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**AN ANALYSIS OF IGBO TRADITIONAL LAND TENURE SYSTEM IN ORUMBA SOUTH LOCAL GOVERNMENT AREA, ANAMBRA STATE, NIGERIA.**

ABSTRACT:

Land, a major factor of production has so many definitions and by different scholars. While an economist sees it as a factor of production, a Lawyer and an Estate surveyor sees it from the point of legal the maxim; Quic quid plantateur solo solo cedit. Land plays an important role in agricultural production. Such role is determined by various tenure practices in different localities. This paper analyses the tenure practices in the L.G.A. of Orumba South, Anambra State comprising six villages. Some elders and youths were interviewed from the six villages of the community. Also, secondary data obtained from textbooks, journals and other published and unpublished materials were also useful in this work. This paper also identified the various reasons for demand of land in the traditional Orumba South society and the factors that conspire to determine various land tenure in the community. It concludes that the pattern of tenure system practised in Orumba South community was one carefully drawn or instituted to benefit all members of the community including women who also have access to land. Also, that various land tenure practices identified such as public land tenure, communal land tenure and individual land tenure which were discussed generally, has been in existence even before their coinage and enactment of various tenure laws.

**I. THE CONCEPT OF LAND:**

According to Igbo‟s, the belief and tradition, ala (land) is a gift from God (Chukwu) and from ancestors has not left them. They continue to see themselves as stewards of God‟s resources as in Genesis 1:28-30, especially of communally owned land. Ala (earth) is valued as a source of livelihood. Even though land ownership has been men‟s domain. For the Igbo the mother earth is (LAND) ala, the greatest deity after Chukwu, the heavenly creator (Parrinder, 1976). She is as near to them as the ancestors, for they are buried in her pocket or womb. Ala sends the dead back again in rebirth and she is the spirit of fertility both for the family and for the land. Barren women, or mothers whose children have died, pray to Ala for children, and men ask her for success in trade and increase of their livestock. So, Ala is a kindly spirit and she helps her children if they are troubled by other deities. But if people offend her and disregard repeated warnings, she will punish them and a hardened evildoer may receive the final humiliation, refusal of burial in the earth. The ala is generally sacred, for it belongs to the earth spirit, and to the ancestors as well as to the living community; attempts at selling land are unpopular and in olden days they were impossible. This was a major cause of the Mau Mau troubles in Kenya (Parrinder, 1976). The Igbo dislike selling land because of their reverence for ala, and they appease her if it has to be done. Their ancestors founded the ihu ala (face of the earth), which became sacred for the people and was the place where major decisions, such as warfare or ritual oaths were made and strictly respected. While land is the birth right of every Igbo male, it has a communal dimension whereby all members of the community are expected to share its resources, especially in rural areas, under some form of traditional authority. Traditional authority from an African cosmology is very central and important because, despite the fact that it is a unifying force, the eldest community leader is seen as a steward with divine authority over land. The invasion of the colonial masters and missionaries was nothing other than an insensitive, greedy and cruel method for dispossessing Igbo people of their religion, land and culture. Land was acquired with total disregard of traditional beliefs and cultures underpinning the spirituality of the Igbo nation. The traditional homes were stripped of their dignity, many lost their identity, language, cultures and spiritualities. In this sense, land was acquired and used as political and ecclesiastic tools for dominance. Regard was also not given to earth goddess (ala). Professor J.A. Umeh postulated six concepts of land to include: physical, economic, legal, socio-political, spiritual and abstract. He is of opinion that the meaning of land can be best explained through the conceptual framework expressed by the major players in land use decision namely: economists, lawyers, geographers, supernatural persons and governing institutions.

**The physical concept:** Land is concerned with the natural environment in which man finds himself and the nature and characteristics of various resources with which he must work. It comprises the physical solum (soil) and all manmade resources and environment on land together with the sub-surface and supra-surface areas of the earth surface. It takes account of the vegetation, sunshine, rainfall and topographic features etc that either help or hinder man in his use of land.

**Economic Concept:** Land in economics refers to the entire natural and man-made resources, which possession of the earth‟s surface gives control over. Land is seen as a factor of production as well as bedrock of all wealth. Classical economists see land as space, factor of production, consumption good and capital.

**Legal Concept:** The legal concept of land quantifies the abstract concept of land and determines the quantum of the rights and interests, which somebody may claim over Land.

**Abstract Concept:** This concept is built on the abstract or invincible attribute of a proprietary land unit, the decision-making unit of the land. According to Denmam (1978:67) the proprietary land unit is created by the prevailing land tenure system. The abstract elements of land are invisible attributes of a proprietary land unit, which greatly influence the basis for economic use of the physical land.

**Socio-political Concept:** This concept deals with the human element of land. It looks at land as situation where people form the community as against the physical environment. It tries to classify the geographical location of land or territories into political unit or socio-political entity. Typical socio-political group in any community include: family unit, village/community/kingship, town, country and continent.

**Spiritual/Religious Concept:** The acceptance of the concept of land depends on the belief of people, throughout the world, people have always attached certain things to land, which often make it to be sacred. According to Prof J.A. Umeh, the Igbo‟s of Eastern Nigeria view land as deity. It is the belief of the people that as deity land exercises inherent control over the people of that use land. Little wonder the traditional Amawbia society believed that he who commits atrocities against the land will be killed by the land.

**II. DEMAND FOR LAND:**

In traditional Orumba South society some reasons have been identified which leads to the demand for land for various purposes which indirectly affects the tenures system and they includes: housing, farming, recreation, worship etc.

**Housing:** as population continues to grow, people must have to look for space where to build and take care of their family, the provision of shelter is necessary.

**Farming:** traditionally in the past the Orumba South community was noted for peasant farming which helps them to take care of their families.

**Recreation:** in this area, the various village squares serves as recreation for the members of the community and even the OFIA ALUSI serves as recreation point for the masquerades during the EGBE ALUSI festivals.

**Worship:** Christians and traditionalist alike must have a place of worship.

**Factors That Determine Land Tenure in Traditional Orumba South Society:**

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| |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Villages.** | | | | **Total No of Respondents collected.** | | | | | **Factors that conspire to determine the land tenure systems in traditional Amawbia Society.** | | | | | Historical Antecedents | | Religious/spiritual obligation/vocation | | | Birth Right | | | Political decision/overriding public interest. | | | Citizenship and naturalisation. | | | Umueze. | **98.** | | 98. | | | 98. | 98. | | | 72. | | 80. | | Ngene. | **95.** | | 95. | | | 95. | 95. | | | 70. | | 79. | | Adababe. | **92.** | | 92. | | | 92. | 92. | | | 68. | | 69. | | Enuoji. | **89.** | | 87. | | | 88. | 89. | | | 65. | | 61. | | Umukabia. | **86.** | | 80. | | | 86. | 86. | | | 59. | | 53. | | Ezimezi. | **81.** | | 80. | | | 79. | 81. | | | 56. | | 51. | |

In the traditional Orumba South society, a lot of factors conspired to determine the various types of tenure ship in the community. Just as seen in table above the factors identified were largely agreed by the respondents as the factors that conspired to determine land tenure system, they are discussed below:

**1) HISTORICAL ANTECEDENT:** In every Igbo society there are and there has been cases of borrowing in past. One coming up may be asking question why a family that is not from their family or clan should have a portion land close to their family or land without knowing that his fore fathers may have used the same land to borrow money from another different from their family or clan. Also there has been this history that the people of Orumba South who hailed from Ezimezi village or otherwise from (Ezi na Ifite) migrated to the current Egebengwu Nimo and they are presently a small village there, they farm there and have house. There is no way this people would have settled in such place if they have no land to reside in.

**2) RELIGIOUS/SPIRITUAL OBLIGATION/VOCATION:** In a traditional society just like Orumba South, certain lands were devoted for worship by the traditionalist and these people have chief priest and whose instance the management of the entire land is entrusted to. These chief by virtue of their position may partition or plot these lands and even go to the extent of selling them. No one can question their authority hence the popular adage in the community let the gods speak for itself (Alusi kwuelu onweya).

**3) BIRTH RIGHT:** One by virtue of being a male member of the family is entitled to the share of the family land.

**4) POLITICAL DECISION (OVERIDING PUBLIC INTEREST):** The government may decide to acquire land for overriding public interest. Also, the community may decide to go for war just to increase their farm land e.g. the present ngene nkolobia land which the chief priest has almost finished selling the major part of the land was acquired through communal war. Also, in the past there has been a war between Orumba South community and Awka over the Agbovu land and the persistent struggle over who owns the old local government station.

**5) CITIZENSHIP AND NATURALISATION:** One by virtue of being male born of the Orumba South community is entitled to access to family land. Also there have been cases of families who naturalised in Orumba South and they were given parcel of land to build or occupy.

**CLASSIFICATION OF LAND TENURE IN TRADITIONAL ORUMBA SOUTH SOCIETY**

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| |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Land Tenure Types.** | | | | | | Villages and no of respondents. | | | | | | | Umueze | | Ngene. | | Adabebe. | | Umukabia | | Enuoji. | | Ezimezi. | | | Communal land tenure (Ana Obodo) | **97** | | **95** | | **90** | | **85** | | **84** | | **79** | | Village land. | **92** | | **90** | | **89** | | **88** | | **84** | | **82** | | Clan land. | **97** | | **90** | | **87** | | **85** | | **81** | | **80** | | Family land. | **95** | | **93** | | **89** | | **87** | | **84** | | **80** | | Individual land. | **97** | | **92** | | **89** | | **83** | | **83** | | **79** | |

1. **COMMUNAL LAND TENURE (ANA OBODO):** The communal land tenure system in traditional Orumba South society existed even before the different tenure laws were enacted in Nigeria. This could be seen in the various lands dedicated for different communal use and which includes the village squares, the market and other land dedicated for farming purposes e.g. the (ANA UMUNWANYI) at Agu Amawbia etc. Recall also that the traditional Orumba South society has in the past fought wars just to increase her size of her communal land. One can gain access to community land by being a member of the community. In this type of tenure, the land is owned by the entire Amobia community which can be shared among the six villages; the six villages comprise of Umueze, Ngene, Adabebe, Enuoji, Ezimezi and Umukabia hence the Ana Umueze Ana Adabebe etc in Agu Amawbia. The community land can be shared according to all male indigenes that pay the annual recurrent levy (UTU ARO) to the community for purposes of farming only. The land is held in trust by the Okpalaigwe Amobia, the traditional ruler, he holds this land in trust for the entire community, the community land includes; Agu Amobia, etc. Communal land practices here are not distinct from the practices or features already discussed generally above on the types of land tenure systems.

**B. VILLAGE LAND (ANA OGBE) / TENURE:** This comprises of different clans, the clan (Umunna) comprises of bigger extended families. Note that village lands emanate from the community land; they also have peculiar ways of sharing their land. Also, it should be noted that Orumba South community comprises of six villages. The village land includes the recent layouts of Agbovu lands of Umukabia village and part of Ngene village, the Adabebe new layout, the Maryland formerly called or known as Agu Umueze. One of the peculiar features of the village land is that each of the six villages have their own square which is owned generally which includes; Ezi Egege, Ebe Akpu, Ebe Adabebe etc, these squares serves as meeting point for the various function by the village. Instances also abound where families who have small compound uses the square for traditional marriages.

**C. CLAN LAND/TENURE [(UMUNNA TENURE) ANA UMUNNA]:** This emanates from the direct share from the Ana Ogbe, in a typical Amobia setting each villages have different clan for example, in Umueze village, the village is further subdivided into Enugo and Uruana, while Enugo have their separate head, the later also have, but they have what we call today chairman Umueze and all these have umunna among the two sub villages, for Uruana, the Umunna includes; umuokpaocha, umuelimaku amongst others.

**D. THE FAMILY LAND / TENURE:** Family land is owned by a family in a certain prescribed manner by the head of the family which is usually the oldest member of the family. He holds the same in trust for the rest members of the family. Despite the fact that the headman possesses the right to family land, he does have the right to take decision pertaining to the land, alienate, lease or dispose of land without the consent of the principal members of the family. He must seek the opinion of the principal members of the family before taking decision on land. Land can be held partrilinearly or matrilinearly. Parilinearly deceased property is shared amongst all his sons with the oldest getting the largest share and matrilinearly, the deceased property is shared amongst his extended family, that is his next brother-though not necessarily the same mother. In traditional Orumba South society the family land may comprise of the extended family structure and the nuclear family, this also came as a result of the sharing of the Ana Umunna. Land here is shared according to the male born with age as reference „NA NNA NA NNA‟ the male son will in turn share with their children their own portion of the land. This is their right to ownership of a freehold land (birthright). Where any portion family or other communal land is allocated to a member of other of land-owning group for a time, the right of other members to use that portion is suspended until returns back to the family or community. Note also that in an extended family set up, if a grandfather is involved and is a polygamous, the first son irrespective of the fact that the mother is last to be married in the family has the NGWULU to himself and the other sons (last sons) from different mothers will also have access to the OGBOLODO.

**E. INDIVIDUAL LAND TENURE:** The individual land tenure in traditional Orumba South society is not different from already discussed types of land tenure earlier. The mode of access would follow the pattern as described in the models above. In traditional Orumba South society an individual can gain access to community land for purposes of agriculture, hosing etc. Others may be seen from this view: **THE ANA ALUSI (SACRED LAND):** This category of land can be seen from the angle of that owned by the community; some land in Amobia community is still seen today as OFIA ALUSI OR ANA ALUSI. These lands are were some traditionalist/heathen offer prayers and sacrifices to their gods, it is held sacred by the priest and those members of such traditional religion, its exclusive for the members and no one is expected to encroach in such land, these lands may include; ofia alusi ngene nkolobia, ngene eme, ngene oji which is recently been occupied by St Edward Catholic church Amobia among others. Also seen or held or identified on the communal land is the town halls, village hall, family halls etc. Also, the community have different lands designated for different traditional function which may include the Eziopkalaigwe square, Ezi-egege, Ebe-Adabebe, Ebe-akpu, Obuenugo etc.

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