



## Custom and Commodification: The Role of Earth Priests, Family Heads, Chiefs and Youth in Land Administration Among the Balsa of Northern Ghana

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### abstract

This article assesses the effects of land commodification on the role and authority of earth priests, family heads, chiefs, and youth in the administration of customary land among the Balsa of the Upper East Region of Ghana. In Ghana, land is not only an economic resource, but also forms the basis of history, power, identity, rootedness, spirituality, and memory claims at both individual and group levels. Consequently, land appropriation tends to generate multiple disputes/conflicts. Using ethnographic research methodology, the article explores how land commodification has redefined customary practice related to land ownership and administration in the Balsa area, including instigating different types of disputes or contested claims between earth priests, family heads, chiefs, and youth. The article explains how these disputes and contestations that emerge from land commodification implicate a bundle of customary land rights and undermine the legitimate claims of earth priests, family heads, chiefs, and young people to engage in land transactions. The article concludes that, while land commodification in the Balsa area is inevitable, its occurrence should not create continuous conflict leaving family members especially, the youth, women, and community in a dismal or impoverished state.

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### Introduction

This article examines how commodification of land is altering the role and authority of earth priests, family heads, chiefs, and youth in customary land administration among the Balsa people in the Upper East Region of Ghana. In many societies across the world, commodification, i.e. the process of turning a good, service, or a thing such as land or human intimacy into a commodity with emphasis on its market or exchange value and not its use value has gained prominence in everyday economy of social life (Constable, 2009). In Africa, land is not only an economic resource, but also the basis of history, power, identity, rootedness, spirituality, and memory. Thus, its appropriation and management tend to attract contestations based on legitimization of customary ownership (cf. Lentz, 2010; Lund, 2008; Owoahene & Awedoba, 2017).

In fact, in Ghana, tensions and conflicts become prevalent when land is misappropriated or commoditised with emphasis on its market value and not its intrinsic cultural and social value. As far as the idea of the customary is concerned, Amanor (1999) and Berry (2001) have argued that, the notion of the 'customary' was structured around reinventions of African traditions by colonial officials and so full of ambiguities and prejudices. For example, Berry contends that the effort of colonialists to redefine the notion of 'customary' in favour of colonial interests rather produced negative outcomes in which chiefs, elders and colonial officials colluded to deprive the peasantry and the youth of heritable land. In precolonial Ghana, clan heads (some of whom later became chiefs) and earth priests or landowners termed as (*teng nyono* in Buli, *tendaana* in Gurune) held land in trust for the community, lineages, and families (Lund, 2008; Tonah, 2008). In this customary arrangement, the division of roles of landowners and earth priests did not pose a legal or political challenge until land was transacted as a commodity (Lund, 2013:18).

During the colonial period however, this landholding arrangement changed dramatically especially in northern Ghana, where the meddling of the colonial administration in land matters eroded the powers of earth priests and empowered chiefs who began to manage land on behalf of the community (Lund, 2008).

It is argued by earlier scholars such as (Tonah, 2008; Anabila, 2020; Owoahene & Awedoba, 2017) that the Upper East Region was very much affected by this arrangement. The colonial approach enabled chiefs who traditionally exercised only political authority in the community, to engage actively in the sales of land and gifting lands to locals and non-indigenes. This interference created tension between chiefs and the landowners *tendaama* and resulted in protracted intrafamily, interfamily and intercommunity conflicts. In Yaro (2012), it is shown that, inspired by fluid tenure and neoliberal interests, allodial title holders such as chiefs and clan heads are disenfranchising weaker members of society especially the youth, by reinventing customary tenure to benefit from land commodification. It is against this background, that this article seeks to examine the emergence of land commodification in the Balsa area and investigate how this has challenged the traditional roles and authority jurisdictions of earth priests, family heads, chiefs, and the youth in the dynamics of landownership and administration within lineage, family, and community norms and across individuals. The article further explains how the emergent contestations associated with land commodification affect the bundle of customary land rights that legitimise claims of clan and family members, especially the youth to landed property. Further, it explores how land commodification more generally pushed by poverty, unemployment and neoliberal interests is depriving locals of heritable land and creating disputes within families and breakdown in collective land ownership among other challenges. The article makes a significant contribution to the broader discourse framed around the land question and social relations of access to customary land and tenure rights when local actors such as earth priests and family heads neglect the needs of the youth in the use of the benefits of commodification for their parochial interests.

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## Review of Related Literature

### Earth Priests, Chiefs and Land Administration in the Upper East Region

Pre-colonial histories of land use practices among the people in the Upper East Region show the earth priest, known as *tendaana* was the ‘allodial owner of the land. This authority gave him the power to allocate land to later immigrants and hence grant the land tenure rights for the building of houses and bury dead ones. He also mediated in conflicts over land boundaries and land use’ (Lentz, 2010 cited in Imam, 2015:127). Modern customary practices, thus, ensured that the political authority is held by the chief, while the earth priest retains authority over religious matters, allowing him to fulfil spiritual functions linked to land (Lund, 2008: 48). The religious authority also confers on the *tendaana* the power to contribute to the construction of the traditional political authority. For example, among the Balsa, the *tendaana* actively invests traditional authority on chiefs and hence plays a key role in king-making processes. Regarding their religious authority, Schott (1977) argued that in precolonial times, earth priests were already acting as chiefs, and so played a dual role in the community. Owoahene & Awedoba (2017) on the other hand, disputed the claim of Schott showing that since precolonial times, ‘a *tendaana* although had some socio-political authority in the community, was not a chief’ (2017:105). Thus, land (*teng*) belonged to the *Tendaana*.

In the colonial era, land administration in northern Ghana was influenced by two fundamental approaches. The first approach, put forward by Gordon Guggisberg, contended ‘that the government should seize total control over all lands in the North to keep costs of development down and eliminate speculation in its wake’ (Lund, 2008: 26). This approach was meant to integrate the northern territories into the colonial economy. The second approach which was influenced by Lord Lugard’s ideology of indirect rule argued that some autonomy should be given to local landowners (in this case the chiefs) to manage land administration under customary norms. This approach was largely successful because it was amenable to local custom and traditions of the people, but also served the interest of the colonial officials to run the territories through chiefs (Amanor, 2010; Lund, 2008: 26). In the specific case of the northern region, however, the *tendaana* were administering land until the Dagbon and Gonja kingdoms were established, which marked the beginning of chiefs and kings holding land in trust for the people (MacGaffey, 2013). This practice has continued in the post-colonial state, although kings in centralised chiefdoms delegate the power to control land to community chiefs who handled customary land matters including offering land to community members and strangers/foreigners for different purposes (cf. Imam, 2015; MacGaffey, 2013).

In the Upper East region, as earlier pointed out, the history of land administration obtained that the earth priest or landowner, *tendaana* handled land matters and not chiefs. However, the colonial officials ignored the historical fact of earth priests being the custodians of land, and rather offered chiefs the right to handle customary land matters. This was done because the involvement of the former was inconsistent with the colonial idea of linking native political structures with native land rights which was largely influenced by the style of land administration in southern Ghana (Lund, 2008). For instance, in the Bolgatanga area, some chiefs took advantage of the new dispensation and arrogated to themselves the right to give out land as gift or sell in some cases. This practice led to tensions between chiefs and earth priests most of whom were illiterates (Lund, 2008).

However, ‘when the 1979 Constitution declared that land held in trust by the government was henceforth to be handed back to its “original owners,” earth-priests, families, and individuals saw an opportunity to claim land rights from government and chiefs and to contest a political order that had developed throughout the twentieth century’ (Lund, 2008: 2). Thus, the declaration of the 1979 constitution, inadvertently led to a huge land struggle between chiefs and earth priests, and sometimes, involved the state. Moreover, the land struggle led to numerous and persistent court cases in which the interest of contestants (groups and individuals) in land and property ownership, sales, and their economic circumstances as well as realignment with political elites became decisive factors dictating how one could win or lose a land case. Lund argued, for example, that ‘although arguments are often carried forth with reference to precedent and the past, the right moment for pressing a particular claim depends on the contemporary political constellations that can recognize claims as valid’ (2008:182). The validity of claims was, however, not easy to determine, so most of the cases ended inconclusively, meaning that a refusal/denial of right to land is ‘suspended’ to be reactivated in the future when new ‘opportunities’ to do so emerge. Thus, ‘opportunism’, vigilance, and appropriateness became decisive tools in land struggles, a trend observed not only in the northeast as Lund suggests, but also reported in other parts of Ghana (Lund, 2008).

A major weakness in the 1979 Constitution was that it did not specify who the landowners were, and who had the power or right to engage in legal sales/transactions concerning land (Lund, 2008). Nevertheless, the earth priests appealed to tradition and asserted their power over land administration

with the argument that, they belong to the family of first settlers or first comers who have offered (and continue to offer) sacrifices to the gods of the land for good yield during the farming season and to appease the gods of the land when sacrilegious acts were committed (Anabila, 2020). The question of first settlers and late arrivals usually comes up in the contestation of resources such as land and office. In her ethnographic study of the Sissala and Dagara of North-eastern Ghana, for example, Lentz (2006) describes the origin of the special office of the *Tə̀fjgánsòb*, the earth priest who oversees the earth shrine to which all land is subjected. Lentz observed that the *Tə̀fjgánsòb* ought to be a descendant of the first settler who acquired this office through a pact with the earth deity or in some cases with spirits of the bush. The first settler whilst digging the earth, felling trees or fishing in a lake made contact with the spirit of the earth, and after some negotiations, ‘concluded a sort of contract, in which it was laid down that in return for certain sacrifices and rituals, these “first” would gain access to the fertility possessed by these spirits which justified his becoming a chief or an earth priest’ (Claessen 2011: 7). In this capacity, the earth priests thought they had the right to offer land to family members, individuals and groups including foreigners who needed land for residential purposes or to farm and eat.

However, according to Owoahene & Awedoba (2017: 105), land ‘ownership in the case of the *tendaana* is not a case of literal ownership; it implies association or relationship to a thing, a status, attribute or condition to which a person has superordinate ties or connection.’ This being the case, the role/power of the earth priest to handle land matters is not absolute. This position also lends credence to the argument of Lund (2008) and Kuba and Lentz (2006) that, first comer or first settler narratives are not absolute or incontestable but are contingent on the ability of actors to capitalize on changing state legislation of land administration and local land rights to make claims. In fact, in Ghana, not least other parts of Africa, rights to land or property involve the way that actors try to drag the past into the present to reinforce claims. In other words, what is often “described as customary is often specific to prevailing circumstance rather than cast in stone” (Yaro, 2012:351).

Contestations over land ownership and administration continue to manifest in conflicts between landowners and chiefs across Ghana’s north. The contestations continue to impact customary land practice, legal land administration and transactions. Yaro (2012) and Peters (2013) have argued that, more generally, in Africa, because customary land tenure systems are not fixed, but subject to continual negotiation over user rights, access and control, they often lead to land contestations in which the poor are those greatly disadvantaged. Additionally, the challenge of legal pluralism in which more than one source of law and one legal regime regulating land access and use explains the inconclusiveness of land cases in many parts of Ghana (Amanor, 2008, Lund, 2011). These social changes coupled with neoliberal capitalist orientations and state led market policies which mostly benefit state actors and local elites such as chiefs and family heads, have resulted in commodification in many parts of Ghana, exacerbating the plight of the peasantry who are often losers in matters of land ownership and transactions (Yaro, 2012; Gyapong, 2021).

Drawn from the above, the article unravels how colonial and post-colonial politics, legal pluralism and neoliberal practices have changed the understanding of land ownership in the Upper East Region regulated by earth priests whose role has been redefined with the emergence of land commodification often deployed by chiefs, family heads and youth, as well as the state for different interests.

### Study Context and Methodology

The Balsa are situated in the Balsa North and South Districts in the Upper East Region. The major towns in the south are Sandema, the district capital, Wiaga, Sineinsi, and Kadema. The major towns in Balsa south are Fumbisi, the district capital, Wiasi, and Doninga. The Balsa communities are generally agrarian with a simple subsistence economy where they cultivate varieties of millet and sorghum as well as peanuts and beans, rice cultivation for domestic consumption and the market. They also rear domestic animals, including cattle, sheep, goats, and chicken (Meier, 1999). A significant number of Balsa also serve as civil servants such as teachers, bank workers, nurses, and some serve in the police, fire service and judiciary.

Balsa customary land practice directs that, the oldest surviving male of the patriline, the landlord, *Yeri-Nyono* is the custodian of family property including land as well as act as political and religious head of the household. He acts as the intermediary between the ancestors and living members of the extended family. He has the final say in matters affecting the welfare of family members, including land distribution. He must, however, exercise these powers in an elaborate consultation, especially with male elders of the household.

In many ways, the earth priest, *teng nyono*<sup>1</sup> works closely with the *yeri nyono* in the appropriation of land to the clan and family members, land transactions/sale involving non-family members and non-indigenes. In the Balsa worldview, as in other groups in Ghana, religious beliefs and practices play a significant role in the way that the people live together and make use of the land to meet every-day needs. For example, the Balsa, believe that land is a revered deity *tangban*, and an intergenerational entity belonging to the ancestors, *Kpilima* given to the current generation to use and pass it on to future generations. In this sense, when a family or an individual's heritable land is forcefully taken, the gods of the land or the ancestors will punish the offender in support of the offended.

Moreover, land constitutes livelihood, nutrition, and shelter as well as collective belonging. Clans and family heads know their land boundaries, and tenurial practices are influenced broadly by agrarian activities, hierarchies of power relations between men and women as well as taboos. Annual or periodic rituals are enacted to pacify the land for wrong doings and to thank the land for its kindness and generosity in offering good yield during the farming seasons.

In the Balsa area, marriage residence is virilocal and inheritance is patrilineal. In this sense, when a young man marries, he lives with his wife within his father's compound in the company of other extended family relations. He usually will be given a portion of land to farm and eat and take care of his livestock. As his family grows, he later breaks a portion of the compound and build his own household.

The article draws on ethnographic data gathered between June 2020 and September 2022, among chiefs, landowners, family heads and youth in the Chioik, Sinyangsa, Farinsa, Bachongsa, Balansa, Wablinsa and Siniensi communities of the Balsa North District in the Upper East Region of Ghana. These communities were chosen because customary land tenure rights and ownership that were previously the preserve of family heads and earth priests had been threatened by commodification of land which also sometimes led to grievances at both individual and group levels. The methodology of data collection was participant observation with structured and semi-structured interviews. I participated in marriage ceremonies, funerals, religious and market activities of the communities through periodic visits that often lasted three weeks. During these visits, I interacted with chiefs, earth priests, family heads and youth groups. Since land in the Balsa area is primarily managed by family heads and landowners, I paid attention to their experiences, perspectives and meanings about customary land rights and commodification, but also the sentiments of the youth whose reaction to their marginal role in land matters has become a major issue triggering disputes in families and communities (Hammarberg et al., 2016). The ethnographic approach was found to be appropriate for appreciating the major aspects of the study which was to gain in-depth knowledge/understanding of the practices of customary land rights or ownership arrangements and the changes that have taken place in this area, as well as land commodification in the Balsa area.

### Earth Priests, Family Heads, Youth and Land Matters

In Bulsaland, as in other parts of the Upper East Region, land is managed by earth priests, family heads and landowners for mutual benefit of the family members. However, various propitiatory sacrifices on the land are performed only by earth priests, *teng nyono* (cf. MacGaffey, 2013). In fact, when misfortunes, including ill health, barrenness, poor harvest, death, or loss of family-owned livestock occurs as well as shedding of human blood on the land, it becomes the duty of the earth priest (*teng nyono*) to perform the necessary ritual sacrifices to appease the gods and ancestors (Atuick, 2020). Owoahene & Awedoba (2017) have made a similar observation among the Kasena, in the Upper East; 'though we may consider the earth priest as primarily a priest or religious figure, his religious duties are socio-political in the sense that they aim at improving the community as a whole and holistically' (p.109).

Despite the broad powers of the earth priests, "among the Balsa, the earth priest is not the landowner, but a caretaker. The *yeri nyono*, is the right owner who holds the land in trust for the family. It is he, in consultation with the elders that gives the final word to offer or not to offer land especially to strangers" (70-year-old family head, Sandema-Balansa, June 2022). Ideally, the power relations between the family head and the *teng nyono* should always remain nonconflictual so that land conflicts are greatly reduced in the

family and community. But this is not always the case as conflicts sometimes occur between family heads and earth priests when one party feels cheated in land sales or transaction involving especially, nonfamily members and strangers.

In most cases, however, family heads and earth priests agree when both stand to benefit from a land transaction. The youth are largely marginalised in these transactions, a practice that generates the tension between them and family heads and earth priests. During fieldwork, Akansug Bawa, explained, "as custodians of family land, we have the customary right to sell or give out land in the manner we deem fit. Young people do not offer sacrifices on the land, so they do not have any business to do with land transactions." (60-year-old family head, Wiaga-Farinsa, August, 2021). This position is contested by Peter Asuik;

"Land sales or transactions by family heads and earth priests lead to tensions or disagreements because the items (fowls, hoe, tobacco, and cola) and money given by the land buyers is shared among them and they ignore us or we are given just a pittance. We see the difference in their lifestyle. We feel marginalised in land transactions which are supposed to benefit all of us" (45-year-old youth, Wiaga-Farinsa, August, 2021).

The statement by Asuik is an eloquent expression of the many ways in which the youth are marginalised in land matters by family heads and earth priests who have the penchant to use custom to support their actions or claims. At the same time, however, another youth Daniel Adieta, stated, that;

"The challenges of land transactions are sometimes complicated by the youth themselves who fight the elders for selling family land and yet use covert ways to do same without the consent of family heads and earth priests. This practice often creates tensions and divisions among family members of the same household" (44-year-old youth, Wiaga-Sinyangsa, August, 2021).

Clearly, the above illustrations point to the penetrating influence of land commodification in the area and how actors such as family heads and youth try to redefine the boundaries of who has the right to sell or transact customary land on behalf of the clan or family (Gyapong, 2021).

In Ghana, the involvement of youth in land matters in which they are sometimes marginalised by family heads, chiefs and elders using custom and tradition as grounds for their actions is rather widespread and have often occasioned protracted disputes (Lentz, 2003; Amanor, 2010; Gyapong, 2021). This narrative lends credence to the grievances of the youth in the Balsa area where land disputes in the family often led to devastating consequences for members and sometimes the community. It also points to the situation where 'an individual or group of individuals use their power to regulate access to land among the population in a given geographical unit' (Green & Norberg, 2018:616).

### Chiefs and Land in Bulsaland

In Ghana, chiefly office is intricately connected to land (Claessens, 2011). In southern Ghana, a chief needs land on which to place his stool, the symbols of his power and authority; while in northern Ghana, the chief needs land on which he places his skin. Additionally, chiefs need land for commercial or economic purposes, and in recent times land related reforms at the local level have provided chiefs the avenue to shore up their interest in land which in most cases benefits them directly (cf. Kirst, 2020).

The Balsa area has only one paramount chief, Nab Azantilow Azagsuk II, who resides in Sandema, with divisional chiefs in the various communities. In each divisional chiefdom, are subchiefs, *kanbon nalemma*, who help the divisional chief to administrate the area under his jurisdiction. In an interview in 2022, with the Siniensi divisional chief, he shared that,

"Following a training I received on how to handle land matters, I was made coordinator of the customary land secretariat and have been acting in this capacity until the paramount chief abolished the team and put in place a new team with all members coming from Sandema" (Nab Afulag Apig-jiak, Siniensi, June 2022).

This process weakened the community's inclusion of chiefs and elders of other communities in land matters. According to Nab Apig-jiak, the paramount chief, added that henceforth all lands sold in the area, must receive his express approval and final endorsement. His 'edict' was premised on the assumption that in colonial times his father, Nab Azantilow I was given sole caretaker responsibility of Balsa lands because of a land case he won between the Mamprusi who wanted to take over Balsa land. My findings during fieldwork, however, revealed that the paramount chief's position is based on a misreading of the resolution of a land boundary dispute between the Balsa and the Mamprusi kingdom which was settled many years ago. According to Kotey (1993-1995):

In the Upper East and Upper West Regions, the politically less centralized Lobi-Dagarti, Sissala, Kussasi, Tallensi and Builsa have no skin ownership of land. *The allodial title to land is vested in the various indigenous communities as represented by the various Tindemba*. This finding is contrary to the view of Ollenu that the allodial title to land in the Upper East and Upper West regions is held by the skins. Ollenu relies for this view on *Azantilow*,

<sup>1</sup> Owoahene and Awedoba (2017:104), explained that the *teng nyono* is "a functionary who holds politico-religious office and who we may call 'priest' or more exactly 'earth priest'. Additionally, in most parts of northern Ghana, the earth priest is founder and his role well acknowledged and respected. It should, however, be stressed that in Bulsaland, "teng" is a term with multiple meanings. For example, *teng* could mean the place one comes from or a suburb of a village where one belongs. But, in everyday popular usage, *teng* means land/earth. In this article, unless otherwise stated, I shall use the term *teng* to mean land.

*Sandemanab. V. Nayeri, Mamprusina & 3 others.* It must however be emphasized that the issue which confronted the court in *Azantilow*, as Ollennu himself acknowledges, was whether the Sandemanab (Paramount Chief of the Builsa) and the Nayeri (Paramount Chief of Mamprusi) were the proper persons to sue or be sued in respect of their peoples' land. The case is therefore no authority for the proposition that in all the ethnic groups of the Upper East and Upper West Regions the chief is the trustee for a community's land., in *Azantilow v. Nayeri*, the Sandemanab sued on behalf of the Builsa people for a declaration of title to certain lands occupied by the second, third and fourth defendant chiefs and their people (Kotey, 112-115).

Kotey's work provided the data on which the supreme court ruled conclusively on the matter.<sup>2</sup> Clearly, the narrative indicates that, it was essentially a jurisdictional matter of a boundary dispute between two ethnic groups, Builsa and Mamprusi, and nothing about the position *inter se* a Builsa chief and Builsa Tindana. Drawn from the above, it is evident that, if the pronouncement of Nab Asagusuk II is followed through, family heads will lose the right to allocate land to family and community members, and to sell same to strangers without his approval. This also means when one buys land in any division, the divisional chief has no power or right to endorse the land documents and to take the tax due the community for development projects and his personal upkeep.

However, since land in the Builsa area, is owned by families as already mentioned, the paramount chief cannot use his power/authority to claim land from any clan within his jurisdiction. He will have to ask for it if he needs it for any project. Till date, the divisional chiefs have remained resolute in rejecting the effort by the paramount chief to bring all lands in Builsaland under the paramouncy. Thus, currently, this matter has died down, perhaps to be reactivated later when new social and cultural constellations and state structures provide the avenue for the paramount chief to do so. Clearly, the paramount chief's position is entirely alien to Builsa customary land rights/ownership and may just be one example of how chiefs use their power to claim land for multiple interests including money.

Furthermore, the effort by the paramount chief to control lands in the Builsa area reveals the strong influence of land commodification and how chiefs drag the past into the present to access land for multiple purposes (Lund, 2011). Marco (2012) shows that, this tendency is prevalent not only in Ghana, but also in other African countries such as Togo where local authorities' involvement in land transactions is increasing the rate of land struggles in their localities.

Nowadays, most divisional chiefs in the Builsa area, are closely involved in helping families to deal with land matters including disputes and challenges of commodification. In the Wiaga area, since the 2000s, the divisional chief, Nab Asiuk Akanfeyabueta II has in conjunction with family heads and landowners drawn a list of landowning families for four core reasons.

In the first place, in October 2022, he invited the Regional Directors of the Town and Country Planning, The Commissioner of Stool Lands, the Survey Department, and the Land Commission to give a workshop to his sub chiefs, landowners and family heads. The goal of the workshop is to lessen the prevalence of land disputes in the area and to teach landowners, family heads, and buyers why they should come to the chief's palace to complete land transactions and to obey state legislations concerning land purchases. Secondly, to help reduce land commodification so that indigenes are not deprived of land because they do not have money. Thirdly, to secure a system where a percentage of every land sold in the area may be taken for community projects and for the chief's own upkeep. Fourthly, to ensure land owning families go to the traditional land secretariat showing proof of the signature of the chief on land documents as a sign of authenticity. This practice is a nationwide requirement. At the core of the above arrangements is the effort to reduce the threat of commodification to customary land administration and the fluidity of transactions pushed by actors including chiefs and family heads who stand to benefit more from land transactions than the youth.

During fieldwork, it was observable that, presently, in some landowning families, youth and individuals such as urbanites are seeking for a change in customary land ownership and how land is transacted. A youth from a landowning family argues:

"In my family, we don't take money because it will soon finish. We rather ask a land seeker to buy us aluminium roofing sheets to roof our buildings or build a house for us, so we have something durable to ensure a level of security. We risk our future when we continue to give out land under weak transactions" (interview with Peter Akansug, Sandema-Wablinsa, June, 2022). This narrative brings to the fore a cultural shift epitomising the prevalence of land commodification while reinforcing the sentiment of (Lund, 2011:72) that, 'land is immediately important for the livelihoods of large populations —

rural and urban alike - in Africa and other postcolonial societies, and it forms an integral part of social and economic development of society.'

Given the increasing rate of poverty and unemployment among other social difficulties in the area, one wonders how successful the efforts to control commodification and to ensure land security for families will go, especially for the youth. Mwingyine (2019), however, showed that among the Waala in the Upper West Region, as a strategy to reduce the vulnerability of family members to access land in the face of commodification, clan heads have established Land Management Committees (LMC) in the different clans. The 'duties of the LMC are basically, to take all major decisions and carry out all transactions relating to land commodification, land allocations to family members, and land litigations' (2019:180).

### Land Acquisition and Commodification

Among the Builsa, while lands in first settler communities or families are safe for use, those transacted through sales or gifts are highly susceptible to disputes and arbitrary forms of commodification. Customarily, every family member has the right to access land to build a house or to farm and eat. The Builsa, like many other groups, are however, a patrilineal society, so only men have allodial rights to land. Women have only usufruct rights and can use the land if they remain in the marriage or yet to be married but cannot sell or give it out to their husbands, sons, or any other person. It is argued that when women take family land to the marital home, they will be depriving their paternal homes of heritable land which is meant for the current and future generations.

The customary process directs that, when a young man needs land outside his patriarchal home to build his own homestead, he goes to consult the family head, *yeri nyono* and elders of the family that is ready to offer him land after customary rites have been completed. The elders often say, 'when a family member or kinsman needs land to put a roof over his head or to farm and eat, you don't deny him'.

The customary process of land acquisition for non-indigenes or strangers is, however, different. Firstly, when a stranger or non-indigene needs land to build a house, start a project or to farm and eat, they go to see the land owner to decide on the location, size and price of the land.<sup>3</sup> Later, both the land seeker and the landowner will go to the divisional chief who will verify if the land under sale really belongs to the landowner and if family members have agreed with the transaction. This process is undertaken to avoid land disputes, such as double sale. Once all the parties agree with the transaction, the land seeker will offer a fowl, *kpiaksa*, hoe, *kui*, and drinks, *daam* to the family head and *teng nyono*. Collectively, these items have symbolic meaning and social significance than the monetary equivalence of the land sale. Secondly, the land seeker is expected to go through the rite of, *teng kuui firika* i.e. a right in which the land seeker accepts the 'land god' encompassing the land given to him and to make periodic sacrifices including sacrifices that will avert calamities on the land and those thanking the ancestors for good harvest during the farming season. When the rite of *teng kuui firika* is performed, the original landowner loses his right to take back the land from the landholder, until the landholder fails to respect the taboos and other customary practices of the land.

During fieldwork, Ateng Amaboro, shared his observation, "Today, the ritual items are not as important as the money. Depending on the location and relationship between the land seeker and owners, an indigene could pay Ghc. 2000 for a parcel of land which is a 'new' thing, while non-indigenes pay between Ghc. 3000 and Ghc. 5000 especially when the land is to be used for commercial or business purposes" (65-year-old family head, Wiaga-Chiok, June 2022).

In fact, further investigations during fieldwork revealed that these figures are only approximations and that some landowners and family heads can ask for more money. This is the case in Sandema, where land commodification has become a major concern to the people. Baba Awonboro, explains why:

"Today, because of poverty and lack of jobs in the area, life has become very difficult, so some landowners and family heads are selling land as high as Ghc. 8000 per plot and increasing the price arbitrarily such that in some situations the same parcel of land could be sold to two or more people" (66-year-old earth priest, Sandema-Balansa, June 2022).

This phenomenon is not only creating unwanted intrafamily and inter-family disputes, but is also providing a context where family heads and earth priests may continue to increase the price of land such that, only few people with money will acquire landed property to the disadvantage of the poor majority. This finding corroborates the work of (Yaro, 2012; Bansah, 2017; and Ehwi & Mawuli, 2021) who have shown that, in urban or periurban settlements commodification has increased the price of land making it difficult for locals

<sup>2</sup> Supreme Court, Civil appeal no: j4/6/2016, 23<sup>rd</sup> November 2016

<sup>3</sup> Like most parts of Ghana, in the Builsa area land is not sold, but leased for a period of 55 years for purposes of residence or 99 years for commercial or industrial purposes. The amount paid by the land seeker is more generally, known as 'Kola'.

to acquire land and in some cases, landowners must hire land guards to protect their lands from encroachers. In effect, these new developments in the area, are reinforcing land commodification and redefining local land rights and tenure practices that hitherto made land affordable to all.

### **Conclusion**

This study has shed light on how the increasing capitalist interests in protecting or selling off family lands by chiefs, family heads, earth priests and youth have changed customary land relations in complex ways. It is obvious that while chiefs, earth priests and family heads continue to seek opportunities from land transactions, redefining or consolidating their authority over land, the youth are also making claims within families, thereby shaping land access dynamics and agrarian practices.

The findings are in consonance with earlier studies such as (Amanor, 2010; Yaro, 2012; Gyapong, 2021; Lund et al., 2006; Mwingyine, 2019), and based on this, I argue that among the Balsa, family heads and earth priests will continue to redefine customary land tenure and the bundle of rights that legitimate claims to land so to profit from land commodification. Concomitantly, there are sub-divisional chiefs, like the Wiaga chief, who is actively involved in land matters in their jurisdiction so that land related conflicts in families and community are sufficiently reduced.

In Ghana, as elsewhere in Africa, studies have demonstrated that, the youth population has grown and since land is essential for livelihoods, when customary processes that provide grounds for equitable distribution of land is obviated, conflicts over land and family life are threatened. This is the major reason why the Balsa youth are seeking to play active role in the way that land transactions are carried out so that their future is not eroded. I, however, argue that given the rate of poverty and unemployment, especially in the district capital, Sandema, land commodification is inevitable and landowning families

are likely to engage in land sales in a manner that will begin to threaten the intergenerational use of land and hence sustainable land rights.

The power struggles over land between the paramount chief and divisional chiefs, is a novel idea in the Balsa area, which has a telling impact on land rights and transactions. Nevertheless, chiefs have also shown that they are interested in limiting land disputes in their jurisdictions so that families have land security. One way to ensure a long-lasting land security for families, individuals, and the state in the area, is for the chiefs and state institutions such as the land commission to develop a workable and sustainable plan for all families and communities.

The study also revealed that in the Balsa area not least in northern Ghana, the communities are largely agrarian and exploit the land and landed resources for survival. Thus, land is important to the people, and there are traditions and customary land rights dictating how a family may give out land as gift or sell. However, framed within the context of poverty, unemployment, fluidity of customary practices, neoliberalism and growing land commodification in the area, the traditions have been defined as unimportant, thus, explaining why the youth, more than any social category, are committed to seeking a redefinition of traditions related to land. The youth want to be significant actors of land administration within the family and community so that any form of land transaction will take into consideration their needs and futures.

Finally, I do contend that, as Balsa community comes under intense influence of neoliberal ideologies and commodification, local practices that ensure equitable appropriation of land for family, individual and community use must be safe guided while making room for modern practices that will also ensure maximum use of the land for the benefit of family members. Thus, I agree with Lund et al. (2006) that it is important "that commodification does not occur in a manner that triggers conflict and that leaves the poor and other disadvantaged groups as victims" (2006:15).

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