary structures whose legitimacy is not automatic: why if not because of the “realpolitik” of political strength should the Kyetuu landowners accept the interference of Bangwon and Lambussie? These questions throw some doubt on the claims of the more optimistic defenders of decentralisation programmes because the legitimacy of empowered local structures is not always obvious. As I have pointed out, the Dagara immigrants have almost no political representation within this neo-traditional system of conflict mediation; therefore, the young men see the democratically elected district assembly as a more legitimate representative, at least in principle.

The second outstanding aspect of the Kyetuu case, which can also be found elsewhere, is the selective appropriation of colonial borders. In localities straddling the new borders, the custodians of the earth shrines usually continued to exercise their ritual control over land across the border. With respect to the system of chieftaincy, introduced in the colonial period, however, the local population quickly adopted the border as a resource, capable of protecting them from tax and forced labour. Instead of controlling

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<sup>18</sup> See STAMM 1997 on legal pluralism in land tenure and some typical land conflicts, as well as ways of conflict management which draw on traditional local legal systems and state institutions.

the movement of the population – as the colonial regimes intended – the borders became incentives for additional mobility.

In transnational localities, political allegiance thus followed the lines of the nation-state, while strategies of land-use, and kin as well as ritual networks, ignored the new border. In recent times, and particularly since the last border-demarcation exercises however, the border and related concepts of national citizenship are also brought to bear on land issues. In this process, the local population also incorporates new concepts of the border into its repertoire of perceptions of space. Now the border is also understood as a continuous dividing line, separating two contiguous territories. One might speak of the “digitisation” of boundaries<sup>19</sup>, leaving only the unambiguous options zero or one, in contrast to the traditionally more subtle shading and interlocking of frontiers and qualitative notions of territoriality. One of the questions that follows from this is whether the digitisation of space implies a digitisation of identities as well. Another interesting question would be to examine whether this new concept of lineal boundaries also affects the understanding of earth-shrine parishes in other areas. First indications are that we are indeed witnessing a general hardening of boundaries, but only where the earth-shrine boundaries coincide with other social boundaries such as ethnic boundaries. Future research is required to go more deeply into these interconnections.

### List of interviews

#### Ghana

Kyetuu-Tuolegang: Kpiele Maasangyir (Tuolegang Naa) et al, 14.1.1998 and 26.2.1999

Kyetuu- Kuuziegang: Kpagnyaane Gyile Bagwa (Kuuziegang Naa), Kosi Debole (earth priest) et al, 25.2.1999

Kyetuu-Nyourgang: Tambiile Ralio Tengdong et al, 26.2.1999

Nimoro: Suleiman Balesemule, Bombieh Nalbe, George Bentor et al, 14.12.1997

Fielmuo: Fielmuo Naa (Regent) Aansokung Daanikuu; Kyekole Daanikuu et al, 14.1.1998

Bangwon: Leke Sinu, Bangwon Kuoro Yinuroh Wiyor et al, 11.12.1997

#### Burkina Faso

Kyetuu: Sisala earth priests Niepor Kombui et al, 16.12.1997 and 22.2.1999

Kyetuu-Uukyorgang: Kpiele Hien Yelkou; Bekuone Poda Der et al, 25.2.1999

Hiela: Baagyawii Yelgie, Balitor Nagie, Wieduku Zalve, Anlanta Basawule, Wifele Bodong, Kobina Wove, 18.12.1997

Hiela: Hiela Kuoro Enoho Yelgie, Kunyoko Yelgie, 22.2.1999

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<sup>19</sup> I borrow this term from Han van Dijk’s perceptive comment.

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