

**UNDERSTANDING THE PERSISTENCE OF THE NKONYA-ALAVANYO  
CONFLICT: AN NKONYA PERSPECTIVE**

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## **ABSTRACT**

This thesis, *Understanding the Persistence of the Nkonya-Alavanyo Conflict: An Nkonya Perspective*, is an investigative enquiry into the reasons why in spite of all efforts to solve the conflict between Nkonya and Alavanyo of the Volta Region of Ghana, the conflict has persisted to date.

To do this, an ethnographic field trip was taken to Nkonya-Tayi where in addition to observations, open ended interviews were conducted. Among the themes sought during the interviews were the causes, effects, attempts at solving the conflict and most importantly why it has remained persistent.

Apart from the ethnographic interviews, other sources both primary (court judgments, official letters written in relation to the case, press releases among others) and secondary (books, book chapters, articles, lecture notes, as well as online documents) were also looked at.

The data gathered from observation and interviews which were mostly recorded was transcribed and then synchronised with the existing theoretical literature particularly the work of Azar on Protracted Social Conflict and other related literature to produce results.

The conclusions deduced thereof suggest that according to the Nkonyas, the conflict has remained insoluble primarily because of human need factors made manifest in the land question and its related issues such as security, justice and peace among others which have not been well attended to over the years.

## **ACKNOWLEDGMENT**

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ADR- Alternative Dispute Resolution mechanisms

DCD- District Coordinating Director

DCE-District Chief Executive

EPC-Evangelical Presbyterian Church-E.P.C

HIPC-Highly Indebted Poor Countries

JCC- Joint Consultative Committee

NAMC-Nkonya-Alavanyo Conflict Mediation Committee

NDC-National Democratic Congress

NKOSEC -Nkonya Secondary School (Now Nkonya Senior High School)

NPP-New Patriotic Party

PNDC-Provisional National Defence Council

PSC-Protracted Social Conflict

UNDP- United Nations Development Programme

UNSC-United Nations Security Council

VRCC-Volta Regional Coordinating Council

VRHC-Volta Regional House of Chief

WANEP-West African Network for Peacebuilding

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## CHAPTER 1

### 1. INTRODUCTION

#### 1.1.Introduction

The year 2000, was exactly twenty one years since Mazrui's (1979) *The African Condition*, in which he argued that Africa by virtue of its numerous resources was the richest and yet the poorest continent on earth. In that same year 2000, *The Economist* (2000) carried as its headline, 'Hopeless Africa'. The paper argued that the troubles confronting the continent seemed so paramount that the United Nations Security Council (UNSC) at the request of the United States of America started the year 2000 with a 'month of Africa'. Similarly, Tony Blair, remarked in 2001 that 'the state of Africa is a scar on the conscience of the world' (*The Guardian*, 2001). Not surprisingly, of the forty two (42) Highly Indebted Poor Countries (HIPC) in the world in 2004, a World Bank Report (2004) confirmed that thirty four (34) were in Africa with fourteen (14) out of the sixteen (16) West African countries being part of the list. Much of the problems of the continent and their resultant labelling has to do with its numerous violent conflicts. Indeed, violence is not new to Africa as the continent has been inundated with violent conflicts from its very inception. But contrary to the omnibus assumption or distortion that conflicts in Africa are entirely different both in form and character when juxtaposed with others elsewhere in the world, Zeleza (2008, p. 2) argues they are 'remarkably unexceptional: they have complex histories; they exhibit multiple and multidimensional causes, courses and consequences'. Unfortunately, however, as Azar (1990) notes, this league of warfare and extreme poverty deflates the citizenry's ability to finding answers to their numerous problems.

Conflict refers to the fight over 'values or claims to status, power, and scarce resources in which the aims of the conflicting parties are not only to gain the desired values but also to neutralize, injure or eliminate the rivals' (Coser, 1968, p. 232). Similarly, Persaud and Turner (2007, p. 417) equates conflict to the 'disagreement between two or more parties in which one or all perceive(s) a denial of a right, or resources, or the absence of capacity to obtain justice which leads to anger, hurt, hate, and possibly verbal and violent actions and reaction resulting in damage to person(s),

emotionally and physically, and /or property'. For the purpose of this thesis, by way of conceptualisation, conflict will refer to the pursuits of irreconcilable goals by diverse groups.

So far, the conflict between Ethiopia and Eritrea has been extended to Somalia. Sudan and South Sudan has also not been best of neighbours. Kenya is still trembling under the threats posed by Al Shabaab militants. Chad, Central Africa and the Democratic Republic of Congo is still not stable (Prendergast, 2014). Peace has become a rare commodity especially after the Arab spring in the Northern part of Africa; Libya is still on fire and Egypt is still fairly unstable whilst Tunisia is barely on its feet.

West Africa, like most parts of Africa has had its own share of violence emanating especially from military take overs and ethnic diversities. Liberia, Côte d'Ivoire, Sierra Leon are still nursing the wounds of their decades of civil wars. Mali is still troubled by the Tuaregs' bid to secede from the independent state. At the same time, the world is still awakening from the 2012 military coup d'état in Mali and its resultant hostilities that saw the intervention of global giants like France, USA, as well as hosts of countries and international organizations (Bøås, 2015; Downie, 2014). In Burkina, the 2014 violent protest that saw the resignation of President Blaise Compaoré from office and the momentarily take over by the military (BBC, 2014) has put the country on the spotlight as events are still being observed with mixed feelings. The danger of Ebola has not only threatened the very existence of Guinean, Liberian and Sierra Leonean societies but has equally succeeded in making the region unattractive. Today, Boko Haram has extended its insurgencies from Nigeria to neighbouring Cameroun and Chad making insecurity in Nigeria more of a sub-regional headache. The list can be tall if not endless.

Given this background, Edi (2006, p. 7) writes that, the sub region is the 'riskiest region in Africa'. Similarly, Boafo-Arthur (2008, p. 8) has concluded that the 'West African sub-region is a region in turmoil'. The result of all these conflicts as William (2011) notes have been vast human suffering; millions of lives have been lost, diseases and malnutrition has soured to unparalleled levels as healthcare has been completely crushed, education and infrastructural development seriously affected while the continent's natural resources and the ecological belt remain badly harmed.



It is in the midst of all these conundrums that Ghana has risen to be arguably, an oasis of peace in a sub region inundated with political crises and civil wars. Although, the recent peaceful adjudication at the Supreme Court of the 2012 Presidential Election petition<sup>1</sup> goes a long way to underscore this point, it is worth mentioning that why Ghana is largely accorded, appropriately or erroneously, as a peaceful hub in the sub-region is not the burden of this thesis. However, notwithstanding this relative stability, there have been instances of communal violence most of which occasionally flare into violent confrontations with consequential loss of lives and assets (Tsikata & Seini, 2004; WACSI & SIPRI Report, 2011).

Depending on the nature, scale and dynamics, conflicts in Ghana can be grouped into various categories; Inter ethnic conflicts which are mostly fought over land and for political supremacy; intra-ethnic (usually disputes over succession); religious violence between and among the three major religious bodies of Christianity, Islam and the Traditional African Religion. Violence from political parties/opposition as well as industrial unrest between employers and employees and football related violence have over the years also become very prominent (Tsikata & Seini (2004). These violence as Tonah (2007) points out have been confined to specific areas and have not threatened the hegemony of the country in spite of the fact that their effects are felt by the entire country. Some of the conflicts include Mamprusi and Kusaase (Upper east Region) Konkomba and Nanumba, Nawuri and the Gonja, Abudu and Andani, (Northern Region) Akropong-Akuapim (Eastern Region) and Abiriw, Tachiman and Tuobodom (Brong Ahafo), Juaso chieftaincy dispute (Ashanti Region) Pekis and the Tsitos as well as the Nkonya and Alavanyo conflict (Volta Region) (Mahama, 2003; Tonah, 2007; Tsikata & Seini, 2004).

To Tonah (2007), a noteworthy characteristic of these conflicts in Ghana and the entire sub region is that regardless of their fundamental bases, ethnicity inadvertently tends to play a key part in them. It is worth pointing out that the multiplicity of ethnic groups in Ghana (over ninety

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<sup>1</sup> In the wake of a post-election disputes in the 2012 Presidential and Parliamentary Elections in Ghana that pronounced the current President, John Dramani Mahama (of the NDC) as winner, political tensions went high and threatened to explode. Many well-wishers and peace loving Ghanaians mostly of the political class and traditional leadership called on the various political parties not to resort to violence. Consequently, the defeated candidate, N.A.D. Akufo-Addo (of the NPP) chose to go to court to challenge the results. In a televised ruling that span a period of eight months, the Supreme Court dismissed the petition and reaffirmed the position of the Electoral Commission (Judgment, 2013). Accordingly, Nana Addo accepted the verdict calling on his supporters and party faithful to do same (The Chronicle, 2013).

ethnic groups, see Frempong, 2006) and by extension the entire continent, makes the question of ethnicity and ethnic conflict more prominent. A common feature of these conflicts also is that most of them seemed to have defied the innumerable attempts at resolving them.

This research will delve into the almost a century long conflict between Nkonya and Alavanyo in Ghana, a living example of such conflicts that have become insoluble in the country. By a critical analysis, the research will endeavour to find answers to the following;

- a. The rational and the causes of the conflict.
- b. Its effect on the people.
- c. Interventions made at solving it.
- d. The reasons for its persistence to date.

The next chapter, titled Literature Review provides a conceptual overview and background of the area and the case under study. In this section, the existing literature, especially books, chapters, articles, research papers, newspapers as well as court judgments specific to the conflict are looked at. Other works that although do not throw light on the case but sheds light on the research questions under investigation are also reviewed.

This will be followed by the methodological section in the third chapter. In this section, I first begin with a construction of the methods used; in-depth interviews and observations. I also draw attention to the preparations I made before embarking on the field trip. Other sources of information mostly secondary sources are also highlighted. The chapter ends with some few reflections worth pointing out.

In chapter four, I begin by introducing Azar's Protracted Social Conflict (PSC). Afterwards the interviews realized from the field are also presented in two part. The first part deals with background and causes of the conflict with the second part focusing on the endurance of the conflict. The data from the interview is discussed in light of both Azar's PSC theory and other additional literature where necessary especially in the area of jurisprudence to produce answers to the given research questions.

Chapter five presents a summary of the entire work stressing once more on the empirical and theoretical enquiry. A hint about whether or not the conflict under study is an inter-ethnic

conflict is also mentioned. Some suggestions for further research that propped up in the cause of the study are also established. The thesis ends on a note of optimism about its significance for future studies or researches on the conflict between Nkonya and Alavanyo.

## **CHAPTER 2**

### **2. LITERATURE REVIEW**

#### **2.1.Introduction**

This chapter takes a critical look at the Alavanyo and Nkonya conflict by interrogating the various research works available. This review will be based primarily on existing works specific to the case under study and any other material that sheds light on the issues raised in the various scholarly works. This will help establish the various approaches taken on the case and identify the gaps in them. It will also help give a holistic idea about the background of the people and the conflict under review. The chapter will end by launching the direction or the focus of my research on the case. It is worth noting that although the main theoretical framework of this thesis is Azar's Protracted Social Conflict Theory (PSC), it will be introduced and further discussed in chapter four under the title, 'Findings'. This so because, the theory is closely linked with the interviews presented in chapter four and therefore presenting them together will offer some coherence and further an understanding of the link between the two.

#### **2.2.Ethnic Conflict in Ghana**

Africa has had to deal with violent conflicts from its very beginning to the present time. Attempts at finding lasting solutions to the status quo by International organizations, governments, and individuals, among many other entities have yielded very limited dividends. Prominent among the various causes of the conflict on the continent is its ethnic diversity which although existed before colonialism, was poorly grouped into various states under their respective colonial masters. It has therefore been argued for example that the European Colonialists who are talked of as largely been responsible for the formation of the modern African states did not take into account the existing differences between most groups before

creating the various states<sup>2</sup>. In support of this position, Mazuri (2008, p. 36) writes that the origins of these conflicts ‘lie in the white legacy’. Oyeniyi (2011) confirms this when he posits that the failure on the part of the colonialist in considering the cultural distinctions of the various ethnic identities before restructuring them into the colonial states still remains one of the ultimate trials of post-colonial Africa.

Today, ethnicity remains a strong factor of social reality in Africa especially after colonial rule (Oyeniyi, 2011). The ethnicity debate basically revolves around two schools of thoughts; the primordialist and the instrumentalist for its meaning. According to the primordialist, ethnic groups share a mutual bond that defines their identity and ‘turns the group into a natural community of a type that is older than the modern (state)’ (Van de Goor, 1994, p. 18 cited in Frempong, 2006). Bath (1969) throws light on this meaning when he explains that ethnic groups are fundamentally, biological group that shares essential cultural values being it overt or implied, similar fields of communication and the capacity to recognize and be recognized by others as a group distinguishable from others with similar traits. Hale (2004) also identifies ethnic identity as a kind of social sensor or device through which individuals and societies come to establish and understand where they stand in relation to the larger human environment. This school of understanding is also endorsed by Tsikata and Seini (2004) who claim that analysts who view ethnicity from a primordial angle are right in the sense that, they cannot easily be assumed or discarded. Tonah (2007, p. 6) on his part argues that ethnicity embraces the construction of dissimilarities being it actual or perceived, among social groups. To him, its characteristics are synonymous with other similar social units such as the clan and lineage who are primarily concerned with defining the social environment into the ‘we’ and ‘them’ groups. In a sense therefore this approach fixes ethnicity at birth and contends that it is grounded on deep seated primeval connections.

The instrumentalist on the flip side also view ethnicity as a mechanism through which people usually leaders mobilize and influence people for their own parochial interest (Van de Goor,

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<sup>2</sup> Present day Nigeria, which was created by the British for instance included three main nations of the Yoruba (in the west), Muslim Hausa (in the north) and the Ibo (in the East) as well as several smaller groups each of which is very distinct from the other. ‘This artificial mixture was to lead to one of Africa’s great human tragedies, the Nigerian civil war of 1967–70’. (Mazrui, 2008, p. 37).

1994, p. 18 cited in Frempong, 2006). This means that in the eyes of the instrumentalist, ethnicity is created, usually for exploitative purposes by leaders and is therefore rooted in historical as well as emblematic memory of a group. It is worth pointing out that the case in context exhibits semblances of both theoretical standpoints.

While Boucher, Landis, and Clark (1987, p. 18) argue that differences between ‘ethnic groups have been and probably will continue to be-a primary source of unrest in the world’, Aapengnuo (2010, p. 2) advances a contrasting view when he argues that ethnic differences have not been a driving force for conflict but rather, it is when their differences are used as ‘barrier to advancement and opportunity’ that conflict ensue. Williams (2011) offers a parallel perspective to this when he contends that the perception that ethnic differences cause conflict is untenable. He notes that if ethnic differences cause conflicts, then the entire world would be in an unending state of conflict by virtue of the mirage of ethnic groups available. He further states, citing the Somalia case<sup>3</sup> as a classic example that by implication, ethnic differences is not the problem and neither is ethnic similarities the panacea. He contends instead that,

‘...the so-called ethnic wars are usually the result of political power struggles between elites whose actions do not simply reflect static identities but instead shape identities and the political consequences that flow from them’(William, 2011, p. 114).

Whichever way one looks at ethnicity, there seem to be a correlation of a sort between ethnic relations and conflict. But what exactly do we mean when we label a conflict as ethnic conflict? Is the presence of two ethnic groups in a conflict as in the case of Nkonya and Alavanyo enough to attract the label ethnic or inter-ethnic conflict? Perhaps as an answer to this question, Brubaker (2004, p. 52) has suggested that ‘ethnically framed conflict-need not, and should not be understood as conflict between ethnic groups just as racially framed conflict need not to be understood as conflict between races’. Lake and Rothchild (1996, pp. 41-42) also paints a picture of ethnic conflicts as usually;

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<sup>3</sup> Somalia, while made up mostly of people sharing the similar ethnic background could not guarantee its people internal harmony.

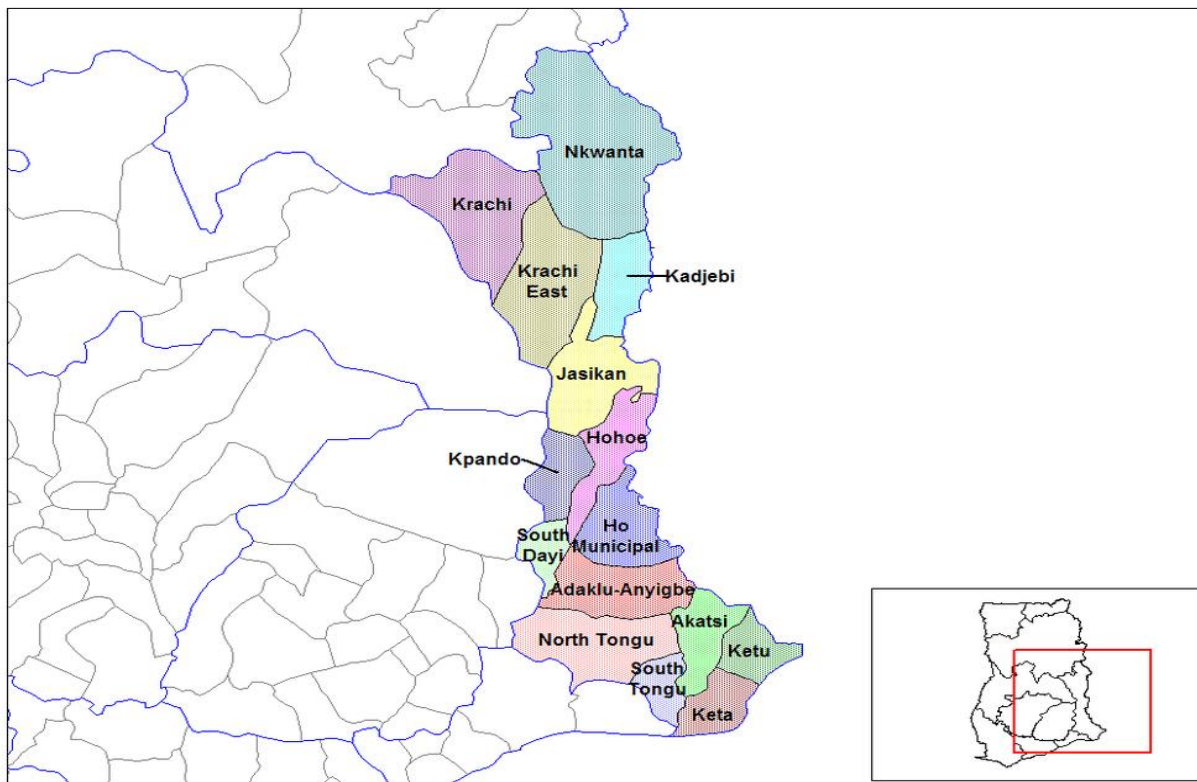
‘...caused by collective fears of the future. As groups begin to fear for their safety, dangerous and difficult-to-resolve strategic dilemmas arise that contain within them the potential for tremendous violence. As information failures, problems of credible commitment, and the security dilemma take hold, groups become apprehensive, the state weakens, and conflict becomes more likely. Ethnic activists and political entrepreneurs, operating within groups, build upon these fears and polarize society. Political memories and emotions also magnify these anxieties, driving groups further apart. Together, these between-group and within-group strategic interactions produce a toxic brew that can explode into murderous violence’.

Markakis and Fukui (1994, p. 2) contend that the ethnic label given to most conflict appears ‘simple’ and ‘obscure’ as they encompass a variety of purposes. They argue that its application in many conflict situations creates a lot of misunderstanding; a position that throws light on Horowitz’ (1985, p. xi) stand that there is ‘too much knowledge and not enough understanding’ on the issue of ethnicity. Aapengnuo (2010) also claim that, the labelling of the over twenty six inter-communal conflicts over resource and power in northern part of Ghana between the 80s and the 90s for example, which ended with the Guinea fowl war of 1994-1995 as ethnic conflict is perhaps from the above viewpoint completely fallacious.

Ethnic conflict by extension to Bates (1982) refers to disagreements between ‘rational agents over scarce resources’. Tsikata and Seini (2004, p. 2) affirms this position when they established that often times, inter-ethnic conflict in Ghana revolve around the ‘control of land and other resources and sovereignty issues’. While the basic resource under contention in the Nkonya Alavanyo conflict is land, and fought along ethnic lines, it will be a hasty conclusion to affirm or otherwise that the case is an ethnic conflict at this stage without subjecting it to further empirical scrutiny.

### 2.3. Background Knowledge on the Nkonya and Alavanyo Conflict

Formally part of the Jasikan District until 2008, Nkonya (ethnic Guans)<sup>4</sup> is currently part of the Biakoye District. Alavanyo (ethnic Ewes) on the other hand, with its total population of 9,714 (Males 4736 and females 4979) is also part of the Hohoe Municipality all of which are in the Volta Region of Ghana (Hohoe Municipal Assembly, n.d.). These two communities share common boundary in spite of the fact that they belong to different administrative zones (see picture 2.1. below). However, they have not been the best of neighbours for over ninety years now as the two communities have against all odds been locked up together in a protracted conflict over a piece of land.



**Picture 2.1. Map showing districts in the Volta Region of Ghana. (Picture taken courtesy, All about Ghana, Regions and cities, n.d.).**

<sup>4</sup> Olson (1996) noted in his, *The people of Africa; an Ethnohistorical Dictionary*, that the population of the Nkonyas at the time stood at over 25000. Currently, according to the 2010 Population and Housing Census in Ghana, the population of the Biakoye District is 65,901 which represents 3.1% of the entire population in the Volta Region. Note that, although other non Nkonya towns may be part of the district, the Nkonya's constitute the majority of the residents in the district (Ghana Statistical Service Report, 2014).



An Nkonya chronicle asserts that the Guans were the first settlers of their present day location, long before the coming of the Europeans in 1484. A claim Nana Okotor Kofi III argues is yet to be refuted<sup>5</sup>. The Alavanyos according to Dzathor<sup>6</sup> (1999, pp. 51-55) were fugitives who fled persecution from their original home in Saviefe through Akrofu to Soviet (near Kpando), to their present location. His version points that the Alavanyos, who were originally known as Bubulu-Bu were upon the request of Fia Tatse Koku, granted residence in their current location by Kondodze of Nkonya Akloba on accounts of their friendship. The Alavanyos were subsequently given a place called 'Loklunbo' (literally meaning Dark Mountain) before being relocated to their current location. Upon settling on the apportioned piece of land and realising that the place was not very attractive, their leader To declared: '*miamo fii kpo; adabanyo*' which means that 'let us venture into settling here; it might turn out to be successful'. It is worth mentioning that 'adabanyo' is what has been corrupted over the years to mean Alavanyo. Ohene (2013) also corroborates this story and gives the actual year for the Alavanyo occupation as 1840.

#### **2.4. Causes of the conflict**

According to an Nkonya narrative, evidence of this conflict dates back to the early days of Ghana's colonial history. This account contends that the first violent incident erupted out of a dispute between two individual residents of Nkonya-Tayi and Alavanyo-Kpeme over a piece of land within the now disputed area. The attempt to resolve this conflict saw the various communities seeking assistance from the colonial authorities. Ultimately, it resulted in the designing of a map by a German Cartographer called Dr Hans Grunner<sup>7</sup> in 1913. Nevertheless the map did very little to settle the dispute as the Alavanyos who were dissatisfied claimed that

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<sup>5</sup> This was made in a press release, written and signed By Nana Okotor Kofi III for the Nkonya Traditional Council (January 3, 2013)

<sup>6</sup> Dzathor Paul K. is a renowned writer who hails from Alavanyo traditional area and his work which throws light on the Nkonya narrative has on many occasions been referred to by the Nkonys.

<sup>7</sup> Dr. Hans Grunner is a renowned German cartographer, explorer and a colonial official appointed and stationed at the military post at Misahöhe in present day Togo then German Togoland. He is still famous for his outstanding knowledge of the Ewe customs and tradition to date. He is also credited as being the architect behind most treaties within the colonial state and also steered consultations that eventually gave birth to the actual territories of Togo.

the map favoured the Nkonyas. They have instead relied on a local Anyaa tree<sup>8</sup> (see picture 2.2. below) as the true evidence for demarcating their borders with the Nkonyas (Nkonya Traditional Council, 2013; Yakohene, 2012).

Some allegation have also been directed towards the upshots from the sharing of the erstwhile German Colonies to Principal Allied and Associated Powers as specified in the Treaty of Versailles on 28<sup>th</sup> June 1919. According to Article 119 of this treaty, Germany was mandated to relinquish her right and titles over her overseas territories, including German Togoland paving the way for its repossessions (Kumado & Gyandoh, 2009). Based on the consent of the League of Nations, Britain and France became the administrative authorities in German Togoland and subsequently demarcated the area (The Covenant of the League of Nations, 1924). The part that went to Britain was called British Togoland<sup>9</sup> (now Volta Region of the Republic of Ghana where Nkonyas and Alavanyo are found) and the French part named French Togoland which also refers to present day Republic of Togo. The main contention of this argument is that although the demarcation exercise by Britain and France recognised a clear boundary between Ghana and Togo, the inland borderline delimitations prepared at the time did little to remedy the prevailing border conflict between the Nkonyas and Alavanyos. Instead, it has been consistently argued that it rather deepened the already discordant seeds that had been sown between them (Yakohene, 2012).

With time, the conflict has taken different shapes and tangents. While a number of the escalations have been triggered by land related issues, an outbreak in 1983 was largely out of a conflict between two individuals over the fetching of water. This quickly escalated into an Nkonya-Alavanyo affair with resultant loss of lives. This development sheds light on the Volta Regional Minister's position that the intervallic turbulence between the Alavanyo and Nkonya communities, goes beyond just a land quarrel (Joy Online News, 2013). (See the next chapter for a comprehensive understanding of issues as they exist on the field, Nkonya-Tayi).

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<sup>8</sup> The Anyaa tree known as *Ntome* in the Akan language is highly medicinal and nutritious as food ingredient. In the not too distant past, (I suspect some still do) many villages used it for making bath houses or foundational pillars for backyard gardens. They are also commonly used in the demarcation of boundaries in Ghana to date.

<sup>9</sup> This area went under a plebiscite in 1956 to determine whether or not they wanted to be part of independent Ghana. Consequently they voted to join and later became the now Volta Region of Ghana.



**Picture 2.2. Anyaa tree (Picture taken during the field trip).**

## **2.5. Historical Antecedents and Efforts at Solving the Conflict**

Since 1923 when the first violent occurrence was documented between the Nkonya and Alavanyo during an Empire Day Celebration<sup>10</sup>, occasional violent incidences have been reported especially between 1980 and 2013 (Tsikata & Seini, 2004). Various exertions made by successive governments, concerned citizens, and private organisations and related non-governmental bodies at solving the conflict between the two communities have not yielded any

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<sup>10</sup> Originally organized on May 24<sup>th</sup>, 1904 which happens to be the birthday of Queen Victoria (the Monarch under whose control the contemporary British Empire had risen into prominence) with the main objective of imparting imperial loyalty into the minds of the youth in Britain. The idea further spread to include the entire British empire. However after WW II as the empire dissolved, so did the interest in this holiday. In the end, the holiday was renamed ‘Commonwealth Day’ in 1958 and moved to the second Monday in March. Since then the celebration has remained in name only.

result. The inability of the various efforts in obviously bagging the much needed peace package clearly establishes the need for innovative approaches to solving this conflict.

To the Nkonyas, the earliest attempt at solving the conflict was in 1913 when Dr Hans Grunner was contacted to survey the lands and demarcate the borders between them. Although the map which was titled 'Karte des Sechsherrenstockes' appears to have been widely accepted by almost all the six communities of Nkonya, Alavanyo, Gbi, Santrokofi, Akpafu and Bowiri, the Alavanyos, however, have remained discontented over the years over its authenticity (Tsikata & Seini, 2004). Another effort is made manifest in the setting up of various settlement committees aimed at coming up with a lasting solution to the conflict. In November 1992 for example, the Jerry John Rawlings led Provisional National Defence Council (PNDC) government launched an investigative work into the Nkonya and Alavanyo conflict with the aim of providing recommendations for policy actions on the crisis. Similarly, the District Chief Executives of both Hohoe and Jasikan Districts put together another committee of enquiry dubbed, the Mireku Committee to launch an investigation into the matter and consequently submit a report that will advance the course of peace between the two communities in 1995 (Agyemang-Duah, 2008; Yakohene, 2012).

More so, the presence of the state has also been felt by the continuous provision of security through the deployment of both the police and the military. In 1997 for example, following complains by Nkonyas at the Hohoe Divisional Police Command, a Mediation Committee was put up to arbitrate the complains. A similar report was also filed by the Alavanyos in which the police actively partook in its dispensation (Tsikata & Seini, 2004). A joint police and military squad was also deployed in September 2002 by the Volta Regional Security Committee which ultimately resulted in the arrest of eleven suspects reported to be in possession of locally manufactured guns and Indian hemp on June 26, 2003. In a similar task, the joint taskforce seized a large amount of weapons being chaperoned from Alavanyo-Deme towards Alavanyo Kpeme (Tsikata & Seini, 2004). More recently, following renewed tensions which resulted in the death of two people from Nkonya Tayi, the security personnel were deployed to deal with the situations. In an interview with The Daily Graphic (2013), the Deputy Regional Minister hinted

that security officials were on an attachment to the area. Similarly, at the time of the field trip to the Nkonya area, heavy military and police presence were seen in place.

Another area that has featured prominently in resolving the conflict is in the area of jurisprudence. The court as an institution has been at the forefront of adjudication. Indeed the matter has over the years moved from lower courts to as far as the highest court of the land; the Appeals Court which is equivalent to the present day Supreme Court of Ghana. Interestingly, the Nkonyas have won almost all the court cases between 1953 and 1980 where they have consistently tendered the Grunner map in evidence. This locus has always been challenged by the Alavanyos who continuously argue that per its small scale, the Grunner map cannot be a perfect map for the boundary demarcation. This stand was sharply contested in a ruling on 24<sup>th</sup> May, 1957 at the High Court of Justice, Land Division which was presided over by His Lordship Mr. Justice W.B. Van Lare. The judgment affirmed among other things that the Grunner Map of 1913 was accepted by all parties at the time. The judgment further hinted that the map was binding on the parties involved in the border disputes and therefore whether or not the demarcation was done judicially or administrative was not an important matter for the court to deal with (Judgment, 1957)<sup>11</sup>.

In reaction, the Alavanyos have also cited three colonial court rulings in their favour as a counter claim to the recent or post independent rulings (Tsikata & Seini, 2004). Though the cases have subsequently been appealed, the Alavanyos have continuously lost. In June 1959 for example, following an appeal of the judgement by Justice Van Lare in 1957 filed by the Alavanyos and presided over by His Lordship Granvile Sharp at the Court of Appeal, the court once again, ruled and established both the exactitude and genuineness of the 1913 Grunner map as the primary element of the border demarcation between the conflicting parties. Subsequently, the Alavanyos (defendants) were ‘estopped per rem judicatam’ (meaning that the matter has finally been established) (Judgment, 1959). Accordingly, the Alavanyos were ordered by the court to atone tenancy to the people of Nkonya as the rightful owners of the land in question (Judgment, 1970). Consequently, in line with the court orders, some Alavanyo citizens farming on the disputed area

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<sup>11</sup> This case was originally filled at the native court Akpini Native Court ‘B’ Kpandu in 1953 and was subsequently transferred to the High Court of Justice, Lands Division.

wrote to Nana Agya Atta IV, Chief of Nkonya-Tayi through his secretary, Peter Akuffu in which they duly gave recognition to the people of Nkonya as the rightful owners of their (Alavnyos) farm lands. (See appendix B for details, see also appendix C for list of Alavanyo citizens who atoned tenancy of the land in 1970 and 1975).

Parliament on its part has also been very critical of the hostile developments in the region. Member of Parliament for Biakoye Constituency, Dr. Kwabena Adjei<sup>12</sup> for instance made a statement on the floor of parliament in 2003 about the persistent hostilities in the area and called for high powered committee to investigate the issue. Consequently, the Volta Regional Minister, was at the request of some members of parliament called for questioning relative to the security issues in the area on the floor of parliament. The Volta Regional Parliamentary Caucus has also displayed their commitment to the peace process and other related activities in the area. Mr Prince Hayibor (MP for Hohoe North) and Kwasi Babdua (MP for Biakoye) for instance in 2006 gave their accents for the enactment of a spiritual re-unification right between the two communities aimed at bringing lasting peace (Yakohene, 2012).

The Volta Regional House of Chief (VRHC) which is made up of the various paramount chiefs in the region has also contributed immensely to dealing with the conflict. Most of their efforts have been open condemnation of the hostilities. In 2003, the body issued a statement urging the respective paramount chiefs and their people to exercise restraint and accordingly, appointed a three-member committee led by the paramount chief of Buem to institute a reconciliatory process between Nkonya and Alavanyo (Yakohene, 2012). Again in 2013, in the wake of rising hostilities, the Volta Regional House of chiefs summoned an emergency meeting of its members. During this meeting, severe sanctions against the two paramount chiefs of Nkonya and Alavanyo, were proposed to dissuade them from further supporting the hostilities. However, the paramount chief of Alavanyo called this as a bluff claiming that the house could have done better instead of just issuing mere statement (Agbewode, 2013). The failure of the above mentioned interventions pushed the two communities into petitioning the Government of Ghana for a new

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<sup>12</sup> Dr Kwabena Adjei (a renowned Nkonya man) and one time majority leader of parliament is currently the chairman of the ruling National Democratic Congress (NDC).

approach in dealing with the matter. This communal intervention embraced the use of the Alternative Dispute Resolution mechanisms (ADR) under the framework of mediation in 2003.

ADR is perceived as a perfect relief from the laborious and expensive court room litigations. ADR was given a presidential accent and latter entrenched in Ghanaian laws called ADR Act 2010 (Act 798) (Yakohene, 2012). Midodzi and Imoro (2011) argue that although several mechanisms exist in the angle of conflict resolution, the best practice should be adopted in relation to the existing culture of the particular conflict and area. In this regard, they contend that the choice of the ADR in the case under scrutiny was in the right direction. Chigas and David (2000) posit that ADR embody a variety of techniques for settling conflicts and includes independent mediations, non-binding foreign involvements which involves reconciliation, as well as binding arbitration. This means that with the help of a neutral third party, the ADR engages the disputant parties in their quest for peace. On her part Yakohene (2012, p. 65) defines ADR as a set of procedures that presents ‘alternatives to litigation through the courts for the resolution of disputes’.

For this reason, the Nkonya-Alavanyo Conflict Mediation Committee<sup>13</sup> with its working branch, the Joint Consultative Committee (JCC) was established under the John Kofour led New Patriotic Party (NPP) administration on June 2004 under the auspices of the Volta Regional Coordinating Council (VRCC). The Committee was led by Rt. Rev. Dr Livingstone Buama, (Moderator of the Evangelical Presbyterian Church-E.P.C) and ably assisted by Rt. Rev. Francis Lodonu, (Bishop of Ho Diocese of the Catholic Church). The two groups were charged with the duty of finding an end to the boundary problem between the two communities and see to the immediate return of peace which for almost a century has become a scarce commodity (Ghana Web, 2007). While by 2006, significant progress had been made and seen in the support and commitment of both parties; the Mediation Committee was unable to achieve the much sought after peace like its predecessors. This is because of its inability to amass the trust and confidence of the parties to the conflict.

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<sup>13</sup> It was this committee that in need of expert advice employed the services of the West African Network for Peacebuilding (WANEP) led by Mr. Emmanuel Bombande to assist in the mediation process.

## **2.6.Land Tenure System and Conflicts in Ghana**

Many Sub- Saharan African countries rely extensively on land for their economic survival while concurrently, dealing with a myriad of land related challenges that revolve around a legal system that is divided between customs and statutes (Agbosu, 2000). The land tenure systems used today, have colonial underpinnings as they were instituted at a time when land was in profusion with less population (Boone, 2009). In Ghana, like most of its sister nations, land remains the most valued asset and accordingly serves as the foundation of Ghana's economy (National Land Policy, 1999).

Land in Ghana is principally administered by both customary practices and enacted legislations. Two basic land ownership patterns can be seen in Ghana: the state and private ownership. State ownership is acquired by the government through the use of suitable legislations conferred on the president of the Republic and held in trust for the entire Ghanaian citizenry. Private ownerships on the other hand are seen in communal proprietorship also held in trust by traditional ruling bodies or family and clan heads for their members. Another form is seen in a joint partnership between the state and the private/traditional authorities (National Land Policy, 1999). Seventy eight percent (78%) of all the lands in Ghana are vested under traditional land proprietorship. The state also comes next with twenty percent (20%) with the remaining two percent (2%) being owned jointly by both the traditional authorities and the state. Land ownership and usage rights under this administration are therefore based on the legitimate recognition of the community and its leaders and are mostly undocumented. (Bower, 1993). This kind of ownership according to Quedraogo, Gwisei, and Hitimana (2006) have over the years been made manifest in continuous settlements, gains through wars of conquest, purchases among many others. And while different systems exist in different parts of the country, Larbi (2008) contend that they have been pliable over the years and have sustained agricultural and farming systems.

Today, much of Southern Ghana in particular is still battling with prolonged tensions and intervallic struggles over land whose ownership rests in the domains of the traditional authorities and dates back from as far as the indirect rule days (Boone, 2009). According to a report from the International Institute for Environment and Development (1999), some of these lands related



contestations are severe and appears to be on the rise due mainly to population increase, urbanization and its resultant competition and land paucity. To Tsikata and Seini (2004), the fight over land remains a key aspect of ethnic conflict in Ghana, especially so as the universal agreements on land tenure systems while already a subject to severe problems have been aggravated with land tenure diffidence which has had negative repercussions for national development. This trend is made manifest in the Nkonya and Alavanyo conflict where the land in dispute is primarily owned by the various individual families and jointly superintend by their respective paramount chiefs.

## **2.7. Conclusion**

In their working paper, *Identities, Inequalities and Conflict in Ghana*, Tsikata and Seini (2004) take a critical look at some emerging identities and inequalities and their predispositions to endorsing instability as well as violent conflict. They take a retrospective glance at Ghana's past bearing in mind the North South dichotomy and establish some common categories of conflicts. These include; Inter-ethnic and Intra-ethnic disputes, Religious Conflicts, police community violence, political violence as well as football violence. In this paper, they also take a holistic look at the Nkonya and Alavanyo, labelling it as an inter-ethnic conflict and tracing it from its fundamental roots and dynamics through to the various attempts at solving the conflict it. Yakohene (2012), proceeds on a similar tangent and narrows it in the light of the contribution made by the West African Network for Peacebuilding (WANEP) in providing a possible solution to the conflict in her work, *Talking to the other: Peacemaking in the Alavanyo and Nkonya Conflict*. Midodzi and Imoro (2011) also on their part articulate the significance of ADR as a mechanism in dealing with conflicts and particularly as used in the Nkonya and Alavanyo conflict in their seminar paper; *Assessing the effectiveness of the alternative dispute resolution mechanism in the Alavanyo-Nkonya conflict in the Volta region of Ghana*.

These approaches by the above scholars are unique and excellent in looking into and dealing with the various phases of the conflict and the innumerable attempts at mitigating it while at the same time, providing enough understanding to the age long dispute. Tsikata and Seini's paper could possibly pass for the first known academic paper on the case (a position they admit to in

their paper) and Yakohene borrowed extensively from it. However, none of them specifically tackles the issue of its persistence. This research therefore gives enough credence to these existing literature and proceeds with an attempt at establishing why the conflict has remained insoluble for ages; a part that has virtually not been tackled, at least from the point of view of the existing literature that has been reviewed in the course of this study.

## **CHAPTER 3**

### **3. METHODOLOGY**

#### **3.1.Introduction**

This section addresses the methodological framework within which the study was undertaken. In dealing with the Nkonya and Alavanyo conflict in the Volta Region of Ghana, the research relied extensively on both primary and secondary sources. Under the primary source, special emphasis was placed on field work which was carried out at Nkonya in Ghana. The choice of Nkonya among the two feuding communities was necessitated by constraints including resources availability, time, access, and language. More so, I believed that the concentration on Nkonya will enable me to deal thoroughly with the research questions in the light of the limitations available. Flexible semi structured interviews were conducted with the reason of enabling the respondent enough room to deal with the various subjects of discussion. The study among other things looked out for the historical developments in these two areas more especially from the perspective of the Nkonyas, attempted to ascertain the foundation(s) and undercurrents of the antagonism, the effects of the conflict, the various attempts at solving the conflict as well as the reasons for which the conflict has persisted to date. This chapter begins with the construction of the method used as well as its implementation strategies on the field and proceeds to look at other sources of information or data used for this study and end with some reflections from the field.

#### **3.2.Construction of the method**

At the very beginning of the research, data collection arose as a central issue. After careful considerations, I settled for an ethnographic approach. I had to settle on this method as against a purely quantitative approach or mixed because, I realized that the conflict under review is under

researched<sup>14</sup>, and since it is also ongoing and given the main idea of investigating the reasons why it has defied resolution, I believed it was appropriate not only to have a first-hand information from the people themselves but also to study and understand their way of life as well. The question then was what exactly does it mean to go for fieldwork or to use an ethnographic approach in collecting data for research?

To Hobbs (2006), fieldwork refers to the act of engaging with the environments of people with the objective of learning their ways within close proximity. Reeves, Kuper, and Hodges (2008) also present ethnography as the study of social relations with the aim of providing understanding into people's views, activities and their environments by gathering comprehensive interviews and observations. Ethnography, to Van Maanen (1988) is the transcribed depiction of culture. This means that culture and fieldwork go hand in hand to produce ethnography. He also posits that culture is the product of the activities and speeches of a given group and concludes that 'fieldwork is one answer-some say the best –to the question of how the understanding of others, close or distant, is achieved' (Van Maanen, 1988, p. 2). To this end, he contends that the idea embodies both 'living with and living like' the people under study. He further posits that since fieldwork combines culture in the production of ethnography, a fieldworker must witness and most significantly translate his/her observation into writing especially so as culture is conveyed by both the activities and speeches of the group in question (Van Maanen 1988). This position does not differ from the position of Hammersley and Atkinson (1995) who contend that ethnography involves the researcher's involvement in the everyday lives of people over a period of time, where he/she asks questions from targeted informants aimed at gathering data for their research. This means that ethnographers or fieldworkers not only visit the field and make interviews but also stay with the people, observe and also study their ways of life. This method furthers the understanding of researchers on the people under study as well as their ways of life. Such an approach helps to replicate the actual realities at stake in the area under scrutiny (Brounéus, 2011).

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<sup>14</sup> There are not enough research or academic information on the case under study. For example even at the Balm Library of the University of Ghana which is considered the best Library in the country and even in West Africa, there are only two books which features articles that points to the conflict. In recent times, the case has attracted a lot of ongoing research works, however, since most of them are ongoing, the results are not yet available. (Interview with Emmanuel Bombande on January, 2014).

### **3.3.Preparation for the field and Implementation of method**

In doing this research, I made a field trip to Nkonya-Tayi, Ghana to not only conduct in-depth interviews for my study but also to learn about the people's culture and to familiarize myself with the environment. Having settled on what method to use, the next choice was to identify which approach best suits my purpose. While many approaches to fieldwork abound for usage within the circle of Peace Research, I recognized that the use of in-depth interviews, combined with participant observation will best serve my objective.

Boyce and Neale (2006) have explained that in-depth interviewing is a qualitative approach to research that encompasses the making of rigorous conversations with a similar number of interviewee with the view of eliciting their viewpoints on specific issues, state or condition. They further argue that unlike other data gathering approaches like survey, in-depth interviews provide detailed information. Guion, Diehl and McDonald (2011) also posit that per its open ended nature and semi-structured format, in-depth interviews offer respondents enough room to speak on the themes and questions under discussion. Additionally, it gives researchers enough platform to ask further questions by keenly paying attention and reflecting upon the interviewees' viewpoints. In the arena of Peace and Conflict Research, Brounéus (2011, p. 130) argues that this approach assists in gaining 'deeper understanding of the process of war and peacebuilding both among elites and different groups of the population'. Such understanding, she further argues especially at the grassroots throws light on 'the challenges, possibilities and risks of peace'. Brounéus also assert that in-depth interviews can be applied inductively to produce new hypotheses or theory or used deductively to examine whether a theory based on results from previous studies at the nationwide echelon is appropriate or relevant at the grassroots. Moreover, as against secondary sources, they expose the researcher to first-hand information on the topic under study, this way she writes, they assist in recognizing 'what theories within peace research have missed' (Brounéus, 2011, p. 131). In the end, since there is little research information on the case between Nkonya and Alavanyo, the choice was to go for an inductive approach with the view of producing new hypothesis on the case.

To Brounéus (2011), it is imperative to master the skills of listening and to adequately make background preparations before embarking on a trip for the interviews. She further points out the significance of other secondary sources claiming among others that they offers enough understanding and helps formulate the core theme(s) around which the interviews on the field are built. She also argues that these secondary sources give background information which are complimented by the interview with its offer of current perspectives. More so she advocates that a fieldworker must be adequately prepared by identifying and planning how to tackle issues from access through to even the administration of the interviews and beyond.

To this end, many articles and theoretical writings were consulted before setting off for the field in Ghana. Intense efforts were also made to identify possible gate keepers and other contact persons not only to navigate entry but also to provide assistance on the field. Unfortunately, while I succeeded in getting a contact person on the field before setting off, the person though an Nkonya man did not come exactly from Nkonya-Tayi and also lived in the capital, Accra. For this reason, I had to go to the field with little or no idea of the terrain and with no support. This initial set back throws light on Hammersley and Atkinson's (1995) position that researchers encounter problems in a bid to getting access to data. This emanates from the fact that while the researcher usually has little control in his/her new setting, the people might also have their own problems to deal with and thus leave them with little motivation to assist the researcher. They further argue that this problem is severe during the preliminary consultations to go into the field, and through the early days in the field and persists 'to one degree or another, throughout the data collection process' (Hammersley & Atkinson, 1995, p. 54). My initial difficulty thus did not come as a surprise. The good thing is that when judged by the litmus test of Hammersley and Atkinson, my case was completely different as the initial difficulty did not persist throughout my stay but rather improved tremendously with time.

Before leaving for Nkonya-Tayi, I had a short meeting with Lawyer Opoku, (my initial contact person and an attorney for the Nkonya people) in Accra, where he gave me a background knowledge of the conflict and the area. After our meeting he gave me directions to Nkonya. 'Take a car from Tema Station in Accra to Kpando and when you get to Kpando you can get a car to Nkonya', he told me. As soon as I got to Tema Station, I asked an orange seller who directed me to the Kpando Station. I quickly got my ticket and chose a front seat. As it was my

maiden visit to the region, I hoped that in choosing a front seat, I would be able to have a good view of the topography of the area. My initial observation was very interesting: almost all the passengers spoke Ewe<sup>15</sup>. It was not surprising as it was the most common dialect of the region, yet it sent an automatic signal that I was going to have serious language problem even before I get to Nkonya where the people speak Asante-Twi<sup>16</sup> in addition to the local Guan dialect. However, this conclusion proved false as I later found in the course of the journey that majority of the people in the car spoke not only the Ewe language but also fluent English. After about two hours in the van, it was full with passengers and we set off at around 12:30 pm. My choice of seat paid dearly as I enjoyed every part of the journey, watching keenly with interest anything that caught my interest and occasionally, asking the driver some questions. The splendour of the landscape was particularly remarkable. At exactly 4:30 pm, I was in Kpando. On the whole, the journey was quiet smooth in spite of the fact that a lot of potholes on the road at some places made the journey a bit exhausting.

I quickly looked for a hotel to pass the night. The next day I went to see the District Chief Executive (DCE) of the Kpando District who acts as the representative of the government in the area to assess the nature of the situation in Nkonya and to ask for some assistance on the best way to get to Nkonya especially as Nkonya used to be directly under the Kpando District. Unfortunately the DCE together with the District Coordinating Director (DCD) were not available and it took a couple of days before I was given a hearing. When I explained my mission to the secretary, she insisted that I see the DCD instead of the DCE. The DCD was clear, there was no way the district could be of any assistance to me. 'The area in question is no longer under Kpando and if you need any information, the car station is not far from here, besides, it takes about thirty (30) minutes' he told me.

While still wondering how to get into the town without encountering any trouble, I remembered an old family friend James, who used to stay in one of the towns in Nkonya. As I was not too sure, I made a couple of checks and got to know that he was still in the area. I got his contact and called him. He was happy to hear from me after about fifteen years but cautioned that Tayi was

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<sup>15</sup> There are precisely ten regions in Ghana with each identifying themselves with a common language. The Ewe language is actively spoken in the Volta region where Nkonya and Alavanyo is located and some parts of Togo.

<sup>16</sup> Asante Twi is my native language and is the most dominant language spoken in the southern part of Ghana.

still not safe and therefore since he had friends in the area he would want to come and help me out. I left Kpando early enough the next day to meet him in Ahenkro<sup>17</sup> (see picture 3.1. below).



**Picture 3.1. A map of Ghana indicating the actual location of Nkonya. (Source of Map unknown).**

We met at exactly about 8:00 am and subsequently headed to the police station where I met the Chief Inspector who turned out to be my gatekeeper in the end. At the station, I gave the chief inspector a copy of an introductory letter I had with me and an ID card and had a lengthy discussion on my mission to the area. In the end he agreed not only to provide me with security but also to introduce me to the paramount chief and his sub chiefs as well as any other people who might be of assistance to my project. We quickly arranged for a taxi to take us (myself, the police and the other family contact) to Tayi as there was no official police vehicle to be used.

Nkonya-Tayi is about 10 minutes from Ahenkro and does not lay along the main Nkonya road. Opposite the Nkonya Senior High School (NKOSEC) lays a junction that goes to Tayi. The road as at the time of my visit was not tarred and had been damaged by constant erosion that had created huge potholes which made it difficult for vehicles to ply. Instead, residents resort to the

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<sup>17</sup> Ahenkro is one of the Nkonya communities and the capital of the Biakoye District. It is also home to the paramount chief of the Nkonya people.



use of motor bikes or trekking. From NKOSEC junction, one can easily notice a huge mountain at the extreme end that goes as far as the eyes can go. Beneath the mountain lies Tayi and behind that same mountain lies the disputed land between Nkonya and Alavanyo. (See pictures 3.2. and 3.3. below).



**Picture 3.2. A road to Nkonya Tayi (Taken during my field trip).**



**Picture 3.3. A road to Nkonya Tayi (Taken during my field trip).**

Tayi was quiet and serene at the time we got there. This picture was completely antithetical to the stories I heard outside of the community. School children were still in school busy studying, the market which is at the heart of the town was also quiet with few market women<sup>18</sup> while others mostly young women were busy fetching water from the only bore-hole in the town (see picture 3.4. below). We headed straight to the palace where messages were sent around to the Regent of the Tayi stool and his elders for them to meet. The meeting which was made up of about fifteen (15) people took about an hour where I was asked to introduce myself and present the mission of my visit. The Regent in turn introduced me to the leaders of the community present, notable among them were the Assembly Member for the area and the secretary to the Tayi Peace Council. Before the meeting ended, the Regent gave me his consent to stay and conduct my interviews but cautioned that I must first seek the approval of the paramount chief in Ahenkro. I took the contact of the Assemblyman and left with the police to see the paramount chief and later, the DCE at Ahenkro.



**Picture 3.4. A cross section of people fetching water from the only bore-hole in Nkonya-Tayi. (Taken during my field trip).**

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<sup>18</sup> This was not unusual as in most farming communities' in Ghana where people leave for their farm in the mornings and return mostly in the evenings.

The meetings in Ahenkro also turned out well. The DCE, though could not be of any help gave me a warm reception. The paramount chief, Nana Okoto Kofi III, together with his other elders were also happy to see me and subsequently gave their consent for me to stay and continue my research. At about 5:00 pm, the police officer prompted me of the curfew and the need to leave the area on time. Since the policeman and my other contact person lived in the same town (Nkonya-Wuropong), I left them in Ahenkro and took a taxi to Kpando<sup>19</sup> where I stayed throughout the field trip. This was how I spent the first days of my field work. The police was ready to assist me throughout my stay but I felt that the place was peaceful and therefore such assistance was not necessary after the very first day. Again after the initial meetings, I could have identified potential respondents within a day or two, but I decided to spread the interviews in line with ethnographic studies to do much of the observations in between them. This also throws light on Remenyi's (2011, p. 3) position that observation presents itself as a better alternative to interviewing but should be used side by side with interviews as it is unable to 'observe past events... or current intentions'. By observing therefore, I hoped to fill the gaps that the interviews could not fill with personal observations.

For the sampling of prospective respondents to be interviewed, Nkonya- Tayi (one of the about 21 Nkonya communities) was chosen. The reason being that, they are the ones directly affected by the ongoing conflict and particularly so as they, among all the Nkonya communities share a common boundary with the people of Alavanyo. Moreover since per the nature of land ownership in Ghana, various families in Nkonya-Tayi own parcels of land in the whole community and by extension the disputed area, I believed that they (Nkonya-Tayi residents) will best help my course. On the whole, twelve (12) people were interviewed for the research; nine (9) out of the twelve were interviewed from Nkonya-Tayi, one (1) person specifically the paramount chief<sup>20</sup> was interviewed at Nkonya Ahenkro while Lawyer Opoku, and Emmanuel Bombande (of WANEP) were both interviewed in Accra.

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<sup>19</sup> My choice of accommodation in Kpando was informed by various reasons including the security situation which had orchestrated for the imposition of a curfew in Nkonya and Alavanyo at the time of the study by the government of Ghana from 6am -6pm.

<sup>20</sup> Article 277 of the 1992 Constitution of the Republic of Ghana identifies a chief as 'a person, who, hailing from the appropriate family and lineage, has been validly nominated, elected or selected and enstooled, enskinned or installed as a chief or queen mother in accordance with the relevant customary law and usage.' To Bofo Arthur (2006:152), a chief is 'political and social power centre ...in the area he rules and *ipso facto* a microcosm of

In choosing the twelve people, special considerations made included their experiences of the crisis under scrutiny and knowledge on not only the disputed land but also the entire region under consideration. Gender of respondents was particularly taken into account to give an all-encompassing perspective of the situation on the ground. Five (5) out of the twelve people sampled for interview were women. The reason for the deficit in the number of females as against males could be a cultural trait or perhaps the patriarchal nature<sup>21</sup> of the Ghanaian society as most women to this extend preferred their male counterparts to be interviewed instead.

In practice however, I had very limited control over the choice of respondents as the assemblyman was very instrumental in the selection of respondents. Of the twelve people, six of them were my own input while the others were introduced to me by the Assemblyman. Even though, I questioned the choice of the Assemblyman, as to why for example A must be interviewed instead of B? He argued that per his knowledge of the people and the entire community, his chosen people will be those who will be able to not only share their experience but will also deal with the questions appropriately. This meant my data would be prone to some element of bias as I was unable to go beyond what I was told relative to the suggestion of respondents (See section 3.5. below for other forms of bias).

Since the nature of interviews conducted is very crucial not only to the research but also the respondents and the interviewer's reflective listening skills (Brounéus, 2011, p. 136), special efforts were made to create a conducive atmosphere for the respondents to feel comfortable and respected. In doing so, all the candidates were asked to make a choice of time and location for the interviews. Not surprisingly, with the exception of two people who were interviewed in their offices in Accra, the rest were all spoken to in the comfort of their homes. I usually went for the scheduled appointments about twenty (20) minutes to the actual time. This always accorded me the chance of to do much of observation and subsequent recordings in my field notes. Apart from the paramount chief who was interviewed in the presence of all his elders, the other respondents were interviewed alone. This not only ensured privacy but also boosted respondents' confidence.

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authority who at times rivals the central government in legitimacy, recognition, and loyalty'. By extension, a paramount chief is someone who has the overriding responsibility to oversee various traditional areas headed by a chief.

<sup>21</sup> Aina (1998) posit that it is an arrangement of social stratification and distinction on the basis of sex, which accords material gains to men while concurrently placing severe limitations on the roles and responsibilities of females.

Exceptional emphases were placed on how to engage the interviewees in a bid to better my understanding of the information given and to stimulate the interviews. Reflective listening which Gordon (1970) argues involve in-depth listening to understand respondents' feelings and views was in this regards embraced as I always had to go back over my understandings to confirm if what I heard was right or wrong and to ask for detailed information in areas of interest.

Before each interview, pleasantries were exchanged and the purpose of the interview carefully explained to the people. Respondents were also given the opportunity to ask any questions pertaining to the interviews before it started. As ethics demanded, I sought and gained the approval of respondents to record the interviews. This offered smooth and flexible interview process as I did not have to interrupt respondents by asking them to repeat so I could get the actual message and write. Though the various interviews took varying degrees of time to complete, nonetheless on the average, I had about 45 minutes of interview time with each respondent.

As I have indicated earlier, observation also formed a major component of my data collection. Tayi is a small community and therefore it is near impossible to go there without being noticed as an outsider but despite that, there were days I did more of observation and interactions as against in-depth interviews. While I admit that the company of the police gave me a massive recognition and authority, it must be emphasised that the initial presence of the police did not in any way influenced the data collected. The work of the police only legitimised me in the eyes of the town's people only on the first day on the field.

### **3.4. Other Sources of Data Collection**

In gathering data for this research, other primary source of data such as archival documents from the Ghana National Archives which includes documented court rulings, letters both from traditional rulers of Nkonya and Alavanyo and governmental organisations, and other deeds of agreement from both Nkonya and Alavanyo citizens were also consulted.

While Dulic (2011) has argued that secondary sources are perceived as less significant when put in light with primary documents, Johnson (2002) has contended that in peace research, in-depth interviews are hardly used alone; instead they are usually combined with other methods. Bryman (2001) also asserts that in researches where theoretical considerations will be made, secondary sources presents themselves as a probable candidate for the provision of alternative data and it is also cost effective. For this reason, secondary sources of information were also used to supplement the data taken from Nkonya-Tayi. These included relevant documents that have direct bearings on the conflict such as books, chapters of books, research materials, lectures notes, newspaper articles among many others. In doing so, Source Criticism which Dulic (2011, p. 36) claims establishes grounds ‘for identifying and evaluating authenticity, uncertainty and bias in sources, thereby improving the ability to increase the accuracy of the analysis’ was applied. For example while the Nkonys constructed their identity and ownership of the land in dispute mostly around oral history and court judgments, I saw that it will be imperative to crosscheck the various facts to establish their authenticity and to also identify if they corroborate each other. How related for instance is a writer to the case in question among others for example were also double checked.

### **3.5.Reflections**

On the whole, the field work trip that took roughly a month ended with some thought provoking reflections. Despite its advantageous track record, I found out that in-depth interviews are prone to some effects. One of the main pitfalls I confronted was its disposition towards bias resulting from issues relating to access, choice of target groups as well as specific informants. The fact that I did not have full control over the selection of my respondents in Nkonya-Tayi lends credence to this claim.

Again, among the documents collected on the field, majority were legal documents which Dulic (2011) has argued are though very instrumental but nonetheless challenging in dealing with relative to local conflicts. Questions have been raised as to whether or not it is appropriate to even use judicial evidence at all for analysis considering the fact that validating the arguments in court is even a herculean task and particularly so because ‘the prosecution and the defence have

the task of arguing from a position of proving their point rather than exploring the matter without any preconceived idea' (Dulic, 2011, p. 44). In this respect, it has been extremely difficult working with the various court rulings on the matter.

Moreover, it is capital intensive and also requires a lot of experience from the fieldworker. The former comes from the huge amounts of money spent on the project: from buying of flight ticket from Finland to Ghana and back, local or internal transportation to and from the various places notably Nkonya, University of Ghana campus, feeding, accommodation cost in Kpando as well as payment of compensations<sup>22</sup> for respondents and drinks for oiling the wheels of customs. The latter also emanates from the fact that the trip represents my actual maiden trip for a research and I found out that the interviews I conducted improved significantly with time.

While on the field, I kept at the back of my mind that I was a researcher whose aim was not to find out who has a legitimate claim to the land or not. However, I found myself caught up in that web on several occasions. This is because in constructing their case, the Nkonyas were prepared to push me towards that position. This affected my reflective position. There were times I got completely lost as I saw myself as an Nkonyan but for the greater part, I also recognised my part as a researcher. In the end I settled for a midway approach since that did not fuel any perception about my role as a researcher but rather precipitated cooperation from the people.

I must confess however that I could have done more of theoretical readings to beef up the quality of my interviews than I did before leaving for Nkonya-Tayi. As a panacea for this I took the contact details of all my respondents and agreed to call on them if further information is needed. I also regret that I was unable to stay for a longer time on the field partly because of my academic schedule and also my financial limitation. That said, I contend that this research will be a valuable input to the existing literature on the case of Nkonya and Alavanyo in Ghana as it seeks to explore new paradigms in the conflict particularly in the area of its persistence.

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<sup>22</sup> While on the field I contemplated on the issue of compensation for the respondents especially people including the police officer who spent quality time out of their busy schedule to assist me in diverse ways on the field. In the end I decided to give them for some money for their time and effort. While this was a personal choice and not mandatory, I however had to buy drinks for the chiefs and elders as custom demands. These drinks are used in pouring libation and asking for the blessings and protection of the 'gods' of the land. It is worth noting that while I did not give the people any reason to expect compensation of any form, the monetary compensations were given at the very end of my stay in the community and therefore had no influence on the information they gave out.



## **CHAPTER 4**

### **4. RESEARCH FINDINGS**

#### **4.1.Introduction**

According to Akinyoade (2013), in scientific research, whichever comes first, being it theory or data is not necessary, what is indeed essential he argues is that the two must be present. In this regard, even though, the chapter is dedicated to the presentation of findings from Nkonya-Tayi, Ghana, the theoretical standpoint that underpins this study will first be presented; this will be followed by a presentation of the data from the field. In the end, attempts will be made at deconstructing the raw data herein presented relative to the existing theoretical literature reviewed as well as other related literature. This will enable me to see whether or not the findings give credence to the existing theoretical views or otherwise. The chapter will end with a summary of the findings.

#### **4.2.Theoretical perspectives**

Theory is very pivotal in empirical and analytic studies in peace and conflict research as an applied social science. It is therefore imperative that a theoretical standpoint that offers a framework to which the findings must be tied to is identified and delved into. In the Nkonya and Alavanyo case under review, the theoretical framework that supports this study is the Protracted Social Conflict Theory. In developing a conceptual argument based on the topic of my research, other theories that shed light on the content of the study will be critically looked at. This section is thus dedicated to elucidating these theories and concepts within which the antagonism between Nkonya and Alavanyo which has persisted is studied and examined. To be able to explain the ongoing conflict between these two communities, I paid special attention to the position of Azar who stands out as a front liner in the codification of what has become known as protracted social conflict theory in his book, Azar, E. (1990) *The Management of Protracted Social Conflicts: Theory and Cases*. But what exactly does Azar mean by protracted social conflict (PSC) which he argues is very characteristic of conflicts in the developing world? Azar (1990) notes that



‘Protracted social conflicts occur when communities are deprived of satisfaction of their basic needs on the basis of the communal identity. However, the deprivation is the result of a complex causal chain involving the role of the state and the pattern of international linkages. Furthermore, initial conditions (colonial legacy, domestic historical setting, and the multi-communal nature of the society) play important roles in shaping the genesis of protracted social conflict’ (p. 12).

Azar’s identifies three key stages that best describe PSC which ranges from *Genesis, Process Dynamics and Outcomes Analysis*.

Under *Genesis*, Azar points that for a full appreciation of PSC, it is crucial to understand the very roots of his model in which he establishes a set of elements; ‘communal content, needs, governance and the role of the state, and the international linkages’ that are accountable for the conversion of ‘non-conflicting situation into conflicting ones’ (p. 7). He argues that the most substantial feature correlated to PSC is the communal component of a society. Azar believes that the more a society is made of different communal groups, the more likely it is for a protracted conflict to surface. The reason he posit stems from colonialism and its divide and rule strategies that ended up integrating several groups together as a unit and vice versa without recourse to their differences and secondly the historical antecedent of wars of conquest among most groups (p. 7).

Another element he stresses is the human need component. Azar’s position is that human beings and by extension their groups have basic needs which sustains their very existence. When groups are denied these basic needs as a result of scarcity for example, while others enjoy them in abundance, it is only natural that grievances which are often articulated communally will result. His contention is that the authorities’ inability to deal with such grievances often creates a niche for PSC. He argues further that, these inherent scarcity of basic needs do not by themselves give rise to conflict but instead the means to satisfy them which is a function of social institution (pp. 7-10).

The third element is governance and the role of the state. At the core of this argument is the idea that modern states have the responsibility to intervene in the satisfaction of the basic human

needs among its population. Azar argues that in an ideal situation, a state is characterized by a rational and an impartial mode of government who endeavours to fulfil the basic needs of individuals regardless of group differences. While this situation is uncommon, he points out that this sustain peaceful coexistence whereas states which are characterized by parochial and dictatorial governments turn to experience PSC. This is always so because, in such states, power is often centred in the hands of a central or few dominant groups who use the state as a platform to fulfil their interest to the disadvantage of other groups. Related also to this is the role of other international systems (countries or organizations) which can make significant imprints either within the economic and or political as well as military circles (pp. 10-12). Thus PSC ensue when communities or groups are denied their basic human needs on grounds of their identity. This pattern of denial and its replicative effects between the deprived communities and states is what Azar has tried to establish as preconditions for the start of PSC. To Azar, the reality is that these do not start PSC, instead, he argues that the ability of these four preconditions to precipitate overt conflicts is largely dependent on three factors which he code name *Process Dynamics* and these include; communal action and strategy, state action and strategy and built in properties of conflict.

Under Communal Action and Strategies, Azar (1990, pp. 12-14) notes that when structural and communication systems suffer a setback in a society which is characterized by suspicion among groups, PSC ensues. Often times, the triggers of PSC under such circumstances may be as trivial as an insult but such triviality in turn becomes a platform for the oppression of others. In such situations, he observes that the general recognition of individual oppressions metamorphose into a united objections which are often met with some form of control. In the end, this general concern will in effect push a particular group to devise strategies in defence of their interest thereby starting conflict.

Azar also argues that the action and strategies of the state also have the potency of maintaining or controlling PSC. This however, he contends, will depend on the states' ability to deal with general communal grievance and promote the satisfaction of the basic needs regardless of group differences. Azar contends that the winner takes all syndrome among diverse communal systems prevents such a stand and instead embraces coercive repression or instrumental co-option. He further points out that while coercive repression only at best encourages the use of equally

destructive responses from the victimized group, co-option responses which has the potency of alleviating communal complaints has often time been tagged as a diversionary tactic. In most cases, states try to hold a conflict within its borders by endeavouring to serve as a link between the local actors and their peripheral support groups. However, when such control approaches do not work, the state pursues its own outside support. The prevailing dependency and client ties expedite the involvement of foreign powers which not only intensifies the pace of the conflict, but also makes it more protracted. The final process element which is, built in mechanisms of Conflict, deals with the effects of conflicts over time on the opinions some groups have and how they reflect on the behaviour of pugnacious entities (Azar, 1990, pp. 14-15).

The results of such PSC he notes are incalculable. Unlike other forms of conflict, PSC do not always have defined starting and terminating points, there is always no clear cut winners as the disputants themselves become victimized in the course. Azar's observation is that areas experiencing PSC find it extremely trying in the search for avenues for redressing their problems. The fear of being ostracized further reinforces the disputant parties' association with foreign actors which in turn promote a sequence of reliance, hostilities and desolation. Azar presents four related outcomes of PSC: Deterioration of physical security, Institutional Deformity, Psychological Ossification, Increased Dependency and Cliency.

1. Systems experiencing PSC always undergo worsen physical security as more lives and properties are lost through the continuous struggle. Developmental efforts are halted as states invest huge amounts of money that otherwise would have been used in the satisfaction of basic human needs into the provision of security.
2. State institutions are deformed or at best rendered ineffective. This leads to further disintegration of the social fabric crucifying every possibility of cooperative engagement and peace building.
3. With the prolonged nature of the conflict, perceptions and attitudes become hardened, significant communication among conflicting parties is badly affected.
4. This further deepens the reliance on external support. The various conditions from these external supporters in the end limit the control of groups over their own people (Azar, 1990, pp. 15-17).

In this work, Azar clearly establishes what he means by PSC. He proceeds to give its basic characteristics ending on its effects on a given conflicting community and argues that solutions to such conflicts are difficult. What he does not come clear on is why and how they become endemic, however, the reasons for the insoluble nature appear somewhat embedded in the effects he presents. In the following pages, I will try a critical engagement with Azar's work to see if it is consistent with the findings from the field or otherwise.

### **4.3. Analysis and discussion of findings**

Hammersley and Atkinson (1995, p. 240) have described the use of ethnography as 'inescapably a textual enterprise' or perhaps more appropriately the conversion of 'the field' into 'text' (p. 250). It is in the light of this standpoint that the findings, which is a combination of the field work experiences, observation and collected data are presented below. While the information gathered was mainly from my interviews, a substantial amount of time was also spent in observing. This is consistent with the position of Marshall and Rossman (1989, p. 79) that 'immersion in the setting allows the researcher to hear, see and begin to experience reality as the participants do'. In this regard, through observation, I was able to realize additional information which Patton (2002) argues has the capacity to describe not only the happenings unfolding at the research site, but also the people involved in that world as well as what they are saying as against the information giving during interview process.

This brings to mind the question of which style of presentation is appropriate. To Van Maanen (1988), the most common ones include the realist form, confessional and impressionist tale. The realist form of ethnographic representation which he argues stands out as the most noticeable form places much premium on the object of study (culture) while the fieldworker 'more or less disappears into the described world' (p. 45). By taking such a position of anonymity, the end results produced gives an indication of 'it's not my perspective' (fieldworker) 'but theirs' which somewhat 'limits the focus of the tale' (p. 64). The confessional tale also, while often perceived as a reaction to some of the attacks on the realists, act as complete antithesis to the realist tale that claim some form of moral uprightness. In this form of presentation, the fieldworker is pontificated, hence the use of the first person voice as against the use of the third person voice in

the realist form. Confessional tales thus unveils the aura of secrecy around fieldwork by establishing in their account the shortcomings encountered in their ethnographic report (Van Maanen, 1988). Impressionist tales on the flip side combines the realist and the confessional tale. This evolution thus produces an outcome that combines the object of study with the author. In the light of this, attempts will be made in the subsequent presentation of findings in a way that as in the words of Van Maanen (1988, p. 102) produces ‘the doing of fieldwork rather than simply the doer or the done’.

Looking back at the field, few points are worthy of note. Upon my arrival at Nkonya-Tayi<sup>23</sup>, the town was serene and quiet as with most farming communities in Ghana where farmers leave the town for their respective farms and will not be back until after sunset. While a taxi driver had refused to take me to Tayi from Kpando for reasons of his safety, I had a different encounter at Tayi. The town looked more peaceful than the false picture peddled by rumours. The irony of Christ Peaceful Church’s sign post (see picture 4.1 below) graciously gracing the entrance of a conflict prone area could not be missed. Many towns in the Volta Region have lessor gods moulded with mud and planted in front of houses, perhaps in affirmation of their believe in the traditional religious system. Surprisingly, this was missing in Nkonya; it could also be an indication of how different in terms of their ethnic and religious identities, the Nkonyas are from the rest of the people in the Volta Region. More striking and glaring was the impressive monument of a man with spear clasped in his hands, ready to strike a foe helplessly locked beneath his feet at the centre of the town (See picture 4.2 below). For days, I thought about the monuments and its significance until I finally broke the silence by asking a passer-by who told me it was the statue of St. Michael, the archangel planted in front of an Old Catholic church.

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<sup>23</sup> Nkonya is a community with 23 different villages or towns coming under its umbrella. Tayi is one of such communities. A greater number of interviews were taken from Tayi because they are, more than all the other Nkonya people, the most badly affected in the conflict as they share a common boundary with the Alavanyos and most of the lands in the disputed area belongs to individual families in Tayi. Nkonya-Tayi is therefore the same as Tayi while Nkonya on its own represents the entire Guan group in the area.



**Picture 4.1** Picture of a church's sign post in Nkonya Tayi (Taken during my field trip).



**Picture 4.2** A statue of St. Michael in front of an old Catholic Church (Taken during my field trip).

Another point that caught my attention was the demographic structure of the Tayi. While, Nkonya-Tayi is a small town with building structures that look almost countable on both sides of the main street, I observed that the aged outnumbered the youth and the young adult. My suspicion was that it was possible the youth had travelled to the big cities in search of greener pastures and possibly for a peaceful life that has eluded them for years. More so, during my visits to the only school, I saw the classrooms were near empty, a case that reinforced my suspicion. This notion was later to be confirmed by a respondent during an interview session.

Again, typical of most farming communities in Ghana, the Nkonyas also engage in petty trading of their farm products for survival no matter how small they may be. An inscription on a kiosk; ‘DON’T GIVE SMALL MONEY CHANCE’ (see picture 4.3. below) perhaps best captures this position. Unfortunately however, the near emptiness of fresh food products mostly from people’s farms at the market painted a picture of extreme hardship resulting from the ongoing hostilities, a position that perhaps reveals that the residents have ‘given small money chance to fly’. Indeed, the market was near empty and quite, something which is also uncommon about market scenes in Ghana generally, regardless of how small the size is (see picture 4.4. below). It appears that the situation has thus encouraged backyard farming as a means of subsistence.

Overall, the serenity of the environment at the time of my stay, coupled with the warm reception accorded me by the people gave me a lot of latitude in the execution of my work. As indicated, the study from which data is drawn aimed at examining the causes, the effects, the various attempts made at solving the conflict and most importantly why the conflict has persisted to date. In the section below, I will present the finding into two main broad categories. First, I will look at the causes and effects as well as the attempts made at solving the conflict. This will give a background knowledge to the conflict and help answer while for almost a century the conflict seems to have defied resolution in the second category.





**Picture 4.3 A shop on the streets of Nkonya-Tayi (Picture taken during the field trip).**



**Picture 4.4 Market site at Nkonya-Tayi (Picture taken during the field trip).**



#### **4.4. Causes, effects and the various attempts at solving the conflict**

Before going to the field, I prepared themes instead of direct questions for my respondents. This not only enabled me to effectively steer the interview process but also gave the respondents enough room to answer the questions that were posed to them. In most cases, the questions were follow up questions to what they have said or hinted while answering a different question. As a general pattern used throughout the interview process, I asked my respondents to tell me what they know about the conflict. All twelve respondents were unanimous in their accounts of the conflict with very little variations. Respondents started generally from the migration of their ancestors through to their present day location. This was followed by the latter sojourn of the Alavanyos who were upon their arrival given a safe haven from their original destination from where they were persecuted and eventually, how the disagreement over the land started and the ultimate results to date. I observed that the differences in the account had a lot to do with educational status of the respondents. While some of the respondents mostly women claimed not to be literate and therefore presented their stories from oral accounts and personal experiences, I found that the educated ones also aside from their experiences and oral evidences, also made references to documented materials and facts such as court judgments, and official letters communicated to them in relation to the land dispute. Moreover, respondents who were and or had been involved in the peace process in one way or the other were able to give more detailed information than those who were not or had never been involved in any of the peace process.

The field work interview which was recorded and subsequently transcribed established a lot of revelations and insights into the conflict. At the core of the conflict, I gathered during my visit and subsequent interviews, was the question of land ownership and related border demarcation which featured prominently in the chronicles of respondents when asked about their knowledge on the conflict in general. When I turned up for my interview at the residence of Christian Y. E., the Regent of Tayi, I asked him after the usual pleasantries, ‘Can you please tell me what you know about the conflict? He took a deep breath and after a moment pause, here is what he said and it was based on his narrative that all follow up questions emerged for discussion.

‘The Nkonyas were the first to settle here long, long ago before the Ewes<sup>24</sup> started coming. Then finally, the Alavanyos were the last to break away from Soviet<sup>25</sup> to ask for a piece of land to settle with us here. We agreed and gave them the land. Before they came, we were sharing boundaries with Gbui, so when they came in, that part of our farm land was given to them. This included parts of Ahenkro, Ntwumuru as well as Asakyiri. Soon they started infiltrating into our lands and this resulted in a lot of skirmishes. So around 1913, the colonial German administration saw that there should be a demarcation among the six sister states consisting Nkonya, Alavanyo, Gbi, Santrokofi, Akpafu and Bowiri. The land was surveyed and each tribal head indicated their boundaries and this was documented. Every head of each state was given a copy of the map and since then there were no quarrels.

Unfortunately, after sometimes, the Alavanyos started breaking the concrete pillars fixed by the colonial administration, claiming that what in their view was the true boundaries were the anyaa trees and that brought about the first civil war. That was in 1923. After the civil war, we settled down again. Not quite long, they started getting into the land again, so in 1931 the government acquired part of the mountains as forest reserve but the Alavanyos started going to the forest reserves to cut tree and make cocoa farms and that also brought a lot of problems.

In the end there was the need to go to court for settlement. So in 1953 the matter was taken to Kpando Native Court B and later transferred to the Lands Court. So, that started the whole thing. There were series of court actions until 1975 when the final settlement came in. At that time, the boundary demarcated by the Germans had been accepted by all the six communities and all of us were asked to stick to the Grunner boundary. Then, the ownership of the land was determined that the land belonged to the Nkonya citizens. There was an injunction order also that no citizen of Alavanyo should cross the boundary into the land again. So the paramount chief of Alavanyo at the time Togbe Anku Atakora also accepted and

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<sup>24</sup> The Ewes are the dominant ethnic group in the Volta Region and they are made up of various groups which include the Alavanyos.

<sup>25</sup> Pronounced ‘Sovie’, Soviet is a name of a town in the Volta Region.

he was even given land to farm on. But in 1983, he was overthrown by the youth who argued they were going to forcefully take over the land. A new chief was enstooled by name Togbui Tsedze Atakora. His army then went into the land and killed all the Nkonya settlers. And that brought about another civil war.

In fact this pattern of warfare has been continuing every four or five years until last year January (2013), when some of our hunters were attacked; they were shot, and then brought home by the youth who sent them to the hospital, luckily, they survived. Then in February, two other people were attacked. They were shot and killed. One was even beheaded. Then finally in April, I think that was 4<sup>th</sup> April, a young man who had gone to the farm to bring foodstuff with the wife was shot on top of these mountains (pointing to the disputed area). The wife managed to run for her life. She reported the incident and the young men were sent to the forest to bring the body. He was later sent to the hospital but he died even before getting there. All these things were reported to the police but no concrete action was taken. Then, just one day they also complained that somebody had shot a man at Alavanyo. Since they were attacking us, we also retaliated. This went on for two days until the police intervened. Now the president of the republic visited us and said the matter will be looked into. The Regional Minister and the Regional Commander, all have been visiting us. So that is how far we have come. We are waiting to hear from the government for the matter to be gone into.<sup>26</sup>

His narrative above confirms the significance of the land in the conflict under review. A strong case for the land as the primary cause of the conflict was also made by Mary D. while presenting her side of the story. She told me ‘the conflict is about land, and I have also been badly affected. Our great grandfathers were here before the Alavanyos came but later they rebelled against us<sup>27</sup>, Amoah H. on her part also endorsed this perspective when she told me;

‘I can’t tell what exactly brings the conflict. We have not done anything. It has always been the case that the Alavanyos have an eye on our land especially

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<sup>26</sup> Interview Conducted with Christian Y. E. at Nkonya Tayi (Conducted in English).

<sup>27</sup> Interview Conducted with Mary D. at Nkonya Tayi (Conducted in Twi).

behind the mountains. The point is that we are now the landlords and I believe that if there is not enough for them, they should simply ask us for it.’<sup>28</sup>

Ben K’s viewpoint was not different from Christian, Mary, Hellen and indeed the rest of the respondents. As an opinion leader who has lived all his life in the community, he has been part of all proceedings that has to do with the conflict. In telling his side of the story, he blends the oral narrative with his personal experiences and involvement stressing much on the hitherto peaceful relations with the Alavanyos that has turned sour. As a follow up question, I politely interrupted him and asked;

Me: This sounds like a good relationship. What changed? Why did the conflict start in the first place?

Ben K: ‘The land and of course the agreement as to what really constitute the original boundary between Nkonya and Alavanyo changed and for a long while, we have been fighting for what we believe rightly belong to us.’<sup>29</sup>

While the land appeared to have been the main issue under contention, other factors served as immediate triggers for the outbreak of hostilities at certain times. A classic example was the struggle over water which triggered an outbreak in 1983. Apart from the actual beginnings which most of the people never witnessed, the 1983 outbreak was witnessed by all the respondents with the exception of Mr Bombande and Lawyer Opoku. I realized that unlike the colonial antecedents of the conflict that had been mostly narrated verbally from generation to generation, they spoke about this particular one with much certainty and precision. Recounting the incident that led to the outbreak, Nana Okoto Kofi III, the paramount chief of the entire Nkonya lands had this to say;

‘It was a dry season and the people of Nkonya fetched water close to the Alavanyos. The river was called Gyenana. As always because of the nature of the flow, people had to fetch in turns. Eye witnesses said that when it got to the turn of an Nkonya man from Nkonya-Ntwumuru to fetch, an Alavanyo lady refused to

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<sup>28</sup> Interview Conducted with Amoah H. at Nkonya Tayi (Conducted in Twi).

<sup>29</sup> Interview Conducted with Ben K. at Nkonya Tayi (Conducted in English).

allow him to fetch and instead threw his bucket away. This resulted in a fight. So the lady was beaten by the Nkonya man and she had to run to report to the chief and then later to the police. We went to settle the issue but unknown to us, the Alavanyos had planned to retaliate. They went to Kwetoi and attacked and killed the villagers including the Ashantis<sup>30</sup> there. Afterwards they turned to our forest, killed our people and looted all our products including our cocoa and cola farms.’<sup>31</sup>

Similar perspectives were given by all respondents. For example, narrating her side of the story, Broni D. spoke of her personal experience on the eve of the 1983 outbreak.

‘I can say I know a lot about this case because my farm was just behind the mountains in 1983 and we lived there. That night, we were ordered by the chief through an emissary as early as 1:00 am to come home because of a potential outbreak of hostilities. Some of us headed the call and came home that dawn. The next morning, we woke only to be greeted by horrible news. The other villagers who had little children and couldn’t make the journey in the night had been ambushed and killed by the Alavanyos on their way home.’<sup>32</sup>

On the question of whether or not their ethnic identities have been a potential cause of the conflict, I had two unparalleled views among all the respondents. While a section of respondents believed ethnicity is as an issue of much significance in the conflict, others simply rubbished it. Here is what Bombande had to say:

‘To the extent that the Nkonyas and Alavanyos are different ethnic groups I will argue that it is an inter-ethnic conflict. But then the conflict is not because they

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<sup>30</sup>Ashantis also known as Asantes in different literature are members of the Ashanti Kingdom now reduced to a region, the Ashanti Region, in southern Ghana. They form part of the biggest ethnic group called the Akan. By far, the Ashanti language, the Asante Twi, is the most widely spoken language in the country. It is also worth mentioning that the Nkonyas apart from their own dialect are able to speak and communicate fluently in it in the Asante Twi. It is also a common knowledge that the Ewes (the larger group which includes Alavanyos) have been perceived as political archrivals of the Ashantis in history especially after the 1966 Coup.

<sup>31</sup> Interview Conducted with Nana Okoto Kofi III at Nkonya Tayi (Conducted in Twi).

<sup>32</sup> Interview Conducted with Broni D. at Nkonya-Tayi (Conducted in Twi).

are different ethnic groups, they are different ethnic groups in which they define themselves as different but the reasons for the conflict go beyond their different ethnicities. It goes to power relationships, it goes to who is who, it goes to ownership of land which translates to we are more superior. Alavanyos see themselves to be defined by Nkonyas as less superior because they do not own land. And Nkonyas see themselves as more superior because they own the land and therefore are the landlords and so Alavanyos must obey their instructions. So it now goes beyond their different ethnicities into other categories of the social dimensions.’<sup>33</sup>

William K, gave a similar view. He, like many others believe that ethnicity has come to take a centre stage of the conflict. To him, the threats on their lives have been translated into an ethnic solidarity that is precipitating outbreaks every now and then. He told me

‘This (ethnicity) has been a major problem. Almost all the Ewes are now supporting the Alavanyos and there have been many threats to exterminate all of us. Even previously, the conflict was limited to only Nkonya-Tayi but as we speak the conflict has been extended to the entire Nkonya people.’<sup>34</sup>

Nana Okoto Kofi III, however, had an antithetical position. He was very clear and passionate on the question of their ethnic differences when he said, ‘I don’t believe that our ethnic difference is responsible for this whole conflict.’<sup>35</sup> Amoah H. also gives a similar position when she says;

‘Well to the extent that we have lived before as one people, trading partners and have most importantly intermarried ourselves, I do not think that being a Guan (Nkonya) or a Voltarian (Alavanyo) is a big deal in this conflict.’<sup>36</sup>

Touching on how the conflict has affected them, all respondents including the lawyer agreed largely that the conflict has been devastating on their lives in diverse ways. A strong case of the

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<sup>33</sup> Interview Conducted with Bombande E. at Accra (Conducted in English).

<sup>34</sup> Interview Conducted with William K. at Nkonya Tayi (Conducted in English).

<sup>35</sup> Interview Conducted with Nana O. K. III at Nkonya Tayi (Conducted in Twi).

<sup>36</sup> Interview Conducted with Amoah H. at Nkonya Tayi (Conducted in Twi).

effects was put forward by William K. when I asked him, In the face of all these, how has this conflict affected you? He told to me;

‘The problems the conflict has brought on us are many. Because of fear, our people especially those whose land happens to be on the mountains and behind cannot go to farm again. All our cocoa and cola farms have been left in the bush unattended to for years. This has caused food problems and money issues. We just can’t go to farm for food because of fear. Our children cannot also go to school because we cannot pay their school fees. My brother, as I speak to you, this conflict has brought to our communities some social menace. Some of the ladies are engaging in prostitution both here and in the cities like Accra for money. The men are also stealing and this is causing problem even among ourselves here.’<sup>37</sup>

Alice O. also told me;

‘Our people are peasant farmers and since the conflict has made it difficult or impossible for people to go over to their lands and work on their farm, the resulting consequence has been poverty and hunger that we have endured over the years. My land is locked up there and personally, I have had to suffer serious hardships for many years. I don’t think I will ever forget the families I have lost to this land matter.’<sup>38</sup>

On that note of the effects the conflict has had, I proceeded to ask respondents on the various attempts made at saving them from the inherent troubles they have had to endure in the face on the conflict. The cross section of respondents, acknowledged that there have been many attempts at solving the conflict although they have yielded very limited dividend. What differed in their presentation was the depth of their knowledge which was informed mostly by educational levels and their involvements in the processes. Telling me about the various interventions, Christian Y. E. said;

‘The court has been at the forefront in the settlement of this dispute right from the 1950s through to the highest court which was the Appeals Court in 1975 where

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<sup>37</sup> Interview Conducted with William K. at Nkonya Tayi (Conducted in English).

<sup>38</sup> Interview Conducted with Alice O. at Nkonya-Tayi (Conducted in Twi).

the ownership of the land was determined. Many Committee like the Mireku Committees were also formed in the past to assist us look into the matter and of course as always government employs police and military teams to help maintain law and order.’<sup>39</sup>

Kwadwo T. in a similar vein also indicated that;

‘A lot of entities have attempted to help. The governments have come in over the years, the peace Council has come in, the non-governmental organisations like the WANEP, the District Security Council (DISEC), the Regional Security Council (RESEC) have also come in on several occasions and in recent times even the National Security had to come in and the head of state himself came down to Nkonya. Our sons in the diaspora especially in the Americas have also been very instrumental.’<sup>40</sup>

William K also on his part gave a tall list of the attempts made by governments, civil society and cooperate bodies at solving the conflict ending on a note of scepticism. He told me;

‘My brother a lot of the assistance come all the time. I cannot remember all of them but I will tell you the ones I remember and even the ones I don’t remember, I will give you all the documents to go through. I remember the Acquah Committee which was set up in 1992 but even before they could commence work, the Alavanyos brought the fight again. Then there was the Mireku Committee but we did not accepts their result. They wanted the government to take the land and we did not agree. Even the government knows this is not possible.

In 2006 there was another Mediation Committee put in place to settle this conflict. We were taught how to negotiate and what brings about peace. We were also made to cut our boundary lines. Unfortunately the Alavanyos extended theirs ten miles square into our area. In the course of time, we were asked to bring our proposals. And the Alavanyos proposed we demarcate the so called disputed area into two or the government should take over. Our proposal was to go for the

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<sup>39</sup> Interview Conducted with Christian Y. E. at Nkonya-Tayi (Conducted in English).

<sup>40</sup> Interview Conducted with Kwadwo T. at Nkonya-Tayi (Conducted in English).



Grunner demarcations and court rulings. It was there that we were told by Mr Bombabde ‘not to be slaves to court rulings and maps’. I made reference to Solomon’s famous judgment in the bible about the dead and the living child and it was there that Rev. Livingston Boamah retorted that ‘Look at the way they talk like peasant farmers brought to the church to sing’. So instead of leaving the Nkonyas and Alavanyos to negotiate, the two of us ended up struggling with the mediators. It was at that time that the paramount chief called for a break to confer with his people and to see whether we want to agree with the sharing of the overlapping area. But here the decision was that the Nkonya communities are many and the lands are owned by individuals and therefore it was not possible to give out individual people’s land as they cannot get a place to farm. We also saw that the committee was bias in favour of Alavanyos so we pulled out of it. In fact there have been several committee’s I cannot readily remember.’<sup>41</sup>

A significant outcome of the findings was that all twelve (12) participants unanimously agreed in principle that the land issue has remained the single most important cause of the conflict between Nkonya and Alavanyo. The passion with which almost all the respondents presented their case indicated the significance of land in their livelihoods. This however does not come as a shock as land still remains the most prized asset and accordingly serves as the foundation of the nation’s economy (National Land Policy, 1999). The impact of the land on the conflict is made manifest in the various legal tussles between the two disputing communities where the writ field in each of the cases from 1953 up until 1975 had centred on the land and related activities on it.

Looking at the land issue through the lens of the communal component theorised by Azar (1990), calls for questioning and debate. His basic position has been that, societies made up of multiple communities are likely to experience PSC. This, he argues is a direct result of diverse differences usually brought together either through colonialism or the historical pattern of warfare among various group. While the colonial history can be blame to a greater extend for the closeness of the two societies<sup>42</sup> and by extension the land dispute, it is still difficult to holistically accept this

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<sup>41</sup> Interview Conducted with William K. at Nkonya Tayi (Conducted in English).

<sup>42</sup> See the causes of the conflict from the literature review section for the historical connection.

claim as true without critical scrutiny, as many groups have existed peacefully for ages without conflict in spite of the fact that their commonalities were created by colonial legacies.

This relates to the question of ethnicity which cannot be simply overlooked. So far, two contending views exist. While one places the blame of the conflict at the door step of their ethnic difference, the other standpoint disagrees with this position, claiming instead that there is very little or at best no correlation between their ethnic differences and the conflict as a whole. Although this insight was gained from interviews, I realised from my various observations that indeed their ethnic difference has a centre seat in the discordant relationship. The strong distinction between 'us' and 'them' which was very pronounced in their daily conversation was indicative of this point. Thus while cultural distinctions are not clearly spelt out or easily observable in the daily lives of the Nkonyas, it is worth pointing out that this positions is consistent with Barth's (1969) ethnic composition which he argues is based on ascriptions and self-ascriptions instead rather than cultural embodiments. Azar's (1990) communal content is true in the case under review especially when viewed from the colonial past of Ghana. Such a multicommunal standpoint has been endorsed by Wimmer, Cederman, and Min (2009) who argue that contrary to Marx' prediction that class struggle would change the world in the twentieth century, it turned out to be a period of ethno-nationalist conflict. However, it appears that his model stands challenged particularly when viewed from the angle of others like William (2011) who points out that the association between ethnicity and conflict is an unsustainable perspective, arguing instead that giving the ethnic diversity across the globe, the entire world would have been engulfed by interminable conflict. More so, is the fact that even people of the same homogeneous ethnic groups have fought among themselves for ages. A typical example in this case is the Hmong communities in Australia and Thailand. Regardless of how one sees the role of ethnicity in the Nkonya and Alavanyo case, what is conspicuous is that while the conflict might not have been sparked by the ethnic differences, it does seem that their differences have now become a fault line through which the conflict is been fought.

Since the land question and by default all other related activities can be equated to a clear case of survival, we see Azar's model of human needs component here in the conflict. His arguments are that, 'individual survival is contingent upon the satisfaction of material need' (1990, p. 7). He further argues that since these basic needs are usually 'seldom evenly or justly met' as a result of

scarcity, there is always a tendency of one group to enjoy their satisfaction in excess to the neglect of the other groups. This intend creates an avenue for grievances to be nursed by the disadvantaged groups and ultimately provides grounds for PSC (Azar, 1990, p. 7). Such needs Azar (1991, p. 93) argues include but not limited to ‘security, recognition and acceptance, fair access to political institutions and economic participation’. Thus, since the setting under review is a farming community whose population rely solely on subsistent farming and any other related activities like hunting and charcoal burning for their livelihood, any attempt at disadvantaging any of them is seen as an attempt to deny them of their livelihood and by extension their very existence.

Azar (1990) also notes the governance and the role of the state has a pivotal factor in causing PSC. His arguments are that, the state’s ability to help its citizenry to meet their basic human needs or not go a long way to either spark or contain a conflict. Azar contends that the states inability to deal with the issue of basic needs of its people further exacerbate already existing conflicting situations. This goes further to throw light on the argument that governments have the capacity to guarantee social stability through the provision of mechanisms like social welfare payments which usually ‘buy off’ rebellions (Regan & Frank, 2012, p. 502). However, given the nature of the conflict and the nature of the governance structure especially over land, it will not be a fallacy to conclude that the state does not have the capacity to safeguard the situation by making land available to its citizens who need them as it owns only 20% of the 238,533 square kilometres of the total land size of Ghana. Using Azar’s point as a model, it could thus been seen that the state has not been able to make enough land available for the people of Nkonya and Alavanyo and hence the conflict. A position that the state certainly has very little control due mainly to its land tenure system. More important is the fact that most people feel they do not have enough security and protection from the state and hence the idea of massing up in defence of their personal security. It is worth noting that while the state is incapacitated in the provision of needs like land, it has over the years provided other needs like security, at least according to the narratives of the respondents. However, the growing fear that William K alludes to when he talks of the effects the conflict has had on them lends credence to the fact that the attempts by the government is yet to be felt by the people.

To Azar (1990, p. 12), any of these components (communal content and human needs, and governance and the state's role) which he calls preconditions for the rise of PSC do not in themselves lead to 'an overt or manifest conflict' instead they stay dormant until triggered by other factors mostly trivial. In this regard, the activities of humans or in this case the people of Nkonya and Alavanyo relative to the land are responsible for the conflict. A classic example of this human activities which Azar codenames communal actions and strategies that act in themselves as triggers can be equated to the water crisis in 1983 which caused the conflict to escalate at the time. Other related activities that can also be seen in this light has to do with illegal works such as farming, mining and lumbering on the disputed land which have over the years sparked escalation of tensions with resultant loss of lives and properties. For instance, an Nkonya chronicle contends that while the land has been a serious point of disagreement before 1913, the first indication of violence exploded at the back of a dispute between two individual residents of Nkonya-Tayi and Alavanyo-Kpeme over a piece of land within the now disputed site (Yakohene, 2012). And more recently, the patches of deadly attacks that were experienced by Nkonya citizens in the period leading up to the violent clashes in 2012 that ultimately sparked the current hostilities which were recounted by various respondents could also be seen in this light. More prominent is the fact that these acts of violence are usually orchestrated by individuals but end up becoming a communal problem, a point Azar was very clear on.

Again, Azar (1990) also notes that the actions and strategies of the state which is usually evident in its response to most communal grievances can be a possible trigger of the conflict. These reactions are mostly one of coercive repressions or co-option to avoid any sign of weakness. In the Nkonya and Alavanyo case, the state has not used any form of militant or harsh response which correspondingly 'invites equally militant responses from repressed groups' but instead co-option measures in the form of the various interventions which 'serve to mitigate communal grievances' has been used. It worth pointing out that the 'failure of these co-option strategies further justifies coercive repressive options, leading to an upward spiral of violent clashes' (p. 14). Thus the people of Nkonya in their own view continue to fight because they do not feel safe and secured in their own territory and therefore does so in self-defence. While I did not witness any hostilities during my stay, some residents of Nkonya in private conversations also indicated how they have personally fought in the past in defence of their own interests or that of their relations. The overall effect which Azar calls built in mechanisms of conflict is seen in the

perceptions the Nkonyas have on the Alavanyos. The Nkonyas see the Alavanyos as trouble makers who cannot be trusted. This in turn reflects in their interactions to date which has become sour. Azar indicates that in such a situation of 'proscribed interactions, the worst motivations tend to be attributed to the other side' (Azar, 1990, p. 15), one of the main reasons perhaps why such communal antagonisms have been difficult to deal with.

From the point of view of the respondents, it is clear that the conflict has not come without a cost. With a general air of fear surrounding the communities, the Nkonyas claim they have had to cope with extreme poverty resulting from their inability to go about their normal farm works, social menaces like prostitution and robbery among others. It is important to establish that this fear is also precipitated by their lack of confidence in the security system. For while they recognize the existence of the military and police to a greater degree, I observed as I listened to both my respondents and other people from the village that they have no hope in their ability to guarantee them their security. This bears semblances to what Azar (1990, p. 16) called deterioration of physical security which he indicates 'is the most obvious consequence, exacerbating initial conditions of insecurity through further loss of lives and means of support'.

This is no doubt is also connected to his point of institutional deformity. Azar's argument is that PSC have the strength of denting not only the social and economic but also the political institutions. His main contentions are that such degeneration in one breath weakens the central government and consequently its ability to perform their basic functions and on the other breath widen the communal cleavage, and affects the prospects of a cooperative interaction among the disputants (Azar, 1990). This is true to the extent that amidst the heavy presence of the military and police, the Nkonyas still feel unsecured. This insecurity has occasioned the loss of their livelihood. A position they claim has brought untold hardships to their people and further exacerbated by the state's inability to take care of their basic needs. It is in the face of these lucid disclosures of the difficulties they encounter on daily basis that have forced governments, civil society organizations, non-governmental bodies, opinion leaders among others to help in bringing an end to the almost a century conflict. However, from all indication, it does appear that, the more efforts are put into its resolution, the more entrenched the conflict becomes. Why?

#### 4.5. Reasons for the persistence of the conflict

Nkonya-Tayi residents chronicle their version around the legal battles they have won. Most of the people believe that as far as they are concerned, the Alavanyos are only trouble makers because, the land in contention has been ruled unequivocally in their favour. What they argue accounts for the persistence of the conflict therefore are the non-execution or the non-enforcement of the courts' judgements; a blame they place at the doorstep of government. To William K., the conflict has become protracted because,

‘The Alavanyos have refused to accept the rulings of the court and no one is saying anything to them. The government has all the judicial records and is not ready to come out with the truth. And to be honest with you, this current NDC government is made up of Ewes and the Alavanyos are also Ewes. So you see why they are not ready to come of out with the truth?’<sup>43</sup>

Christian Y. E. also believes that ‘the conflict is still going on because the Alavanyos have refused to accept the court rulings.’<sup>44</sup> Alice O. on her part also tells me

‘My son, the Alavanyos simply do not respect the law, if they do, I am sure we will not be here today, all the same I blame the government for encouraging them.’<sup>45</sup>

Lawyer Opoku however has a different viewpoint. While he agrees in principle on the issue of the non-execution of the courts' verdict being responsible for the persistence of the conflict, he argues that the blame must be directed towards the Nkonya people for agreeing to originally harbour the Alavanyos through the signing of a tenancy agreement with them instead of implementing the rulings of the court. When I met him in his office in Accra after my trip to Nkonya, I asked him after he finished presenting his side of the story which was not different from what all the respondents have said in Tayi;

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<sup>43</sup> Interview Conducted with William K. at Nkonya Tayi (Conducted in English).

<sup>44</sup> Interview Conducted with Christian Y. E. at Nkonya-Tayi (Conducted in English).

<sup>45</sup> Interview Conducted with Alice O. at Nkonya-Tayi (Conducted in Twi).

Me- The whole narrative has been built around this legal tussle and the evidence presented indicates that the court has consistently ruled in favour of the Nkonyas. The Nkonyas believe that the non-enforcement of the judgements are responsible for the protracted nature of the conflict? What do you think? Is this a view you share and who is responsible for the enforcement of the courts' rulings?

Lawyer O.-'Let me start with the last part. You see, the one who won the verdict must execute the judgment. The state does not come in at all and that is why the Attorney General is never mentioned in any of the judgements. So if the judgment is executed, I agree there will be peace in the area. If you are going to court, the first process is to take your papers to court, and then the second process is to go through the trial stage and the third process is the execution stage. The execution stage is what is worrying and that is what I am working on.

If you look at the last judgment by the highest court of the land, it talks about an injunction, if there is an injunction it means you are restrained from doing certain act, so if you continue to do those acts and the person who has won does not take in any steps to infatuate the tenets of the judgment then it goes unpunished.

The execution stage for that purpose of injunction is first to bring the judgment to their attention through entry of judgment served on them and then after that if they flout in spite of the entry of judgment then you institute an action of contempt. So that if they had done the proper thing, after the Nkonyas had won, if they had done the proper thing, then it meant serving on them the entry of judgment and then subsequently if they flouted the injunction, then you go with contempt of court. If one, two, three of them were punished, for being in contempt of court for flouting an injunction order this whole issue will be settled.

This was not done because the Nkonyas entered into an agreement with some of the Alavanyos for which they were to atone tenancy to the Nkonya people. After

they all died, I suppose their people did not understand why those things were done so they continued the trespassing.’<sup>46</sup>

Linked to this is the lack of punitive measures or sanctions against people who violate the laws of the country. According to most of the respondents, this has however endorsed a culture of impunity as people who especially perpetuates acts of violence are left off the hook of the law without punishment. When asked about what in his own view has made the conflict protracted, Kwadwo T. pointed out that,

‘...we have suffered from the hands of the Alavanyos for a very long time. The truth of the matter is that they openly defy court orders, enter our lands, cut down our timber, destroy our food crops and cocoa and yet walk freely afterwards. We know of many such persons who as still walking as free men today. My brother, with this kind of situation, why won’t people repeat wrong doings?’<sup>47</sup>

Alice O. also states that;

‘The Alavanyos know nothing can be done to them. In most cases suspects are not even arrested for questioning and when they do, nothing comes out of that. So they have taken advantage of the situation and are always making trouble.’<sup>48</sup>

Abu G. also on her part, tells me,

‘we know all the people behind this and we also know that they are all walking around as freemen after everything they put us through. After all, they know they can always escape from being punished.’<sup>49</sup>

In support of this stand Lawyer Opoku says the;

‘Justice System must be effectuated for the laws to be respected and that is exactly what we are doing now. So that if you flout the orders of court, then is contempt of court. If you come before the court for contempt and you are

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<sup>46</sup> Interview Conducted with Lawyer Opoku at Accra (Conducted in English).

<sup>47</sup> Interview Conducted with Kwadwo T. at Nkonya Tayi (Conducted in English).

<sup>48</sup> Interview Conducted with Alice O. at Nkonya-Tayi (Conducted in Twi).

<sup>49</sup> Interview Conducted with Abu G. at Nkonya Tayi (Conducted in English).



imprisoned for even a day, next time people will respect the court's decision and sanity will prevail.'<sup>50</sup>

Another reason given for the intractability of the conflict is the defective nature of the conflict resolution efforts that have been practiced over the years. Speaking on the theme, Bombande indicated that; the conflict has persisted because,

'There has never been any mutual satisfaction. For peace to be durable, sustainable and genuine, the solutions must be mutually satisfactory to the parties of the conflict and that has not happened. Whether it was the high court ruling or the way the state has managed it, that has never happened. And so it will be hundred years and still counting, until the two parties satisfactorily are able to see that we have sat down and resolved this problem ourselves and that everybody now should support that, it will not work.'<sup>51</sup>

Perhaps as an endorsement to Bombande's position above, Ben K. says looking back, he thinks the various attempts have not been very effective. His only hope was the mediation committee that was formed in 2006 but even that one hardly changed his suspicion in the end. He tells me;

'All the interventions have been problematic in one way or the other. I think they have not really made any difference. To me, I think the most effective one of them all was the Mediation Committee. Unfortunately however, it looked as if its leaders were in support of the Alavanyos right from the beginning. They were not ready to delve into the historical records available so we Nkonyas backed out and nothing eventually came out of it.'<sup>52</sup>

Nana Okoto Kofi's position was not different from the standpoint of the other respondents. On his part, he told me during my interview with him,

'You know the mediation committee encouraged us to go and divide the land. So we took some time off to think about this whole process. I told them that I was not

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<sup>50</sup> Interview Conducted with Lawyer O. at Accra (Conducted in English).

<sup>51</sup> Interview Conducted with Bombande E. at Accra (Conducted in English).

<sup>52</sup> Interview Conducted with Ben K. at Nkonya Tayi (Conducted in English).

ready to discuss what has already been ruled over by the court. In the end we had to pull out and never attended their meetings again simply because they were not ready to give us a fair hearing.’<sup>53</sup>

Again, a cross section of the respondents also think that the conflict has defied resolution because of sheer greed. They argue among other things that the vast mineral resources on the land have been a strong factor motivating the Alavanyos to foment troubles.

Mary D. thinks ‘is mere greed. There are a lot of resources to be enjoyed on the land and this has been difficult for them to simply let go.’<sup>54</sup>

Abu G’s perception is also not different from that of Mary D. above. She says;

‘...it is sheer jealousy and greed. They wish the land was theirs. Instead of them to come and ask us politely that their population has increased and that their land is no longer enough to sustain them, they are just applying force.’<sup>55</sup>

Another factor has to do with the perceived elements of national party politics that they argue have made imprints in the conflict. The people of Nkonya are convinced beyond doubt that the current ruling NDC party is in favour of the Alavanyos and have hence turned a deaf ear to their plight. Speaking during our interview, Abu G says;

‘I think we still have this problem because it is now the NDC government that is ruling. The majority of the Voltarian including the Alavanyos belong to that party and most of them are big men who always twist and turn issues around.’<sup>56</sup>

I pushed further on this allegation especially when the national chairman of the NDC is an Nkonya man. So I asked,

ME-‘How do you reconcile your allegation with the fact that the National Chairman of the NDC, Mr Kwabena Adjei, is a son of the Nkonya soil?’

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<sup>53</sup> Interview Conducted with Nana O. K. at Nkonya Tayi (Conducted in English).

<sup>54</sup> Interview Conducted with Mary D. at Nkonya Tayi (Conducted in Twi).

<sup>55</sup> Interview Conducted with Abu G. at Nkonya Tayi (Conducted in English).

<sup>56</sup> Interview Conducted with Abu G. at Nkonya Tayi (Conducted in English).

Abu G. - He is just one man and is not doing anything for us as far as I am concerned.<sup>57</sup>

Answering a similar questions, after claiming also that the NDC is in support of the Alavanyos, William K was quick to say that; ‘he (Mr Kwabena Adjei) is only being remote controlled by the majority of the Ewes.’<sup>58</sup> Lawyer Opoku also agree that there are some level of political involvement in the conflict. He is however quick to discredit it as a serious factor that has prolonged the conflict. To him;

‘There has always been politics in land matters but I don’t think it does take away the findings as it were. The proper thing was not done and that is why we are still where we are.’<sup>59</sup>

From the findings above, the assertion that there can never be peace without justice especially in modern democracies is conspicuously established in the Nkonya chronicle. The notion of or perceived injustice stems from the inability of the judicial system to deliver the much needed peace. The difficulty seems even more paramount when observed from the angle of the Bawku Conflict between the Kusaases and the Mamprusis in the Upper East Region of Ghana where in spite of the unanimous court victories of the Kusaases as the rightful owners of the land and for that matter the paramountcy, the conflict has protracted with lots of bloody offshoots<sup>60</sup> (Noaga, 2013a). Thus while the Nkonyas continue to hold on to these judgment, it appears that the Alavanyos have lucidly refused to accept their defeat and therefore the rulings in their eyes just like the Mamprusis case continue to be but just a piece of paper.

In his letter to the then president of the Republic of Ghana, His Excellency, President Jerry Rawlings, dated 4<sup>th</sup> January, 1991, Togbe Anku Atakora V<sup>61</sup> of Alavanyo also underscored the

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<sup>57</sup> Interview Conducted with Abu G. at Nkonya Tayi (Conducted in English).

<sup>58</sup> Interview Conducted with William K. at Nkonya Tayi (Conducted in English).

<sup>59</sup> Interview Conducted with Lawyer Opoku at Accra (Conducted in English).

<sup>60</sup> See iinterview conducted with Bombande E. at Accra (Conducted in English).

<sup>61</sup> Togbe Anku Atakora V is the immediate past paramount chief of Alavanyo traditional area. He was beaten and subsequently destooled in the wake of the Alavanyo Nkonya crisis on April 7<sup>th</sup>, 1983 for selling ammunitions to the Nkonya people, harbouring of Nkonya people in his room, the fact that his mother is an Nkonya woman and lastly, ultimately deserting his people in times of crisis.

position of the Nkonya people adding that the government must get involved to safeguard the much sought after peace. He stated categorically that,

‘The Government should be bold and tell the Alavanyo who are always hostile and aggressive to withdraw from the disputed area at Kpeyime and allow the owners of the land, the people of Nkonya to work on their farms in peace.

Alavanyo has lost his claim over the land, up to Appeal Court level. Tell Alavanyo to accept and obey the Rulings and the Order of the Court in good spirit. This and this alone will bring peace in the area and restore relations between Alavanyo and Nkonya.’ (See appendix ‘A’ for the full letter)

Given this background it does appear simple but the reality is far from simple. The big question then remains whether the execution of judgments of the courts will be enough to end the conflict as Lawyer Opoku puts it. Tongeren (2011, p. 47) posits that of the twenty three (23) major conflicts documented in the northern part of Ghana between 1980 and 2002, most of them seemed ‘intractable in part because the justice system was not functioning at full capacity and many judicial cases remained unaddressed’, a position that reinforces the writer’s claim that ‘most violent conflicts in Ghana broke out because the central government did not deliver justice’ (Tongeren (2011, p. 46). In clear terms, Meernik (2005) has indicated that the absence of the provision of justice, push people into pursuing less peaceful ways of achieving their aims. Vallacher, Coleman, Nowak, and Bui-Wrzosinska (2010) argue on their part that the issue of justice is essential to interpersonal and intergroup associations as it has the prospect of promoting social norm and helping to regulate behaviours of even disputants. Their contention is that it can become problematic especially as justice is often seen in subjective terms. This subjectivity can serve to intensify rather than mitigate conflict under some circumstances. They argue that unequal division of resources not only precipitates but sustains conflict when the conflict is outlined in terms of justice by the conflicting parties. To them the disadvantaged parties view themselves as victims and sees their opponents as unfair and this serves to give meaning to their possible aggressive acts. The victors on the flipside are also likely to look down on the underprivileged party and invariably see themselves as superior by virtue of their access to resources. Thus in the end, both groups tend to subscribe to a notion of justice but from different angles (Vallacher et al., 2010).

The analysis by Vallacher et al. (2010) above paints a vivid picture of the conflict under study. Thus the judgments from various courts in favour of the Nkonyas and their subsequent cling onto them only seek to legitimize the so called aggressive actions of the Alavanyo who obviously might view themselves as having been victimized by the courts decisions. For example, in a ruling on 5<sup>th</sup> May, 1970, which was represented by Nana Kwabina Agya Atta (plaintiff) and Aaron T. Kuma of Alavanyo Kpeme (defendant), the Judge, Justice G.R. Mcvane Francois ruled in favour of the Nkonya. He noted among other things that the Alavanyos' claim to the land had no basis and invariably established the authenticity of the Grunner map. He pointed out relative to their claim to the disputed area that;

‘The impression one is left with, is a strenuous bid by the defendants to discredit once more the Grunner plan of 1913. I regret this third throw of the dice cannot yield the necessary bonanza. On the first issue therefore, namely the line of the boundary, between the Nkonya and the Alavanyos, no difficulty to a solution is posed. The plan of Mr. Hagan Exhibit ‘F’ showing clearly the 1913 Grunner line as also the transcript of Mr. Hagan’s evidence which was put in by consent as Exhibit ‘J’ put the issue beyond the periphery of dispute’ (Judgment,1970, p17; see also appendix ‘D’ for transcript of the full judgement).

The above judgment and the subsequent persistence of the conflict suggests to a greater extent the ineffectiveness of the court to deliver peace in such a situation. It also goes to prove a case that, the conflict has gone beyond just land dispute. The point remains that as long as the court verdicts are seen in subjective angles and therefore produce outcomes that although endorsed by the Nkonya’s are continuously rejected by the Alavanyos, the conflict will persist. This goes a step further to throw light on the position of Burton (1997, pp. 94-95) that the ‘legal system is no longer an effective means of social control’. His arguments are that conflict resolution defies the basis of criminal system as a platform for dealing with conflict. To him, conflict resolution takes its root from a theoretical orientation that postulates that social stability such as is vital for promoting law and order can never be feasible unless there are institutions that ensure that human needs are attended to. He is however quick to underscore that the legal system in spite of its limitations is not entirely immaterial. He argues that it presents itself as very pivotal in ‘disputes which are confined to interpretation of documents, and disputes over material interests

in respect of which there are consensus property norms', while conflict resolution becomes the only way out when dealing with non-negotiable human needs. That notwithstanding, Burton does not come clear on the boundaries between the roles of both the legal system and conflict resolution. Going by his arguments that disagreements which are based on the interpretation of documents are better dealt with by the legal system, why has the Ghanaian legal system not been able to settle the case since the various judgments have been based on the clarifications of existing documents on the land under contention such the Grunner map, previous judgments, local deeds of agreements among the Nkonya and Alavanyo?

Lawyer Opoku's position given during my interview with him above not only embarrasses the existing theoretical standpoints but also exonerates the legal regime from the cloak of ineffectiveness. His arguments are that the execution of the judgment which is the preserve of the individual judgment creditor is the final stage of the judicial process, without which the judgment will be incomplete. Thus while the law courts have dealt judiciously with cases brought before them, the onus is on the Nkonya's (judgment creditor) to make sure they execute the judgment to complete the process; a blame the court cannot share and a point the Nkonyas seemed to have missed when they place the blame at the door steps of government. It is worth pointing out that Lawyer Opoku's argument while in conflict with Bombande's argument that the responsibility of the judgment execution lies with the government<sup>62</sup>, is consistent with basic legal standpoints on the responsibilities of the judgment creditor (The Registrars Handbook, 2011). But can the execution really put an end to the age long conflict as Lawyer Opoku puts across? I argue that while such a position will more than ever solidify and entrench the Nkonyas claims to the land, it will also spark disappointment on the part of the Alavanyos and ultimately end in more violent forms of actions. The subsequent reaction from the Nkonyas will but only seek to increase the violence and make the conflict more protracted.

The apparent limitation of the legal system in the dispensation of peace the Nkonyas and Alavanyos have led to the use of other systems like Alternative Dispute Resolution (ADR). ADR is seen as a substitute to court room litigation for resolving conflict and comes in various forms such as independent mediation committees and non-binding foreign involvements (Midodzi & Imoro, 2011; Yakohene, 2012). While Edwards (1986) argues that ADR reflects a serious new

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<sup>62</sup> Interview Conducted with Bombande E. at Accra (Conducted in English)

efforts to design workable and fair alternatives to our traditional judicial systems, the reality is yet to be realized in the case under review; where the ADR has widened the gap between the Nkonyas and Alavanyos and worsened the situation at best.

In making a contribution towards the management of PSC, Azar (1990, p. 18) notes that although several avenues for redress exist, any attempt that does not 'tackle the deeper dynamics underlying the crisis will be temporarily successful at best'. He therefore advocates the use of what he calls track two diplomacy which will among other things place a premium on 'the promotion of peaceful relations between warring parties without reliance upon official efforts' instead of the conventional track one diplomacy. He indicates among other alternative efforts, the role of the third party mediation which is adopted to encourage the conflicting parties to meet in the form of mediation efforts. This sheds light on the assertion of Shavell (1995) that though specific approaches to ADR exist and differ significantly from one another, the presence of a third party is common to all of them. While the ADR was encouraged in the Nkonya and Alavanyo conflict as a result of the limitations from the other conflict resolution efforts like the court, I contend that the mediation efforts used in the Nkonya and Alavanyo case has in itself become problematic over the years. Of the three committees have been put in place; the Acquah Committee (1992), Mireku Committee (1995) and the Nkonya-Alavanyo Conflict Mediation Committee together with its working branch the Joint Consultative Committee (JCC) (2003), little information exist on their outcomes. The Acquah Committee was never able to sit for hearings as the conflict flared at the time again. The Mireku Committee on the other hand was able to sit and subsequently wrote a report but nothing has been heard of the report again (Tsikata & Seini, 2004). The recent committee which was mostly referred to during the field trip was perhaps in response to calls to find immediate and lasting solution to the conflict. However, the mediation committee is also yet to produce the much expected results.

Azar (1990) suggests that a serious difficulty with both track two and third party mediation is a baggage of bias and different agendas that come with the mediator which mostly affect the outcome in diverse ways. In the case under review, such biases appears to have taken a strong position according to the narratives of the Nkonya citizens. William K. for example interprets a statement that 'they (Nkonya people) should not be slaves to court rulings and map' from one of the mediators as a comment in bad faith and one that seems to suggest that the mediators are all

out to support the Alavanyos. He also admits that another comment that equates them to ordinary villagers suggest some form of disrespect on the part of some of the mediators. Similarly, Kwadwo T. also admitted that the Mediation Committee's suggestion that they share the land in question is one of many geared towards denying them of their age long inheritance. A case that forced them out of the committee. Although the accusation that they should not be slaves to court rulings and maps was never denied by Mr. Bombande, who instead argued, during an interview with him, that he was taken out of context, the other allegations remain to be substantiated. This gives meaning to the position of Zartman (1995, p. 4) that 'mediation is an intrusion especially difficult to legitimate in internal conflicts'. I argue that until such times when the mediation parties can appear unbiased at least in the eyes of both the Nkonya and Alavanyo, their efforts will only solidify and at best distant the groups instead of bringing them together to find common grounds to dealing with the conflict. This not only gives credence to Azar but also meaning to Bercovitch's (2004) argument that not every intractable dispute can be mediated. The point also embraces the contention of Noaga (2013b) that most conflicts have become protracted due mainly to the type and nature of resolution mechanisms that are used in finding solutions to them. Thus as I listened and observed, I came to a conclusion that the conflict resolution efforts have not been effective or proactive enough in their quest for solutions. In most cases, they are established too little too late in the wake of an escalation and when the tensions go down, they either fade into oblivion or are abandoned by the conflicting parties who tend to lose confidence in such committees and bodies.

Beyond all these entrenched positions is the quest for survival which can be seen in Azar's human needs variable and Burton's need theory, which goes beyond the recognition and satisfaction of basic needs. At the core of Burton's (1997) need theory is the idea that the endemic nature of structural violence and forced compliance do not have the capacity of satisfying the basic needs of individuals and groups. Instead, structural violence will often be met with violent resistance from various groups in the pursuits of their human needs notwithstanding the eminent consequence. Burton (1997, p. 36) writes that if human 'needs are not satisfied there would be costly conflict', pointing out that religious and ethnic conflicts for example are offshoots of the quests of such needs. To Burton, the bottom line is that human needs have risen to such prominence in human existence that they defy the strength of deterrence and complaints and ultimately leads to violent resistance. Burton theory is very relevant in the case under study.



The need theory like Azar's position sheds light on a root issue (land) and related insecurity and deprivation that has the strength to against all odds stimulate the conflict. What Burton's theory does not suggest is the best way to actualise these human needs and who actually does the categorisation of the needs of the conflicting parties. Another point of concern is whether structural categorisation taken from Abraham Maslow's need theory which Väyrynen (2001) indicates is 'widely employed in social science', is indeed necessary in the context of analysis of conflicts of this type. If indeed they are then, which one do we have to satisfy first? Thus while land (physical human need) appears to take a centre stage in the conflict, evidence abound from the Nkonya chronicle that other structural needs such as ethnicity and its consequent alienation (see Barth 1969), groupism (Brubaker, 2004), insecurity, injustice, among others have become endemic and have thus become very significant in the conflict. With these, I argue that long after the land issue has been dealt with, these other structural needs more especially ethnicity (the need to belong) will surface to take the conflict to a different level making it further intractable. While Nkonyas and Alavanyos are subsistent farmers who rely predominantly on farming to survive and therefore the significance of land in their live, the case will be entirely different far south on the shores of the Gulf of Guinea where residences are predominantly fishermen. More importantly, the need theory appears to have been over emphasised. My contention is that given the insatiability of human needs (Dwivedi, 2006), the over reliance on needs in themselves at best stand to make the conflict intractable as different needs are likely to prop up with each seeking and demanding attention much to the neglect of other important aspects such as the societal orientations and structures.

Again, the people of Nkonya made it clear that people who have over the years breached the law in the area have not received serious punishment to deter others from perpetrating similar acts. My position is that such unrestrained mayhems against ordinary civilians often catapults a goodwill message to prospective belligerents that they can actually do more and go unpunished. In the face of this, respondents contend that they have had to deal with unheard of levels of lawlessness especially in recent time. They argue for instance that the open defiance of court orders are a by-product of this culture of impunity that have been further fuelled by the lack of punitive measures. In the face of such impunity, the quest for revenge is amplified especially on the part of people who have been greatly affected either by their loss of livelihood and or of family members. This position is in consonance with arguments by criminologists who argue that

punitive actions are taken as a way of averting future wrongdoings (Beccaria, 1963), and also as a way of registering societal discontentment of certain behaviours (Durkheim, 1947).

The greed of the Alavanyos, according to respondents, is also to blame for the long standing nature the conflict has taken. This somewhat presents not only an endorsement of the greed and grievance theory, but also an extension of it as theorised by Collier and Hoeffler (2000). At the core of their theory, is the proposition that countries with abundant natural resources have a predisposition to violent conflict as against those without. They argue that rebellious groups are more likely to be driven by the control of these natural resources than by grievances caused by actual differences with ethnic divisions, and or other reasons given for the start of civil wars. This contention remains largely unsubstantiated at least in the case under review. For example there are no evidences to suggest that the incentives from the land help keep the Alavanyos in the fight and while the theory links economic incentives as the main reason for the outbreak of hostilities, the Nkonya's sites greed for the persistence instead of the cause of the conflict. Although the theory has being criticized for its generalization, especially because of the notion that civil wars are instigated by extremely multifaceted social processes that are dependent on historical content of a given system (Nathan, 2005, p. 11), however, if it does proves that the Alavanyos are relying on the economic incentives form the disputed land to finance their struggle against the Nkonya's, it can be an extension if not a total endorsement of the greed and grievance theory. On the other hand, within my brief stay in Nkonya, I can say on a hind sight that they are aggrieved with the turnout of events. Their position that their violent acts are merely drawn out of their quest for vengeance is synonymous of this claim. In this regard, while the Nkonyas claim the greed of the Alavanyos are responsible for the intractable nature of the conflict, it will not be misleading to suggest that, the grievance of the Nkonya people is also in part responsible for their own involvement in the conflict to date.

Another point worth noting is the influence of party politics on the dynamics of the conflict which the Nkonyas say is responsible to the intractable nature of the conflict. Their arguments are that the Alavanyos are the favourites of the ruling NDC and therefore are been supported. Does this in anyway suggest the Nkonyas are by default NPP? How come 25 of the 26 parliamentary seats went to the ruling NDC in the region including the Nkonya area with the only one outstanding going to an independent candidate in the 2012 general elections? (Peace

Fm Online). And how come the conflict was never settled during the NPP regime from 2000 to 2008? I contend that answers to these questions will go a long way to underscore or reject the claim. While it is a truism that the Volta Region has been tagged the ‘world bank’ of the ruling NDC as a result of the massive electoral endorsement it receives from the region (Asamoah, 2014), going by the cliché that politics is about numbers, I do not think the ruling party would want to lose the votes of the people of Nkonya by openly supporting a faction in the conflict. Unfortunately, since politics remains a delicate subject by its nature further probing in this regard was not possible. Lawyer Opoku agrees with his people on the role of politics when he argued during an interview with him that the land case has always been politicised. He is however hasty to discredit its correlation with the intractability of the conflict. It worth mentioning that party politics permeates every aspects of the Ghanaian society; the result has been the extremely pervading party discipline which has created a polarized citizenry on political party fault lines. The reality is that nothing goes on without been viewed with a political party lens. In the arena of conflict, Tsikata and Wayo (2004) write that the management of conflicts have significant electoral repercussions for governments and their political parties especially the NDC and NPP.

#### **4.6. Conclusion**

In the above section, I have tried to make a synchronisation between theory and the findings from the field. The conflict under study resembles in character and forms to a greater extent the postulations of Azar. It is principally an age long land dispute which flares occasionally when triggered by human activities on the land usually in their quest to satisfy their needs and backed by the activities of the state. The end results of such long standing conflict as argued by the Nkonyas are also in consonance with Azar’s prognosis with very little variations.

While various reasons have been given as to why most protracted conflicts end up being protracted, the Nkonyas have argued from the findings presented above that the non-execution of the various verdicts of the courts, the lack of punitive measures against violators of the law, the nature of the conflict resolution mechanisms practised, greed of the Alavanyos as well as the political undertones that underpins the conflict are to a greater extent responsible for the persistence of the conflict.

## CHAPTER 5

### 5. CONCLUSION

The aim of this thesis was to interrogate the Nkonya –Alavanyo conflict and find answers to the questions; what are the causes of the conflict? What effects has the conflict caused? What attempts have been made at addressing the conflict and why has the conflict persisted to date? While the main aim was to look at the reasons for which the conflict has remained insoluble for close to a century, the critical engagement with the background issues was imperative in understanding the dynamics of the conflict and ultimately answering the main research question. In order to achieve this purpose and also in line with the claim of conflict been under researched, I made a field trip to Nkonya to conduct an ethnographic research. In this concluding section of the thesis, I will briefly present a summary of the research with emphasis on the findings and ends on some suggestions for further researches which were realized in the course of the study.

Focusing principally on answering the above research questions, this thesis has produced a number of conclusions. First, on the causes of the conflict, Azar (1990) takes on the diversity of the groups in societies (in this case ethnic identities) and concludes that societies made up of different groups are more prone to conflict. This point though arguable when judged from the fact that other multiple entities have existed for centuries without violence or the potential for it, seems to fit perfectly in the Nkonya-Alavanyo case. Like other need based theorists such as Burton, Azar notes that people's inability to get access to basic needs (land for farming) is a recipe for violent conflict. He further notes that the way and manner the government and by extension the state handles the satisfaction of basic needs of its citizenry is also a factor that may or may not cause PSC, a point he observed has the potential of pushing parties into seeking international assistance. Azar's arguments are that even in the event of the existence of all the above, PSC remains latent until triggered by the actions and strategies of the community and the state as well as other built in properties of the conflict.

These are quite consistent with the findings on the field. According to the Nkonyas, The conflict is primarily caused by a dispute over land (basic human need) which finds its drive for violence and mayhem in the differences of the two ethnic groups (communal component). More so, the

state's (Ghana) inability to safeguard the interest of the people by making land available for them due mainly to its land tenure governance is also recognizable point of note (the role of government and state). However, as Azar (1990) points out the conflict remains latent until triggered by the activities of individuals such as unprovoked killings, unauthorized burning and cutting of timber, farming among others (actions and strategies of the community) and the related perception they have formed about each other over the years. The failure of the state's strategy of using co-option measures which are made manifest in the various interventions as a way of alleviating communal grievances, has pushed the Nkonyas into seeking sanctuary in self-defence which has often precipitated a violent offshoots from them. The perceptions and opinions (built in mechanism) that have been formed also sparks the conflict.

Azar (1990) posits that depending on the role the state plays in handling the PSC, disputants seek assistance from international bodies whose support always come with some form of conditions. At least this has not happened in the case under consideration. The Nkonya and Alavanyo conflict has remained strictly within the boundaries of Ghana. The fact that this conflict has not taken an international dimension does not discredit the work of Azar by any means. Instead, it does suggests the uniqueness of each conflict orchestrated mostly by potential interests, geography, culture and its related issues such as religion and ethnicity.

To Azar (1990), the result of PSC such as Nkonya and Alavanyo includes degeneration of physical security, institutional deformity, denting of communication among conflicting parties and further deepening on the reliance on foreign help. This also to a greater degree paints a vivid picture of the situation in Nkonya. According to the respondents, they have been living in fear for a very long time, a point orchestrated by their loss of assurance in the potency of the security services and agencies. Such loss of confidence has resulted in not only in weakening the various institutions but have also blighted the chances of possible cooperation and further peaceful engagements.

On the note of the persistence of the conflict, the respondents unanimously acknowledged that although many efforts have been made at solving the conflict, the conflict has remained insoluble because of; the non-execution of the various judgments of the courts, the lack of punitive measures against violators of the law, the nature of the conflict resolution mechanisms practised, greed of the Alavanyos as well as the political undertones that underpins the conflict.

The case of the non-execution of the court's verdicts and by extension the issue of justice and or perceived injustice generally as chronicled by the people of Nkonyas gives meaning not only to Meernik's (2005) contention that the nonexistence of justice is a recipe for violence but also to the argument of Vallacher et al (2010) that the dispensation of justice has the potency of controlling behaviours of people in conflict. While the court claims sanctuary in the dispensation of issues brought before it, theorist like Burton (1997) has also suggested inefficiencies in the legal system and have thus called for institutions that tackles the issue of human needs. Although, on his part, Lawyers Opoku's legal arguments points to a closure of the conflict with the execution of the judgment, I maintain that such positions will in the end only at best seek to increase hostilities and make the conflict more protracted, a point that give credit to Burton's arguments.

The Nkonya's argument that the absence of punitive measures muted out to violators of the law over the years has served as a motivating factor for increased violence is in consonance with the Beccaria (1963) and indeed most criminologist that punishments of various forms acts as a means of preventing future occurrences of wrongful acts (see also Durkheim 1947).

Again while the deficiencies in the legal regime paved way for the use ADRs, more is needed to endorse the claim of Edwards (1986) that ADRs mirror a serious effort for producing a replacement to the tradition judicial system at least in the case of the Nkonya and Alavanyo. Adding his voice to the management of PSC, Azar (1990) argued for the use of track two diplomacy which encouraged the establishment of cordial relations between disputants claiming among other things that any attempt at redress that does not deal with the fundamentals of the conflict will as best only succeed temporarily. He further points out that bias are often associated with both track two and third party mediation and this often significantly affects the results of their work. Azar's contention finds meaning in the claim of the respondents that the conflict has persisted because of the nature of the conflict resolution efforts as they see the mediators as having a preconceived idea to support the Alavanyos. The point also supports the proposition that 'mediation is an intrusion especially difficult to legitimate in internal conflicts' (Zartman, 1995, p. 4).

While the Nkonya have been in this struggle because of their grievance of being denied their ancestral right of land ownership, they site the greed of the Alavanyos a major reason for the

intractability of the conflict. Though this largely remains unsubstantiated allegation yet to be corroborated, I argue that if it is established to be true, it will not only endorse the greed and grievance theory of Collier and Hoeffler (2000) but will also extend it. For although, Collier and Hoeffler argue among other things that greed has the strength of starting civil wars mainly because of the wealth the fighter are likely to gain for their cause, the case under review seeks to suggest that it cannot only start a civil war (boundary conflict in this case) but also sustains it.

The people of Nkonya also blame the persistence of the conflict on the extreme politicization of it by various political parties and governments. By virtue of the fact that party politics have become very sensitive and have rendered in its wake a polarized society, this research could not push beyond these claims. What is certain, is that the management of this conflict as Tsikata and Seini (2004, p. 24) put it has a huge electoral consequence for various political parties and their government.

Thus, this conflict is a battle for survival. It clearly underscores the significance of human needs in the life of the people of Nkonya. It is worth pointing out that although Azar, takes on the satisfaction of basic human needs, Burton (1997) expands this arguing that human needs goes beyond the satisfaction of basic needs. He argues among other things that when human needs are not attended to, the end results are costly conflicts as they have the strength to even defy deterrence. Since the land, security, justice and or injustice and indeed peace are to a greater extend a human need, it will be a hasty conclusion or perhaps fallacious for anyone to conclude that the Nkonya and Alavanyo conflict is only an expressions of impulsive blood lust or an unescapable historical upheaval embedded in the land question. Instead, this research argues that a combination of factors mostly human need factors made manifest in the land question and its related issues such as security, justice and peace among many others which have not been well attended to over the years should be blame for the insoluble nature of the conflict between the Nkonyas and Alavanyos.

Among the emerging issues that came up in the course of the study, was whether or not this conflict is an inter-ethnic conflict as described by Tsikata and Seini (2004) and indeed all the other literature used. In the end, although little attention was given to this as it was not the main burden of the research, a few points are worth mentioning. First, in the light of Bate's (1982)

definition that ethnic conflicts constitutes a disagreement between groups over scarce resources and the seemingly endorsement by Tsikata and Seini (2004) that ethnic conflict always involve the contention over resources (land in the case under review), it would make sense to conclude that the Nkonya-Alavanyo conflict is an ethnic conflict. However, looking at Lake and Rothchild's (1996) definition of ethnicity and Brubakar's (2004) position that ethnic conflict transcends just two groups in conflict, I contend that the position of whether or not the conflict between Nkonya and Alavanyo is an ethnic conflict is still a matter of further debate and research.

In the light of the limitations that this research encountered, specifically those that precipitated my inability to go to Alavanyo (time, resource, and language) I would propose that a future study takes on the account of the Alavanyos. By getting their views, it will be possible to make for example a general claim as to why the conflict has defied resolution and help conclude my research. Again, since one of the areas that featured prominently in the research was the legal regime, I suggest that a future study takes on the contending views on the significance of the law court in the dispensation of peace as has been advanced especially in the Nkonya and Alavanyo conflict.

I have no doubt that this research will be a valuable input to the obtainable body of works on the case of Nkonya and Alavanyo in Ghana especially as it brings to bear a different aspect of the conflict that has hitherto not been tackled at least within the limited literature available.



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LIST OF APPENDIXES

Appendix A. A letter written by the former chief of Alavanyo

TOGBE ANKU ATAKORA V,  
PARAMOUNT CHIEF OF ALAVANYO,  
C/O MR. THEODORE FOLI,  
P.O. BOX 605,  
ACCRA.  
4TH JANUARY, 1991.

HIS EXCELLENCY,  
FT. LT. J. J. RAWLINGS,  
HEAD OF STATE AND CHAIRMAN OF  
P.N.D.C.,  
THE CASTLE OSU.  
ACCRA.

REMINDER

Your Excellency,

ALAVANYO-NKONYA CRISIS, 1983 AND  
ALAVANYO CHIEFTANCY AFFAIRS

With very due respect, I wish to remind your Excellency about my PETITION on the above subject dated 18th October, 1990.

The PETITION is self-explanatory .  
The situation in the Alavanyo-Nkonya area is getting terribly worse and a speedy action on the petition is necessary to correct this and to restore peace and order in the area.

The Government should be bold and tell the people of Alavanyo who are always hostile and aggressive to withdraw from the disputed area at Kpeyime and allow the owners of the land, the people of Nkonya, to work on their land in peace.

Alavanyo has lost his claim over the land, up to Appeal Court level. Tell Alavanyo to accept and obey the Rulings and the Orders of the Court in good spirit. This and this alone will bring peace in the area and restore relations between Alavanyo and Nkonya.

ALAVANYO CHIEFTANCY AFFAIRS: -

The Paramount Stool of Alavanyo is not vacant. I still occupy it. On April 8th, 1983 when the Alavanyo-Nkonya Crisis occurred, I was stabbed by my people and declared "destooled" because I did not allow them to go to War against the people of Nkonya. I have not been given any trial.

As the Paramount Chief of Alavanyo, I am strictly governed and protected by the Chieftancy Act, 1971 (Act 370) and the Constitution of the Republic of Ghana, 1979, which is saved by P.N.D.C. Law 42.

Since the charges preferred against me lead to destoolment, the matter should be constitutionally treated in accordance with the Chieftancy Act, 1971 (Act 370).

16/1/91

I MUST BE GIVEN TRIAL BEFORE  
DESTOOLMENT

Y our Excellency, my contention therefore is that until I have been tried and found guilty of the charges preferred against me by the people of Alavanyo, I remain the legally recognised Paramount Chief of Alavanyo having regards with Records of the National House of Chiefs.

The Paramount Stool of Alavanyo is not vacant. The enstoolment of "Togbe Tsedze Atakora VII" and his recognition by the Government is therefore illegal, untraditional and wrong.

"Togbe Tsedze Atakora VII" has no stool. Y our Excellency, I therefore respectfully appeal to use your very high office to direct the Secretary for Chieftancy Affairs to correct his mistake by withdrawing the Government recognition illegally and wrongly given to "Togbe Tsedze Atakora VII" who has no stool.

And for this I respectfully pray.

Y ours respectfully,

(TOGBE ANKU ATAKORA V)  
PARAMOUNT CHIEF OF  
ALAVANYO.

(Attention:) The Director  
The Castle Information Bureau  
The Castle-Osu  
Accra.



Appendix B. A letter submitted the chief of Nkonya by Alavanyo residence in recognition of a court order.

APPENDIX 8

P. O. Box 3,  
Alavanyo Kpeme - V/R.,  
14th January, 1975

Sir,

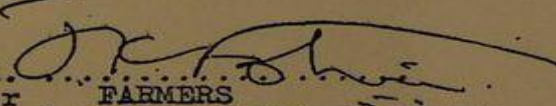
In the matter of:-  
Paul Anane of Nkonya Tayi .. .. . Plaintiff  
versus  
Joseph Foli & others .. .. . Defendant

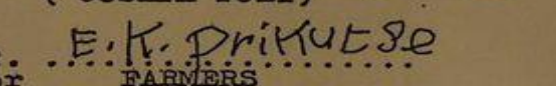
With reference to your request of submitting names of the people who farmed on your land in connection with the above subject matter, we submit as stated hereunder, the names as follows:-

1. JOSEPH FOLI
2. KWASI ASIGBETSE
3. WINFRED DONYA
4. TRAUGOTT AKOSIHU
- ✓ 5. EUGENE PRIKUTSE
6. AARON FOLI
7. KOKOR BAMEBES.

We have the honour to be,  
Sir,

Yours faithfully,

1.   
for FARMERS  
( JOSEPH FOLI )

2.   
for FARMERS  
(EUGENE PRIKUTSE)

PETER AKUFO  
AND  
NANA KOMLA ADJA-ATA,  
NKONYA TAYI.

Appendix C. List of Alavanyo citizens who atoned tenancy to the people of Nkonya in 1970 and 1975.

ALAVANYO CITIZENS WHO ATTONED TENANCY WITH  
NKONYA BEFORE THE 1970 HO HIGH COURT JUDGMENT

1. EWEBLEAME KWAME
2. AGBODOGLI ELIAS (His Evidence At Page 294 of Record of Proceedings)
3. ALEX KWAKU KOMEGBEY
4. AARON PRIKUTSE
5. AMPONY KOFI
6. GATOR
7. NYEMINKU MENSAH
8. EBRI PONGO
9. EBKITSE PONGO
10. KWASI NYAMPONG
11. KWASIKUMAH KOMEGBE (His Evidence at Page 296 of Appeal Record)

LIST OF ALAVANYO CITIZEN TRESSPASSERS WHO ATTONED  
TENANCY WITH NKONYAS AFTER THE 1975 APPEAL COURT  
JUDGMENT

1. JOSH FOLI
2. EUGEN PRIKUTSE
3. KWASI ASIGBETSE
4. WINFRED DORNYAH
5. TRAIGOT AKOSIHU
6. AARON FOLI
7. KOKOR STAMPEDE
8. YAW AGBODOGLI (His Evidence at Page 296 of 1970 Record of Proceedings)
9. AMPONY GATOR
10. ALEX KOMEGBE
11. KWASIKUMAH KOMEGBE
12. AKABU KOMEGBE

Appendix D. High Court Judgement of Suite No. 28-36/61, 1970





11 - 12 - 70.

In the High Court of Ghana, Volta Region, held at Ho  
On Friday the 11<sup>th</sup> day of December, 1970, before  
G.R. Mcvane Francois, J.

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SUIT NO. L. 28/61

NANA KWABINA AGYA - ATTA Ohene of Nkonya Tayi  
Per FAUL K. ANANE Regent of Nkonya Tayi per P. A.  
AKUFFO for and on behalf of his subjects - PLAINTIFFS  
Versus  
JOSEPH FOLI of Alavanyo Kpeme - DEFENDANT

SUIT NO. L. 29/61

NANA KWABINA AGYA ATTA etc - PLAINTIFFS  
Versus  
TOGBE MENSAH ANIABOR Regent of Alavanyo Kpeme - DEFENDANT

SUIT NO. L. 27/61

NANA KWABINA AGYA ATTA etc - PLAINTIFFS  
Versus  
KOTOR SAMPENDE of Alavanyo Kpeme - DEFENDANT

SUIT NO. L. 30/61

NANA KWABINA AGYA ATTA etc. - PLAINTIFFS  
Versus  
TRIGATT KOSIRU of Alavanyo Kpeme - DEFENDANT

SUIT NO. L. 31/61

NANA KWABINA AGYA ATTA etc - PLAINTIFFS  
Versus  
W.A. DONYA of Alavanyo Kpeme - DEFENDANT

SUIT NO. L. 32/61

NANA KWABINA AGYA ATTA etc - PLAINTIFFS  
Versus  
KWASI ASIGBETSE of Alavanyo Kpeme - DEFENDANT

SUIT NO. L. 34/62

NANA KWABINA AGYA ATTA etc - PLAINTIFFS  
Versus

EUGEN PRIKUTSE of Alavanya Kpeme -- DEFENDANT

SUIT NO. L. 35/61

NANA KWABINA AGYA ATTA etc -- PLAINTIFFS

Versus

AARON T. KUMA of Alavanyo Kpeme -- DEFENDANT

CONSOLIDATED CASE

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J U D G M E N T :

These suits which were consolidated for trial by consent of the parties on the 5<sup>th</sup> of May, 1970 have had a very chequered history. The writs were filed in November, 1961 and though attempts were made to dispose of the suits by 7 different Judges of this court, it remained part-heard from 1963 and it was only by order of the Chief Justice that trial de novo was commenced by me this year.

It is often not appreciated that our judicial system requires a Judge who commences a case to conclude it whenever possible. If such a Judge is transferred or assigned to other national work case are likely to grow hoary with neglect. It is also not appreciated that some delays are caused by the parties themselves. In this area where land litigation figures prominently in the categories of disputes before the courts, failure of the parties to co-operate with the appointed surveyors or abide by court orders in respect of interlocutory matters are prime causes to delay. The day is not too far distant when determined Judges will boldly strike out of their lists causes whose claim of their prosecution.

The Plaintiff by his several writs suit for the following:-

"Recovery of possession of land lying in the Nkonya side of Dr. Grummer's boundary in respect of which the Ghana Supreme Court has declared Plaintiff's stool to be the owner on a part of which Defendant with the Regent Mensah Aniabor's encouragement continues to make new farms and has refused to come to terms with the plaintiff's stool."

In the statement of claim which were identical in the various suits, the plaintiff averred that the area in dispute belonged to the Nkonya Tayi division of the Nkonya State and that the Defendants who were subjects of the Alavanyo stool had trespassed on to the Plaintiff's stool land. The plaintiff then proceeded to plead the following important averments.



“3. In the suit entitled  
 Paul Kojo Anane etc. — Plaintiff  
 Versus  
 Kwasi Asigbetse etc — Defendants.  
 Nana Atakora VI of Alavanyo-Kpeme joined as co—defendant  
 On the ground that the land in dispute belonged to the  
 Alavanyo-Kpeme stool which he was occupant.

4. In the said suit title to land subject-matter of the suit herein was disputed between the Nkonya-Tayi stool and Alavanyo-Kpeme stool and in his judgment dated 24<sup>th</sup> day of May, 1957, Van Lare, J., (as he then was) granted a declaration of title in favor of plaintiff's stool.
5. in the said suit, which was essentially a boundary dispute, plaintiff's stool contended that the boundary between plaintiff's stool and Defendants' stool was the Grunner boundary of 1913 and the trial judge found in favor of this which was confirmed on appeal by the judgment of the Ghana Court of Appeal on civil Appeal No. 12/29 dated 8<sup>th</sup> day of June, 1959.
6. Plaintiff will contend that the Alavanyo stool together with its subjects and all persons claiming through it are estopped from denying plaintiff's title to the land
7. The said boundary is described as follows:-  
 Starting from a point where the Divisional Boundary pillar was erected by Dr. Grunner in the year 1913, between Nkonya and Alavanyo Divisions on Nkonya-Tayi - Alavanyo Kpeme path, about 1 $\frac{3}{4}$  miles from Tayi And about  $\frac{3}{4}$  miles from Kpeme, the line runs North in Easterly direction to the slope of Togya Hills Then to Akalai stream where another pillar was erected. Then in Southerly direction to Tayi-Kpeyim parth on the slope of Asimeto Hill, 3<sup>rd</sup> pillar. Then in North-Easterly direction to Kpleabota Rocks, the in the same direction to Kadjabo Hill, then to 4 boundary trees (Ntomeh) on the same direction then to Bameloso Stream, then to silk cotton tree, Tsimenoe Stream. Then the boundary takes the stream bed to pillar on the junction of River Fante otherwise Sasatu. Then the line takes the course of



Sasatu River in a Norhterly direction to a pillar at Adjorohoe. Then line leaves Sasatu River and in a Westerly direction to the top of Ntsanabi or Adjorohoe Hill, then in a Northerly direction to a hunter Napakofi's hut, and then in an Easterly direction along the river Gogotochetsi alias Ebumbari Kotonklon into its confluence with the Fall of River Sanatu where Alavanyo land ends with Tayis and Santrokofis."

Issue was taken on the above averments and the Defendants pleaded in reply as follow:-

"6. In answer to the averment contained in paragraph 4 of the statement of Claim, the Defendant denies that in the said dispute the question as to title to land was touched and determined, and he denies further that by the judgment referred to, Van Lare, J., (as he then was) granted specifically a declaration of title to land to the Plaintiff's stool.

7. In answer to the averment contained in paragraph 5 of the Statement of Claim the Defendant admits that the suit above referred to was substantially one which was brought to determine the boundary between the Plaintiff's Stool and the Alavanyo stool and other stools and it is admitted that the decision of the Court was based on Dr. Grummer's Boundary line of 1913.

8. The Defendant denies the averment contained in paragraph 6 and avers that the portion of land where the aid trespass is alleged is not within the Plaintiff's said Dr. Grummer's Boundary line of 1913.

9. In the alternative the Defendant says that even if his farm now happens to be within the plaintiff's side of the land as defined by Dr. Grummer's boundary line of 1913, the fact that the Defendant's said farm is there cannot amount to trespass by him on Nkonya stool land.

10. The Defendant repeats paragraph 9 thereof and avers that because the plaintiff in the suit referred to in paragraph 3 of the statement of claim recognized that there could be no trespass by any of the Alavanyo stool subject on the land on which their farms were situated, he withdraw his such claim in trespass and to Recovery of Possession, and to an order of Perpetual injunction and his such claim was accordingly dismissed.

11. The Defendant will contend that, the plaintiff is estopped from making such further claim against the Defendant.

Paragraph 11 was later amended by its deletion and the substitution of the following:-

"The Defendant will contend that the plaintiff is estopped from making such further claims referred to in paragraph 10 herein by (a) Togo plateau Forest Reserve enquiry dated 10<sup>th</sup> June, 1931.

To this defense Plaintiff joined issue and averred further that since 1960 the Defendant had refused to negotiate with the Plaintiff to ensure their continued stay on the land And must therefore be ejected.

Issues settled for trial were as follows: -

(a) Whether or not the land in dispute is on the Nkonya side of the Grunner boundary.

(b) Whether or not Defendants as Alavanyo subjects are estopped from disputing plaintiff's title to the land in dispute.

(c) Whether or not Plaintiff is entitled to the reliefs sought.

At the conclusion of the plaintiff's case the Defendants submitted there was no case to answer. The Defendants were put to their election and they declined to give evidence. The Defendants were permitted to address generally



in the case and thereafter to reply to the plaintiff.

I must say now that in suit 29/61, Nana Kobina Agya-Atta substituted for Paul K. Anane versus Togbe Mensah Amiebor, though a counterclaim had been filed, the Defendant declined to give any evidence to establish the said counterclaim and therefore rely on the submission of "no case". I have no hesitation therefore in dismissing the said counter claim on the grounds of non-prosecution.

Now to the issues.

The area in dispute is a very extensive portion of land. In Exhibit "F", the plan ordered by the court and reproduced from the Grummer 1913, plan which received Van Lare, J.,'s approval as Exhibit "S" 1" in previous litigation between the parties, the area in dispute is enclosed by a green line to the east and a pink line to the west. The actual disputed area is edged yellow. Most of the Defendants' farms the subject matter of the relief for recovery of possession are in the south western corner of the area in dispute.

According to the evidence of the surveyor the Grummer demarcating line began at a point called Nyopoka. This is clearly at the southern tip of the green and pink lines. That is a common starting point for the parties. The Grummer plan had several natural boundary features for instance the rivers tsimeno; sisatu; Gogo court plan Exhibit 'F' and they show without a shadow of doubt that the true boundary between the Nkonyas and the Alavanyos is along the pink line to the west. The surveyor said and I quote.

"ALL the rivers I mentioned appear on the East on the Grummer plan. None of these Rivers appear anywhere near the green line-the Boundary Defendants pointed out."

The attempts by the Defendants to suggest that other features like pleabata rock and Kajabo hill were not on the East but on the West received every short shrift from the surveyor. Indeed the most cursory inspection of the plan Exhibit "F" would show that the Defendants' suggestions could hardly be tenable.

The impression on one is left with is a strenuous bid by the Defendants to discredit once more the Grummer plan of 1913. I regret this third throw of the dice cannot yield the desired bonanza.

On the first issue therefore namely the line of the boundary, between the Nkonyas and the Alavanyos No great difficulty to a solution is posed. The plan of Mr. Hagan Exhibit "F" showing clearly the 1913 Grummer line as also the transcript of Mr. Hagan's evidence which was put in by consent as Exhibit "J" put the issue beyond the periphery of dispute.

The attempt by the Defendants therefore to make capital of the order in Council of the Togo Plateau Forest Reserve enquiry Exhibit "2" does not impress me. The evidential value of the Togo Plateau enquiry was considered by Van Lare, J., in the 1953 Suit between the principal protagonists of the present action. The plateau enquiry findings were fully ventilated before the learned Judge of the High Court (as he then was). He rejected the slant the Defendants sought to place on the said evidence.

Again the importance the Defendants attach to Exhibit '2' in relation to the communal and farming rights area termed block 6C, is in my view misplaced. It is elementary knowledge that a grant of farming rights in a confers no rights of ownership as indeed Exhibit "G" a letter from a Forestry Officer clearly shows -A fortiori when claims to title were being contested at the time.

In the transferred suit, L. 19/1953 between Paul Kojo Anane etc. for the Nkonyas and kwasi Asigbetse and 8 others for the Alavanyos determined by van Lare, J. , in the Divisional court, Accra on the 24<sup>th</sup> of the May, 1957, brief mention of which has heretofore been made, the Plaintiff's claim was essentially one for a declaration of the boundary between the Nkonya and Alavanyo Stools; the other reliefs sought were title and recovery of possession of area alleged trespassed upon by the Defendants, from further trespass on Nkonya Tayi Stool lands.

In determine the issues for trial, van Lare J. said.

"A lot of matter has been introduced during the hearing of this case but at the close of the case the claims in respect of damages for trespass, perpetual injunction and for recovery of possession were not pressed and I would not concern myself with those reliefs in this judgment".

After the learned Judge had summarized the issues for trial and considered the facts he conclude as follows:

"There will therefore be judgment for the Plaintiff and the Co-plaintiffs in respect of their boundaries as appearing on Exhibit "D". The other relief claimed are dismissed as they have not been pressed."

The two quotation of Van Lare, J., above-mentioned have created a problem of estoppel as appears in the 2<sup>nd</sup> issue for determination. Whereas the Plaintiffs in this case claim that their other reliefs in suit Tu. L. 19/53 not being pressed were not subject to adjudication and therefore could not constitute res judicate, the Defendants contend that in so far as Van Lare, J. dismissed the said relief the Plaintiffs are estopped from ever raising the same questions again.

Before I examine this issue in detail I may conclude here the question whether title was raised in those proceedings.

The Defendants' contention that the Judgment of Van Lare, J., decreed no title and it was merely a declaration as to boundaries cannot be accepted. Indeed in a case decided by Van Lare, J.S.C.



Kofi Egvin versus Dza Nyanim Aye written  
Judgments July-December, 1962 page 164/8

The learned Judge said:

"A boundary dispute between owners or occupiers of adjoining lands necessarily raises title to the section of land enclosed between the two conflicting boundaries asserted by the opposing parties. If the parties to the Suit are mere occupiers as licensees, they put the title of their respective licensors in issue; and if one only is a licensee, he puts the title of his licensor in issue".

I must also point out that in a boundary dispute the contestants must discharge the burden of establishing with particularity the extent of the land they claim and the boundaries thereof.

See Effiana & another versus Abakam Effiana  
Written Judgments July-December, 1959/ 48/4

It follows in my view therefore that when a demarcating boundary line is ascertained the title of the parties on either side of the said line is determined. Indeed it will be noticed with the Van Lare, J's Judgment Exhibit "II" the second relief claimed was titled and recovery of possession of the alleged trespassed area". It will be noticed also that Van Lare, J., said that claims for trespass, perpetual injunction and recovery of possession were not pressed and were dismissed.

There was no mention of the claim to title and no dismissal of it. This was no mere inadvertence. Title being inextricable bound with a determination and definition of the area demarcated by the boundary line, was left to be determined and indeed was determined by the learned Judge. Indeed it would sacrilege to the memory of an illustrious Judge to hold that the omission to as the claim for title was per incur am. How the question of estoppel per rem judicatam. I might here observe that the ruling of Anie Jiagge, J., (as she then was) was never appealed against. I decided at the trial that since the objection had been taken as a preliminary point it could still be raised at the conclusion of the trial.

As I understand it, for a claim towards judgment to succeed the former pronouncement must be shown not only to proceed from a judicial tribunal but must also be a judicial decision. There must be both the judex and the duciam. The distinction which must be kept in mind is one between a judicial decision and a mere termination of proceedings. Judicium in relation to estoppel as defined by Spence-Bower and Turner on Res Judicata-2<sup>nd</sup> Edition page 29 is as follows:-

"A decision or determination or adjudication of some question of law or fact whether such decision takes the form of an express judicial declaration, or is necessarily involved in the command or prohibition which constitutes the Judgment or judicial act in its coercive or operative aspect. Everything which answers to this description, by whatever name it may be called is deemed a judicial decision; and nothing which falls short of it, is so deemed.

Turner goes on in another passage:

"obviously there is prima facie no "decision" in a Court any more than in military warfare, where the attacking party sound is a retreat for strategic purposes.

His retirement may indicate – a perilous or even disastrous position for the moment, but there is no battle and no "decision" indeed, his very object in declining the former is to escape the latter".

Tenyson's famous lines on "The Revenge" comes to mind  
"we flee them for the moment to fight with them again".

Indeed a judicial decision which is the basis of Res Judicata must be final and leave nothing to be judicially determined, considered or ascertained thereafter. It should according to the authorities be absolute, complete certain, effective and capable of execution.

In New Brunswick Rail Company versus British and French Trust Corporation Limited 1939 I.A.C.1, 19 Lord Naughton said:

"The doctrine of estoppel is one founded on considerations of justice and good sense. If an issue has been distinctly raised and decided in an action in which both parties are represented, it is unjust and unreasonable to permit the same issue to be litigated afresh between the same parties or persons claiming under them".

In my view the operative words are "distinctly raised and decided". Where a matter is not pressed, by my understanding abandoned, it cannot be said still to be raised let alone "distinctly". If a matter is removed from consideration and therefore dismissed, it cannot be said to judicially decided.

Infact in Pople versus Evans Vol.3 1965 W.L.R. page 97 at page 109.

It was held that the dismissal of a Suit for mere want of prosecution cannot found res judicata. This is certainly a proper view as otherwise there is nothing that can be said to have necessary and with complete precision have been the really determined".

But the real sting of the Defendants' plea of estoppel lies in the fact that there were Defendants in the 1953 action who were on the land on the Plaintiff's side off the boundary. It is urged therefore that by not pressing claims for recovery of possession the Plaintiff was waiving his right to possession and cannot now re-litigate the issue. Put that way one finds it difficult to dissent from the proposition, but it is equally difficult to agree with it when other facts are taken into account.

In my view the 1953 Judgment of Van Lare, J., declared the boundary between the parties applying the Grummer 1913 map as the yardstick. In 1953 the effect of the said declaratory judgment, physically on the ground was unknown. It is only in the present action that a decisive finding, as to which of the Defendants are on the wrong side of the Grummer line can be made. In those circumstances no question of waiver could arise. This is borne out by paragraphs 8 & 9 of the defense aforementioned. Further it is trite law that any fresh trespass provokes a new



cause of action. See Huyton versus Liverpool "Corporation" 1926 I.K.B. 146. See also KONSHIER versus GOODMAN 1928 I.K.B. 421. There is clear evidence that the Plaintiffs, after the Grummer line had been tracked on the ground, had invited the Defendants to negotiate terms of attornment. This offer was seized by only a few persons. The act of refusal to attorn tenant after the boundary had been defined, categorises and recalcitrant Defendants as trespassers.

In considering this aspect of the case one should not ever-look the decision of the Court of Appeal confirming Van Lare, J's Judgment the last paragraphs of which I hereby quote.

"Having found as a fact and as we have pointed out, there is ample evidence to support the finding that it was the 1913 plan which the Defendants agreed in the 1931 Enquiry as forming the boundaries in question, we agree with the learned trial Judge that the Defendant are estopped per rem judicatum by the Judgment in that Enquiry from raising again the question of their Boundaries.

Apparently a survey plan was ordered in the Land Court action. Mr. Akuffo Addo contended that the Plaintiffs had pointed out to the Surveyor different Boundaries from those claimed under the 1913 Grummer plan. We think in the circumstances of this case that the survey plan Was unnecessary. We think it is immaterial whether the Plaintiffs pointed out to th Surveyor different boundaries. All they ask for in their Statement of Claim was a declaration that the Boundaries were as demarcated by Dr. Grunner in 1913 and it was on this claim that the learned trial Judge gave his Judgment."

I must now consider the third issue namely the reliefs to which the Plaintiffs are entitled. It is true the Defendants have been on the land for a considerable number of years, but it is equally true that their period of sojourn coincided with the period when the plaintiffs were asserting title. Title they eventually secured in 1953 by the High Court Judgment of Van Lare J., aforesaid. The resistance of the Defendants thereafter is a defiance of the Plaintiffs and a challenge to their title. The Defendants' refusal to attorn and their several acts of brigandism resulting in the death of one farmer of the Plaintiff's clan is a matter for serious consideration.

I think however that other matters have an equal claim to consideration. Not the least is that of ensuring amity between contiguous neighbours. There are also socio-political considerations to take account of. The retention of large tracts of land in clan hands is nothing short of the perpetuation of a feudal system that has bedeviled this country's advance for several decades. When the cleavage as in this case takes on a tribal hue it is the duty of the Court to

minimize as far as legally possible any trial effects and procure the much desired racial homogeneity the country cries for.

Having deliberated rather anxiously on this matter I have come to the conclusion that Defendants must be given a last chance to attorn tenants to the Plaintiffs. In entering Judgment for the Plaintiff I accordingly give each of the Defendants a period of one Calendar month from the date of this Judgment to enter into negotiations with the Plaintiff to attorn tenant. I must emphasize that this is the third Judgment the Defendants have lost, they have accordingly the last opportunity of showing their willingness to abide by the decision of the Courts of this land and acknowledge the boundary between them and the Plaintiff.

In Suit No.L.28/61 I give Judgment for the Plaintiff for the reliefs claimed, but stay judgment for the month from date hereof. I reserve liberty in the Plaintiff to apply to this Court for further order should the Defendant fail to attorn tenant within the time limited herein.

I give a similar judgment in Suits Nos.

L.29/61      L.31/61

L.27/61      L.32/61

L.30/61      L.34/61

L.35/61

I award the Plaintiff in each of the 8 cases Counsel Costs assessed at N 50.00. Out of pocket expenses to Be taxed.

(Sgd) G.R. Mervane Francois,  
J U D G E

COUNSEL:

MR. E.D. KOM FOR MR. A.W. ACQUAAH of Plaintiffs

MR. L.K. MAWUDOKU for MR. I.E. OSEI BONSU for Defendants.