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**Land Grab and Conflicts in Colonial Southeastern
Nigeria, (1830-1960)**

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Abstract

Studies of land grab in Africa are growing. However, there are noticeable gaps in its treatment. The historical garb of current land grab has received scant attention in the literature. This is because emerging studies present land grab as the result of recent food and climate crises. Although a few studies liken incipient land grab to colonial land appropriation, discussions on the theme remain obscure. This paper situates land grab in the colonial context. It captures the efforts of colonial authorities to resolve the land question it created on the eve of colonialism through administrative measures and a range of incoherent land policies. Rather than resolve the land question, the policies further complicated and promoted land grab and conflicts in colonial Southeastern Nigeria.

Keywords: *Aguleri, Colonial, Idigo, Land grab, Southeastern Nigeria.*

Introduction

In the 1900, the British colonial administration promulgated the Native Land Acquisition Ordinance which came into effect in Southern Nigeria in 1903. The ordinance prohibited foreigners from acquiring land without the approval of the governor.¹ One of the most celebrated land litigations in colonial Southeastern Nigeria relates to the contravention of the ordinance. The case involved the Mgbelekeke landowning family of Onitsha, which controlled 'the most important parts of Onitsha' and a Sierra Leonean, G. I. Bright (Mbajekwe 2006: 421). Bright claimed that his brother acquired a portion of land located on Palmer Road, Onitsha - the centre of commerce and gateway to Igbo hinterland in Southeastern Nigeria - from Chief Michael Obanye, the patrilineal head of the Mgbelekeke family, in 1899. Bright's brother later transferred the same land to him before departing for Sierra Leone in 1912. Since the land was acquired prior to the promulgation of the ordinance, Bright averred that its provisions did not apply to him; that he did not require Obanye's consent before possessing his brother's land and that his brother can and did transfer the land to him without securing the approval of the Mgbelekeke family (Mbajekwe, 2006).

Obanye insisted that Bright sought his consent before taking over the land and paid him '1 kola according to the native custom'.² Obanye's submission was instructive; it emphasised the fact that both Bright and his brother were not owners of the land but tenants on the land. Access to land in pre-colonial and early colonial Onitsha was granted to land supplicants upon presentation of kola nuts, palm wine and cloth to the patrilineage head of the landowning family or clan, a practice referred to as 'kola tenancy'.³ As tenants, they were forbidden, under customary land tenure, from subleasing or transferring land(s) under their possession without the consent of the family heads. The colonial government stood

against Bright's position because it was 'so wrong a view of native custom and a direct defiance of the Government'.⁴ Bright was prosecuted for flouting the provisions of the Ordinance while the Mgbalekeke family repossessed the land (Mbajekwe, 2006)

This case raises pertinent issues that straddle the confluence of the land question and land grab in colonial Southeastern Nigeria. While land grab has been defined as the acquisition and control of large portions of land and associated resources in order to derive benefits from such control, the land question refers to the contradictions, contraptions, antagonisms and conflicts generated by colonial state policies which sought to initiate profound redefinition of pre-capitalist, customary laws and regulations on land in order to prepare and present land for capitalist accumulation and production. (Onwuzuruigbo, 2005; Borrás et al, 2012 a). How colonial imagination of African land tenure practices and capitalist production shaped colonial land policies and native administration in Southeastern Nigeria, and how the distortions created by colonialism provided the impetus for foreign and local large-scale land acquisition in the area need to be incorporated into the land grab literature. Because contemporary large-scale land acquisition is often presented as the outcome of recent food, climate, and energy crises, little attention is paid to historical details and feeble attempts are made to draw from historical facts and learn from colonial experiences.

However, some scholars have drawn attention, though in passing, to the fact that land grab harks back to colonialism and its obsession with African lands (Zoomers, 2010; Borrás et al, 2012 b; Evers et al, 2013). Cotula et al (2009: 68) note that 'large scale transfers to foreign interests raise the spectre of the "bad old days" of colonialism and exploitative plantations' and Zoomers (2013: 69) contends that 'in the current debate so little attention is given to historical context, and no attempt are made to learn from history...it is a fact that no systematic analysis is made about questions such as 'what is old' and 'what is 'new''. Indeed, colonial Africa witnessed massive land grabbing by foreign agents and their local collaborators, thus indicating that foreign large-scale land appropriation may, after all, be historically embedded.

This paper situates land grab in colonial context. It draws on archival documents on colonial land legislation and land relations in Aguleri

community in Southeastern Nigeria, to demonstrate how attempts to restructure indigenous and precolonial African land practices and prepare African land for capitalist exploitation and production conduced to land grab as well as intractable contradictions and crises, otherwise referred to as the Land Question. Remedial measures condensed in a range of land regulations and administrative policy initiatives further complicated rather than resolved the crises and conflicts. Local chiefs and agents of colonial rule took advantage of the loopholes in colonial land regulations and lapses in administrative policies to grab communal lands for themselves, thereby setting in motion a concatenation of actions and reactions that ultimately culminated in protracted litigations and internecine feuds.

Mann's work on Olowu and Mbajekwe's study of the Mgbalekeke family of Lagos and Onitsha has catalogued the ways in which clans, chiefs and individuals leveraged on the altered meaning of land as a new economic resource to accumulate remarkable wealth in colonial Southern Nigeria (Mann, 1991). By focusing on Warrant Chief Raphael Akwuba Idigo and the welter of litigations and conflicts fuelled by his unbridled cravings for land in the Igbo hinterland community of Aguleri, this paper adds to existing studies on land grab and the land question in colonial Southern Nigeria (Mann, 1991).

After the introductory section, the next part of the paper situates the land question in colonial context, showing how colonial authorities initiated fundamental restructuring of customary land tenure by first articulating alien land policies anchored on nationalisation, privatisation and commercialisation and later reverting to communal ownership. In the second section, I argue that the adoption of indirect rule, a British system of governing colonial subjects through pre-existing indigenous power structures, alongside inconsistent and incoherent land policies, paved the way for the emergence of Warrant Chiefs, complicated existing challenges and threw up fresh crises and conflicts. Taking advantage of the ensuing milieu of challenges, crises and confusion, many chiefs appropriated large tracts of land that hitherto belonged to their communities. The third section draws on archival records and other secondary sources to demonstrate how Warrant Chief Raphael Akwuba Idigo of Aguleri community in colonial Onitsha Province - now in Anambra East Local Government Area of Anambra state - grabbed portions of Aguleri land, leased them to European trading companies, appropriated rents accruing to them and instigated land tussles and

conflicts in his domain. The concluding section considers matters arising from the discussion.

Colonialism and the land question in Southern Nigeria

The colonial enterprise in Africa was propelled by the desire to extract and appropriate African resources for the development of European states. Like other European colonial powers, Britain was deeply interested in land and land-based resources in its African colonies. In the words of Geary (1913: 236), 'Africa is England's trust estate'. But land occupied (and occupies) a distinctive position in African societies. Not only is land critical to agricultural production, it symbolises a sacred force binding the living to the dead. As such, land is a jointly owned and shared asset among families, clans, kinsmen and communities which cannot be sold. Although individual rights in land existed, they are derived from membership of a community.

With the gradual imposition of British colonial rule in Africa, including the emerging Nigerian state in the late nineteenth century and the stream of changes accompanying it, this notion of land began to undergo radical transformation from an unsaleable to a saleable asset, communal to individual ownership. The intensification of trade in cash crops, expansion of international trade, rapid urbanisation, growing population, and increasing incorporation of Nigeria into the global capitalist economy further accelerated tendencies towards land nationalisation, commercialisation and individualisation which had gradually begun before the colonial period, especially in 'those areas which had comparatively dense population' in Southern Nigeria and Malawi where foreigners laid 'claims to vast extant of land' (Udo, 1990: 36; Pachai, 1973: 682). Developments like this did not augur well for land relations among the Igbos of Southeastern Nigeria, where 'men struggled to wrest a living from inadequate and infertile plots' (Isichie, 1976: 27).

For colonial officials, the growing commercialisation and individualisation of land, nevertheless, was a welcome development, indeed a good omen; after all the general British colonial land policy in West Africa in the early years of colonial rule favoured liberating lands in the colonies from the grip of what was perceived as anachronistic customary land tenure practices. Consequently, nationalisation, commercialisation and privatisation of land provided the tripod upon which British colonial land policy rested. As Philips (1989) observed, colonial authorities were enthused about the speedy transition to private ownership of land since it

guaranteed increased cash crop production, increased trade and sustained progress towards capitalism. To the extent indigenous land tenure remained popular and fashionable, the labour force required for production remained unchained because customary land tenure provided a cocoon for Africans who otherwise might constitute the labour pool.

Dismantling customary land tenure was considered prerequisite for consolidating colonial power and authority and, more importantly, alienating land from small-scale agricultural producers, transforming them into landless labourers desperately needed by capitalist employers and granting land ownership and use rights to foreign corporate bodies, businesses and individuals. As far back as 1830, French colonial authorities adopted Napoleonic property doctrines, which emphasised individual, as opposed to corporate or communal, property rights in Senegal. French attempts to supplant African traditional land tenure were inspired by the success of the English in instituting the Torrens Act in Australia and later in British East and West Africa'. The Torrens Act 'instituted an official register in which transactions in land had to be entered' (Njoh, 2009: 306). Through various nomenclatures such as 'Crown', 'Public' and 'Native' legislations, including the Land Title Ordinance of 1863 and Public Land Ordinance of 1876, land was categorised, nationalised and commercialised in Southern Nigeria (Udo, 1999). These developments addressed the dreams and aspiration of European traders and trading companies like Royal Niger Company, John Holt and Campagne Française de L'Afrique Occidentale who canvassed for rules that would grant them inalienable rights over African lands in order to optimally exploit African natural resources, protect their investments, and maximise profits accruing to them (Isichie, 1976). On the basis of this, the Royal Niger Company, for instance, sealed so many land deals in Aguleri and Umuleri communities of Onitsha Province in Southeastern Nigeria (Onwuzuruigbo, 2009; 2012). It should be noted, however, that while commercialisation thrived in the official and public realm, remnants of communal ownership permeated the unofficial and private realm (Ekeh, 1980).

The life span of the policy was short. By the beginning of the twentieth century, the British colonial administration had reversed its land policy. Instead of freehold, communal ownership returned as the cornerstone of the new British colonial land policy. The reversal was informed by a host of reasons, some of which profoundly favoured the goals of colonialism and capitalist production. First, customary land tenure did not prove to be an obstacle to increased cash crop production

and agricultural commercialisation as envisaged by Britain. As Gareth Austin's records reveal, between 1900 and 1914, palm oil export, the major cash crop of the colony, grew from 46,236 to 73,659 metric tons and palm kernels moved up from 86,994 to 165,050 metric tons (Austin, 2009). This massive increase in cash crop exports was recorded 'without any direct control over production by the colonial authorities, and without any action by the colonial authorities to create new units of production in the hands of non-Africans' (Smith, 1979: 38). Second, was the emergence of a pressure group in Britain that advocated for communal land tenure as the most appropriate policy for West Africa. Known as the Third Party, the group cautioned against state intervention in land and property matters. According to E. D. Morel, one of its prominent members, the state should be discouraged from meddling in land relations but take absolute possession of all lands and administer them as communally-owned property for and on behalf of the community (Phillip, 1989). The third and perhaps most crucial reason for the policy change was the popularity of the indirect rule policy of British colonial administration which depended so much on the chieftaincy institution. Colonial authorities reasoned that chiefs were central to land administration under customary land tenure. As such, a property regime - like privatisation and commercialisation - that completely detaches the individual from the tribe and chief would threaten the authority of the chief and eventually scuttle the policy of indirect rule. I will expatiate on this in the next section.

As Lord Lugard, the architect of indirect rule, advocated a 'patient progress' in the development of land tenure in Southern Nigeria and counselled against the alienation of African lands by foreign commercial enterprises and land speculators, Sir Ralph Moore, the High Commissioner of the Southern Nigeria Protectorate, declared that lands in the Protectorate were tribal land and can not be alienated (Lugard, 1965). This new thinking on land received official recognition and legal backing under the Native Land Acquisition Proclamations of 1900 which barred foreigners from acquiring interest in land in the Protectorate without the approval of the high commissioner. The law recommended stiff punishment ranging from fines to prison terms and forfeiture of the land.

A notable challenge encountered in implementing the new policy was how to deal with the rapid development of private property rights in Southern Nigeria which began to develop along side customary tenure, particularly in urban centres like Lagos and Onitsha, in the twilight years

of the nineteenth century. Land deals and agreements were hardly respected and often ended in drawn out litigations in Lagos and Onitsha courts. The land tussle between the notorious Mgbelekeke family of Onitsha and the Sierra Leonean land speculator, G. I. Bright, is a good example. Although such developments were clearly clogs in the wheel of progress towards communal ownership, they did not dampen interest in the new policy as officials continued to seek ways of eliminating obstacles to the successful implementation of the new policy (Mbajekwe, 2002).

With reference to commercialisation, the West African Land Committee (WALC) established by the British colonial government to deal with land and related problems in its West African colonies, observed that it might be too late to abolish commercialisation, especially in urban centres where it had taken roots. It, however, strongly condemned commercialisation and mandated the state to halt trends toward increased commercialisation. Despite the controversies surrounding land commercialisation, neither the WALC nor colonial officers who mulled over the challenges posed by commercialisation could proffer any viable solution. Till the end of colonial rule, commercialisation remained a potential threat to the new policy and entrenched itself as a prominent feature of urban land relations in Onitsha, Lagos and emerging urban centres in Southern Nigeria (Mbajekwe, 2002).

Indirect rule, chiefs, and land grab

One of the crucial factors responsible for the change from freehold to communal ownership as the keystone of the new land policy was the British interpretation and understanding of the underlying features and principles of African indigenous and precolonial political institutions; more importantly, the indirect rule administrative policy she adopted in its colonies. Lacking adequate funds and shortage of European manpower to administer the colonies, the parsimonious British colonial administrators engaged Africans to serve as clerks, interpreters, policemen, labourers, domestic servants and cleaners in the daily business of governance and administration of the colonies. In the process, they found it expedient to involve traditional authorities and local chiefs. Indirect rule was therefore constructed on the assumption that African indigenous and precolonial political institutions, specifically, its chieftaincy institution, could be harnessed and mobilised by colonial

administrators to constitute a vital segment of the administrative hierarchy of the colonial state.

Armed with instructions from the colonial government, administrators and officials embarked on cementing alliances with selected rural strongmen. Emirs, kings, chiefs, elders and even ordinary natives who could collaborate or connive with them were identified and railed into local governance and administration. (Boone, 2014). While this assignment was executed with minimal challenges in the Northern and Southwestern regions of Nigeria, with their highly centralised forms of local governance presided over by emirs and *obas* respectively before the inauguration of colonial rule, Southeastern Nigeria, with the proliferation of decentralised, stateless, or what Robert Tignor (1971) refers to as ‘chiefless’ societies, presented a rather challenging scenario. Igbo communities, for instance, lacked authority figures like the Fulani emirs and Yoruba *obas* thus forcing British colonial administrators and anthropologists to erroneously conclude that the Igbos existed in an ordered anarchy. Whereas Meek derogatorily described Igbo settlements as ‘the most lawless part of Nigeria’, Green (1964: xiii) pejoratively concluded that since ‘no paramount ruler existed or organ of government common to all of them’, the Igbos lacked ‘what to other people may be powerful symbols of unity’ (Meek, 1970:11). Because Indirect Rule was also rooted in the belief that chiefs could be created where none existed or appointed if the need arose, colonial authorities proceeded to appoint Warrant Chiefs to head native administration in Southeastern Nigeria.

Having created chiefs and invented chiefdoms where they were historically unknown or unfashionable, the British colonial administration began to strengthen them as legitimate and virile instruments of local administration. Warrant Chiefs were empowered to administer communal lands for and on behalf of members of their communities; after all, in the thinking of the British, rights to land for Africans derived from political authority rather than inhered in persons of various sorts. African chiefs - where they existed before colonialism - held land in trust for the entire community, so ‘a property regime that allowed individuals to detach themselves from “tribe” was seen as a threat to the authority of the chief’ (Peters, 2013:545). Indeed, Lugard, the Governor General of Nigeria at the time, was upbeat and unequivocal on the control of lands by chiefs: upon the general acknowledgement of their right to allocate land and to enforce punishment in respect of it, depends the prestige of the chiefs (Lugard, 1965). Hence, the system of ruling through the chiefs depended on recognition by the government of these powers. A chief

acted as a trustee for the tribe regarding land. In a certain sense, the creation of chieftaincies and chiefdoms as agents and agencies of colonial rule had a profound connection to the adoption of communal ownership as the official land policy on one hand. On the other hand, it also had severe consequences for land relations in Southeastern Nigeria. Two aspects of land rights, according to Chanock (1991), gradually emerged and were institutionalised overtime: the right to administer and the right to use land. The chiefs exercised the power to administer land; the people exercised the right to use it.

Power over land not only gave the chiefs the proverbial carrot and stick with which they governed their subjects, it also granted them overwhelming authority over the people (Isichie, 1976). In a largely agrarian society where all members depended on land for their livelihood, the chiefs arrogated to themselves greater powers than were officially granted them. Corruption and unwholesome practices trailed and tainted procedures employed by the chiefs in allocating lands in their chiefdoms. They scandalously abused their powers and subsequently became tyrannical and extremely corrupt; nearly every Warrant Chief of the time was in one way or the other corrupt (Afigbo, 1972). Apart from authorising transactions, sanctioning individuals for land transactions that contravened customary practices, and enforcing colonial land-use policies, the chiefs expropriated communal lands and amassed wealth through illegal land deals. Contrary to the rules of indigeneity and belonging that defined right of access to land under customary land practices, alliance and allegiance to the chiefs became critical criteria for determining the right of access to land. Although colonial officials frowned at the increasing impunity of the chiefs, their flagrant disregard for the rights of their subjects, and insisted that the chiefs could not appropriate communal lands to themselves, many of the chiefs remained adamant, becoming more corrupt, dictatorial and oppressive. Chief Raphael Akwuba Idigo of Aguleri community, in several respects, fits well into the category of corrupt chiefs, who enriched themselves by grabbing communal lands, leasing them to European trading companies and appropriating the rents accruing to the land.

Warrant Chief Raphael Akwuba Idigo and land grab

Contrary to the derogatory insinuations of Meek and Green that the Igbos are anarchists and therefore unable to rule themselves, Afigbo (1971) identified two major political structures – constitutional village

monarchies and democratic village republics – among the Igbo. Since Igbo political organisation was highly diversified but decentralised, Nzimiro (1972) and Ohadike (1994) argued that there is very little semblance of structures between these broad categories of political organisation. Pre-colonial Aguleri was one of the few Igbo communities that operated a monarchical structure with an established dynasty of rulers. Ogbuanyinya Onyekomeli Idigo, head of the Idigo dynasty, was the traditional ruler of Aguleri on the eve of European incursion into Igboland and subsequent imposition of colonial rule. (Isichie, 1976; Idigo, 1990)

European Christian missionaries who had consolidated their presence in the nearby coastal and commercial town of Onitsha began to expand their activities to the Igbo hinterlands (Ekechi, 1971). Located on the north of Onitsha, Aguleri was one of the first Igbo hinterland communities to be occupied by missionaries who then settled in Otuocha. Otuocha is a strip of land cutting across Aguleri and its neighbour Umuleri. It is strategically located along the banks of River Anambra, a tributary of River Niger.⁵ The coming of the Roman Catholic missionaries to Otuocha was at the instance of Onyekomeli Idigo, who Isichie (1976: 163) describes as ‘one of the most interesting and best documented figures of the nineteenth century Igbo history’. On arrival, Onyekomeli Idigo allocated land to the missionaries to build churches and schools for the purpose of providing western education and evangelising to the local population. By 1898, a Christian village where new converts lived and practiced their faith developed in the sprawling settlement in Otuocha (Idigo, 1990). The expansion and intensification of missionary activities coincided with the movement of European merchant companies into the interior.

The Igbo hinterland, particularly the River Niger delta, presented a special fascination to European trading companies. The territory had an abundant supply of a specie of palm tree, *oloesis guineensis*, required for the production of high-quality detergent and soap in Europe (Flint, 1990). By the end of the nineteenth century, two British trading conglomerates - Royal Niger Company - and John Holt and one French company - Campagne Française de L’Afrique Occidentale - had already registered their presence and started to trade in palm produce in Otuocha and its

environs. The prevalent atmosphere of peace, security and trade encouraged massive internal migration to Otuocha as Yoruba, Fulani, Hausa and Nupe traders and porters moved into Otuocha in hordes. Under the colonial portage system, conscripted carriers were used by Europeans as means of transporting goods (Albert, 1993). Taking advantage of the boom in commercial activities, some of the traders and porters who followed the Europeans to Onitsha town slipped into Otuocha to transact businesses. With the increase in population, high rate of commercial activities and the presence of such infrastructures as churches and missionary schools, the once rustic Otuocha settlement, slowly but steadily, sprawled into an urban community.

It was in the Roman Catholic missionary schools in Otuocha that Raphael Akwuba Idigo, the grandson of Oyekomeli Idigo, who would later become the Warrant Chief of Aguleri, began his education and later moved to missionary schools in Aguleri and Onitsha to conclude his primary education. Raphael then pursued a distinguished public service career in both the missionary and colonial civil service. Between 1904 and 1906, he served as catechist, teacher and agent of the Royal Niger Company. He resigned from these positions, taking up employment as a clerk in the British Cotton Growing Association of Northern Nigeria and later the Railway Department in Zungeru, now in the present Niger state (Idigo, 1990). He resigned from these positions early in 1908 and took up office as an interpreter on the Cross-River Expedition. In 1909, Idigo became a Native Court clerk. Compared to his contemporaries, Idigo was well educated and enjoyed special privileges. One of the colonial intelligence reports on Idigo described him as 'highly educated and has a competent knowledge of English', a man of 'considerable personality who has travelled far and wide and imbibed a good deal of Western civilization'.⁶

By 1914, British colonial forces had successfully conquered Igbo resistance to colonial rule, amalgamated the Northern and Southern Protectorates, and instituted the indirect rule policy to administer the colonial state of Nigeria. The Native Courts Proclamation No. 9 of 1900 empowered colonial administrators to establish native administration, create native courts, and appoint indigenous administrative officers to oversee local communities. Accordingly, Warrant Chiefs were appointed

to assume wide-ranging administrative and judicial powers over local autonomous communities in Southeastern Nigeria. The creation of Warrant Chiefs restructured the configuration of pre-colonial Igbo political institutions and practices, producing, in turn, a new set of local leaders and chiefs. Among the new leaders and chiefs was Raphael Idigo who was appointed Warrant Chief. In addition to his position as the Warrant Chief, Idigo was also made the traditional ruler of Aguleri after the demise of the incumbent, Eze Nwanne Idigo 1. By conferring the headship of the traditional as well as the political institutions on him, Chief Raphael Idigo became the *de facto* and *de jure* ruler of Aguleri (Idigo, 1990).

These processes of change and their facilitators - the activities of European missionaries and trading companies, the rapid urbanisation of Otuocha and the appointment of Raphael Idigo as Warrant Chief in the context of the incipient colonial land policy which emphasised communal ownership of land - had severe consequences for land relations and politics in Aguleri community. The various groups that converged in Otuocha shared one common trait: an insatiable lust and hunger for land. European trading companies desperately required land to establish commercial foothold in the hinterland and reap the gains of the palm produce trade. Eager to evangelise and educate their new converts, the missionaries sought land to build churches, schools and clinics. Local migrant groups - the Yoruba, Nupe, Hausa, and Fulani - needed land to establish residential settlements. To the colonial administration all lands in the colonies, whether owned by the Crown or not, must be placed under its control, if it must exercise firm political grip and authority over the colonies. As a result, Otuocha became the cynosure of land speculators as pecuniary considerations took precedence over cultural regulations in land matters. For, although the new land policy emphasised communal ownership, it still had to contend with land individualisation, privatisation and commercialisation which had become notable features of the emerging process of urbanisation in Southern Nigeria. In no time, the commercial and monetary value of Otuocha land skyrocketed, and the cost of land acquisition in Aguleri as a whole grew astronomically. Aguleri chiefs and leaders took advantage of the situation and embarked on indiscriminate leasing of Otuocha land in ways that threatened existing harmonious relationships between the chiefs and their subjects and precipitated conflicts in their communities.

Under indirect rule, Idigo, as a Warrant Chief, was not only the custodian but also the administrator of Aguleri land, even though such

powers contravened the fundamental philosophies of customary land tenure practices the British colonial administration claimed to be the pillar of its new land policy. It should be noted that land belonged to families, kinship and communal groups who administered land in Igbo communities. Between 1924 and 1926, portions of land were leased to European trading companies. One of such leases was made by Chief Idigo to the Royal Niger Company and registered as No. 12/1924. Although the land leases were made on behalf of Aguleri community, the rents accruable to them allegedly found their ways into Idigo's purse rather than Aguleri treasury.⁷ In concert with some of his chiefs, Idigo continued to grab and lease Otuocha land to European trading companies without the knowledge and approval of Aguleri people. By 1932, Idigo and his chiefs had sealed the following land leases under circumstances considered dubious and fraudulent by a significant section of Aguleri elite:

- Chief Raphael Akwuba Idigo to Campagne Française de L'Afrique Occidentale of Marseilles and Lagos. Dated 2nd December 1931 for 30 years at £35 a year. Registered as no. 1/1932 at page 29 Volume "2" E of land Registry Warri.
- Chief Raphael Akwuba Idigo for and on behalf of the people of Eziagulu quarter to Messrs John Holt and Company (Liverpool) limited. Dated 20th March 1932 for 20 years at £15 a year. Registered as No. 7/1932 at page 335 in Volume 2 "E" of land Registry in Warri.⁸

Allegations of land grabbing and illegal sale of Otuocha land against Idigo by aggrieved members of Aguleri elite were rife. Official investigations into these mounting allegations implicated Idigo and his chiefs and further confirmed their culpability. To pre-empt and suppress the imminent backlash against his actions, Idigo made earnest appeals to colonial officials to grant him more repressive powers. In a 1938 memo, he reminded the authorities that the Eze (King) in pre-colonial

dispensation had ‘power to inflict punishment to anyone who despises or disrespects him’. The servants of the Eze, he asserted, ‘are sent immediately to make the person submit by flogging or finning (fine)’. Idigo then requested approval to ‘employ the above procedure (as in pre-colonial times) without undue interference from government’.⁹ By the 1940s, Idigo was already enmeshed in two different but related conflicts: the Aguleri and Umuleri land conflicts and Aguleri elite struggles over Otuocha land. The struggles between Aguleri and Umuleri have been extensively discussed (Onwuzuruigbo, 2009; 2011; 2012). Here, I focus on the elite, land grab and conflict in Aguleri.

Aguleri elite, land grab and conflict

Aguleri took advantage of the activities of Catholic missionaries and the establishment of educational institutions to acquire western education. A few proceeded to Europe, obtained professional training in different aspects of human endeavour and returned to participate actively in public life and the colonial civil service. Before long, a new generation of young, educated and sophisticated Aguleri, with knowledge on how best their community ought to be administered, emerged. Many of these new men of knowledge and power were passionate about the welfare and affairs of their communities. They raised several questions about political corruption, financial malfeasance, good governance, and, more importantly, land transactions in Aguleri. In the process, many became whistle-blowers against corruption, while others galvanised formidable opposition against chiefly oppression and exploitation (Chinwuba, 1981).

In a petition to the District Officer in Onitsha, Harold Wethrell, Chief Okeke Egbuche and others of Eziagulu quarter of Aguleri contested Idigo’s right to lease or sell land in Otuocha. They argued that the Egbeagu family of Eziagulu were authentic owners of the land and so enjoyed the sole right of lease over the land.¹⁰ In another petition to Wethrell, a group of Aguleri elite led by Agbalaka accused Idigo of

mismanagement and corruption. Referring to the Aguleri and Umuleri land tussle, Agbalaka claimed that ‘an amount to the neighbourhood of £1000 was wasted towards’ the long-drawn litigation ‘which some of us contributed more than £3.10 individually’ and maintained that he contributed ‘more than £23.10 to the cost of litigation over this Otuocha land dispute and the rents accruing from same go to one (Idigo) family’.¹¹ On the whole, Idigo was accused of embezzling £360 paid as rent by John Holt and the Royal Niger Company from 1932 to 1936, misappropriating £3,245 being proceeds of Otuocha land rents from 1932 to 1938 and appropriating royalties derivable from Aguleri forests and Aguleri communal property for over 20 years.¹² Yet another petition accused Idigo of secretly leasing some portion of Aguleri land to Shell D’Arcy, the forerunner of the present-day Shell Petroleum Company of Nigeria, after obtaining ‘a gift of £2,500’ from the firm’s exploration team prospecting for oil in Aguleri at the time.¹³

In this narrative of legitimising Egbeagu’s ownership right and criminalizing Idigo’s right to lease Otuocha land, Egbuche raised two separate but interrelated issues. The first bordered on culture and tradition. Egbuche’s claims insinuated and portrayed the Idigos as strangers and migrants who, under Igbo customary land tenure, can not exercise ownership right over Otuocha or Aguleri land (Chubb, 1961). Such claims served to instantaneously create and deny a certain sense of belonging by including and excluding individuals based on ancestral rights to land. Simultaneously, they affirmed that ‘this is our land because we were first to settle here’ and propose a ruthless political agenda driven by claims of belonging, fuelled by protracted conflicts often expressed in very violent ways.

The second focused on autochthony and identity. As Berry (2002) observed, Africans who disputed over land equally found it auspicious to

articulate endless histories of migrations and settlements of their forefathers and those of their opponents. It has long been conjectured, and sometimes received as incontrovertible fact, among some Aguleris and Umuleris, their belligerent and litigating neighbour, that the Idigos migrated from Idah in present-day Kogi state. This was part of the submissions of Adegunle Soetan, legal counsel to Umuleri in the protracted land tussle between Aguleri and Umuleri, when he contended that ‘they (the Idigos) migrated from their quarters in Igarra (Igala) District into Ibo land’.¹⁴ In essence, land conflicts provided ‘sites of debate over the social meaning of property and the place of the past in struggles over governance and the distribution of resources.

In addition to proving land ownership rights, land tussles, in a sense, provided opportunities for disputants to contest, define, and redefine their identities and on that basis angle for power, authority, and clout in the context of colonial rule. Since the actions of the elites were often interpreted as antithetical to colonial administrative policies and the ultimate mission and vision of colonial rule, the authorities always took sides with the chiefs in most matters of disagreement and conflict between the chiefs and the elites. Jones (1970: 321) points out that conflicts between ‘old guards’ (chiefs and traditional leaders) and progressive elements (emergent elites) often ended in favour of the former. The initial response of the authorities to the catalogue of grievances articulated by the elites was to invoke provisions of the Local Government Ordinance which granted ‘chiefs and elders of Aguleri’ powers of ‘transaction in all alienation of Aguleri lands’.¹⁵ They further warned that ‘council members, land owners and Aguleri electorate have no say in the alienation of Aguleri lands’.¹⁶ In the late 1940s and 1950s, when the politics of decolonisation had demystified the invincibility of

colonial officials and inviolability of colonial laws, the councillors ignominiously dismissed the warning. They said:

We have no trace of any instrument constituting the Aguleri elders and Chief Idigo as the only sole authority in Aguleri, contrary to our native law and custom, or any trace of bye-law framed by Aguleri elders and Chief Idigo by which Aguleri has been changed overnight from a democratic state to a totalitarian one where the electorate would have no say in the affairs of the town.¹⁷

Colonial officials, nevertheless, were convinced that Idigo appropriated Aguleri land and embezzled its funds including rents accruing to communal lands leased to foreign commercial concerns. They therefore instructed that payment of future rents be made directly to the coffers of Aguleri community, not Idigo. Those dissatisfied with the order were advised to initiate legal proceedings against Idigo. In doing so, the officials kept faith with the policy of 'unobstructive withdrawal' which requested that they desist from attending to the flood of petitions on Otuocha land but encourage petitioners to seek redress in the court (Onwuzuruigbo, 2012). Aguleri petitioners were irked by the way the officials trivialised what they considered very grievous offences committed by Idigo and remained adamant in demanding severe punishment against Idigo. In 1942, Egbuche and his colleagues instituted legal action against Idigo. That case went in favour of Idigo. Two years after, another group of Aguleri elite instituted another legal proceeding against Idigo but Idigo died in 1960 just as the court was about to deliver judgement on the case.

Conclusion

Although large-scale land acquisition by influential personalities, local business concerns and transnational corporations, and national and foreign governments has received massive attention in the literature, scholarly engagement with the phenomenon has remained largely ahistorical. Contemporary manifestations of land grab, as it is well known, harks back to colonialism and the obsession with African lands. The imposition of colonial rule as a prelude to grabbing African land and resources was the driving force of the colonial project in Africa. Once this was achieved, European colonial powers proceeded to disassemble and reconstitute precolonial African notions of land and land practices they perceived to be archaic and constituting an obstacle to capitalist production and accumulation.

In the process, Southern Nigeria came under a regime of incoherent and inchoate land policies which, in principle, emphasised freehold but, in practice, tolerated vestiges of communal ownership. When colonial authorities reverted to communal ownership, the hallmark of precolonial land tenure, the policies, in the words of Boone (2014), were essentially ‘neocustomary’, a term used to stress the fact that they often bore very limited resemblance to precolonial land rules and practices. Besides, communal ownership went on simultaneously with commercialisation and provided the impetus for local chiefs to illegally grab communal land, sell or lease them to European trading companies and appropriate rents accruing to the land. Such actions did not always go unchallenged. In Aguleri, opposition and protests against chiefly exploitation and oppression culminated in protracted litigation and intra-elite conflicts.

Nuanced discussions of contemporary foreign large-scale land grab in Africa cannot ignore the rich history of colonial land usurpation and appropriation. Land grab must be placed in the historical context of the continuous development of capitalism because, although the colonial forms of land grab discussed above may appear different from nascent land grab, both, historically speaking, share many similarities. While one of the major differences between the two forms of land grab is the active involvement of Third World states – Saudi Arabia, Kuwait, South Korea, Libya, India and China – and their corporate commercial concerns like South Korea’s Daewoo and Libya’s Malibya in the recent rush for African lands and land-based resources, their similarities lie in the primitive accumulation of capital whereby African lands are acquired, enclosed and inserted within the ambit of global capitalism. In both

cases, communities do not watch idly as their lands are grabbed; they resist and oppose what to them constitute unwarranted interference in their land and internal affairs. Just as the affected communities in Kwara state of Nigeria resisted the transfer of their land to Zimbabwean commercial farmers in postcolonial Nigeria, resistance against land acquisition by the colonial government and its – local and global - agents dominated Aguleri politics until the twilight years of colonialism in Nigeria (Mustapha, 2011; Odoemene, 2012).

Notes

1. File No. O.P. 615, ONDIST 12/1/426. The Native Land Acquisition Ordinance. National Archives, Enugu (hereinafter NAE).
2. ONPROF 7/1/11, District Officer to Commissioner, Onitsha Province, March 30, 1916; District Officer to Commissioner, Onitsha Provinces, April 29, 1916. NAE.
3. ONDIST 12/1/303, O'Connor to Secretary, Eastern Provinces, Memorandum on "Kola Tenancies in Onitsha Town", April 17, 1940. NAE
4. CSE 2/9/11. Buchanan Smith, Acting Commissioner of Land: Memorandum, "July 24, 1916; ONPROF 7/1/11, District Officer to Resident Onitsha Province, May 12, 1917. NAE.
5. Anambra State in Southeastern Nigeria derives its name from River Anambra
6. File No. 1181, Vol. 1 ONDIST 20/1/322. Otuocha Land Dispute. NAE.
7. File No. O.D. 138, ONDIST 7/1/9. Land Dispute between Umuleri and Aguleri. Vol. II. NAE.
8. File No. O.P. 505, ONDIST 12/1/319. Land Dispute: Umuleri and Aguleri Land Dispute. NAE.
9. File No. O.P. 1775, ONPROF 8/1/4812. Petitions: Idigo (Mr.) R. A. of Aguleri – Petition from. NAE.
10. File No. 1181, ONDIST 20/1/322. Otuocha Land Dispute, Vol. 1. NAE.
11. File No. O.P. 505, ONDIST 12/1/319. Umuleri and Aguleri Land Dispute, Vol. 1. NAE.
12. File No. 505, ONDIST 20/1/158. Land Dispute OtuochaUmuleri. NAE.
13. File No. 1642, ONDIST 20/1/911. Aguleri Local Council. NAE.

14. File No. 1181, ONDIST 20/1/322. Otuocha Land Dispute, Vol. 1. NAE.
15. File No. 1642, ONDIST 20/1/911. Aguleri Local Council. NAE.
16. File No. 1642, ONDIST 20/1/911. Aguleri Local Council. NAE.
17. File No. 1642, ONDIST 20/1/911. Aguleri Local Council. NAE.

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