

THE CHANGING PATTERN OF LAND OWNERSHIP IN BEKWARRA, CROSS RIVER STATE, NIGERIA (1908-2015)

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ABSTRACT

This paper examined the pattern of land acquisition among the Bekwarra people of the Upper Cross River between 1908 when the British influence began in the area and 2015. Land acquisition is an important subject of history among all societies and importantly so, for agrarian societies. In order to acquire land, migrations have occurred among human beings from pre-history, has led to clashes and quarrels between societies, has led to wars. As a panacea to frequent feud among people, societies have devised means of distributing this all important resource. The paper used information from other disciplines as well as historical records for information. It concluded that land acquisition among Bekwarra had gone through three basic stages, although maintaining the traditional idea of communal ownership, but responding to changes in a world in perpetual flux.

KEY WORDS: *Bekwarra, changing land, ownership, acquisition.*

INTRODUCTION

All life issue from land. This is the concept of land in the African mind and for which reason it had to be preserved for the benefit of all and to ensure that there were no landless members of society. It was majorly in order to have this resource that immigrations took place. Movements of people were made to acquire this resource which had either become scarce in a particular area because of over use or partly resulting from over population. Land as a resource is both ubiquitous and limited. As a result of this, land had to be distributed among all the members of each society. The distribution of land among human beings differed from society to society.

Among most societies of Africa, land was communally owned. The essence of communal ownership of land lay behind its distribution for the sustenance of all members of their various communities. Nobody could be dispossessed of land except such a person was excommunicated. The last punishment for a rejected member of society was to deprive that person access to land, through which he could be sustained and as well maintain communication with departed spirits of his forebear. To ensure that all members of each community possessed land, no member was permitted to sell off any portion. "Land was not a negotiable commodity and any commercial consideration whatsoever was ruled out by the communal ownership of land and the rule of non-alienability" (Falola 139). Whenever there was squabble over land by members of a community, which did not involve an outsider or a stranger, members of that community would share the parcel of land among the two people. Crops planted on any land belonged to individual cultivators, although the land is property of all members of every community.

To non-industrialized societies generally, land is a veritable resource which commands spiritual and emotive attachment (Njoku 52). In every society, land acquisition is different depending on other variables such as the demography, the productivity or arability. Since society is evolving and perpetually in flux, the quantity of land which could have been adjudged sufficient at a certain age, could also become insufficient in another. To ensure that all members of a community owned land, whether land was in abundance, small or dwindling, there were normative rules and practices. Such rules ensured that adventurous and industrious members acquired land but also ensured that less adventurous members as well as strangers

also acquired land. One of the means of control was to impose religious practices and sanctions when there were infringements. These practices, found mostly among segmentary societies, which ensured that land was available to all members was applicable among the Bekwarra people as well. The system was made to work through deifying land, making people to believe that land belonged to ancestors and that the living only held it in trust. Thus, by weaving the cultural milieu around the notion of the spirit of ancestors in the land, it ensured that land could not be sold out completely. Doing so would mean selling off the abode of ones forebears which could invite the anger of the spirits.

Land acquisition is a serious business among human beings generally and particularly in agrarian societies. Thus, migrations in all ages have been motivated by several factors. Scholars who have bothered to investigate the cause of human movements have identified economic reasons as a major factor for migrations. While some people migrated to escape from hostile neighbours, for example, the Bantu migrations, others did so for other reasons. Sedentary farmers, itinerant cattle breeders and industrialists all depend on land. For whatever reason, land is a central factor in all societies. Land is used in several ways by individuals as well as collectively. Generally, the primary reason for migrations among Bekwarra people, like their agrarian Bakor neighbours, “was quest for more farmland” (Majuk 27).

Among non-industrial societies, land was a major resource and a “crucial factor, in social, religious, economic and political identity”. African societies generally and Nigeria in particular, there is a mystical bond between the people and land. The understanding for this bond is derived from the cosmology of the people whose understanding of the resource called land is not just as a major means of sustenance, but also as a home and abode of ancestral spirits who once lived on it, although departed, continued to play crucial roles in the land and by extension their successors. Reflecting on the Ibo society, Njoku encapsulated this view forcefully when he noted that,

The centrality of land to the people is reflected in their attachment to it and the manner it is revered even in modern times. In most Nigerian, especially non-moslem societies, land is deified as the most potent spirit force (52).

This concept of land and the importance attached to it as a means of sustenance permeated all societies and guided their relationship to it. Those without this resource were deemed as existing on the margin, because like most societies of Africa, Bekwarra economy was basically agrarian. The acquisition and management of land was the business of every member of society. No member of society could afford to be careless or uninterested in its distribution.

LAND ACQUISITION AND OWNERSHIP AMONG BEKWARRA PEOPLE

The people of Bekwarra claim autochthony to their place of residence. This is a common belief of most inhabitants of many African societies. To show ones identity, a reference to historical origin of ones people is required, that is the question of identity. People used myths and legends as common features to characterise the origin of all human kind. Such myths are shrouded in tales of divine creation, of warfare or leadership or founding fathers figures (Omagu 6). According to Thurstan Shaw (9), these kinds of stories are meant to validate the peoples’ right to the land they occupy. Land is seen as a gift from the unseen spiritual and transcendental forces. It therefore behoved of every member of society to ensure that land was adequately preserved and distributed. To ensure this, some taboos were imposed. For instance, people could struggle over land but custom required that no blood was spilled in the course of it. If blood was spilled, no matter how little, the sacrifice of a life goat was needed to appease the owners, in this case, the supreme beings on whose behalf land was held. Without such a sacrifice to the land spirits, the fertility of the soil would be affected, without which the society’s survival was in danger.

Every member of Bekwarra society had access to land because it was the major means of sustenance. The acquisition of land served several purposes but basically it was for habitation, for agricultural purpose and for worship or religious uses. The religious dimension included erecting shrines through which communication with transcendental forces were made. Another use of land was to bury the dead, especially dead ancestors who joined the teaming array of spirits. These all important considerations made the

acquisition of land an important pursuit of every member of society. These reasons accounted for why land “was deified as the most potent spiritual force” (Njoku 52).

To prevent desecration of land by members of society which would incur the anger of the givers of land, and to checkmate excessive greed by some people which could deprive other members of the free use of the resource, land was communally owned. This notion of communal ownership of land is practiced in most societies of Africa. Every member was free to acquire land.

Bekwarra tradition identified Ebewo as the cradle of convergence from where there was dispersal to other locations. This took place after a long period of acculturation and assimilation between their host and the immigrant groups. Land was also acquired when a band or group relocated from this area of convergence to a hitherto unoccupied area and colonised it. During the early years in the migratory process, little bands were settled together. However, as it is common especially among segmentary societies of Nigeria, there was fission and fusion. Among other reasons, families spread out in order to acquire more land for farming and at other times, because of the struggle for more land, some members moved apart and found their own community. In the precolonial times, some villages lived together according to family units although farmlands were not acquired along family units. In the process of fission, some family units moved together. Sometimes, some age grades comprising selected members of the various families of a particular village could migrate and found a settlement of theirs. When such group of people moved out of their original place, the old system of settlement according to family units is disorganised and new ones took their place. This factor also made land acquisition strictly on family units impossible. Wherever new lands were acquired, either by an individual or a group, it was communal property.

Land was also acquired when family units split from their mother villages. This practice was recurrent. In the late 19th century, some communities split to other locations. Those who moved from their mother communities to new locations found another village but still keeping the name of their mother village as can be seen in the table below.

ORIGINAL VILLAGE	NEW VILLAGES
1. Abuagbor	Abuagbor Abankibi Abuagbor Aacho Abuagbor Ukim
2. Ikparikobo Ishane	Ikparikobo Iye
3. Ububa Ebechua	Ububa Iye
4. Anyikang Uchu	Anyikang Iye Anyikang Alilam
5. Ebegang Uchu	Ebegang Ubuachi
6. Ugboro Uchu	Ugboro Ukwo Okara (Akpikperibu)
7. Ukpah (Kakunakuna)	Ukpa Iribu
8. Ibiaragidi	Ibiaragidi Iye

Source: Edward Abua. Bekwarra Customs and Traditions.

Some of these new locations began as farm settlements. Most of these new settlements began as farm out posts with make-shift huts for the purpose of keeping farm implements and crops which could not be taken home as a result of long distances. Most often when these farmers could not return back to their original home, they would spend some nights there. Over a period of time some moved with their wives and children

to assist them on their farms. Gradually they began to settle there permanently. With time, these assumed independence from their mother villages although still bearing their names. Long before British presence in Bekwarra in the early part of the 20th century, most of these settlements had evolved into permanent villages of their own.

The separation of some of these groups from their parent villages did not separate them from family ties. Members of a family may relocate and live in different quarters of the same village or found another sub village entirely like the examples shown in the table above, the unity of the family is not impaired by geographical location. Whenever there was an occasion which required the meeting of all the family members, they were invited. Although by the time of colonial influence in the area, large scale family or unit migrations were not too common, however individuals and small family units were still acquiring land in Bekwarra by simply relocating to nearby, hitherto farm lands or virgin land.

Another method of acquiring land which is closely related to the one stated above was the first to bring any particular portion of land to use or sometimes an individual and other times a cooperate body or like an age grade. A family member could admit a friend or relation from another family into an area or unit other than theirs. This was done by merely assigning a portion of land away from him or their dwelling. Thus people acquired land through donations. Each village was organised into exogamous family units. The villages shared contiguous boundaries with other villages. Within the villages are family units headed by elders of those families who settled land disputes among members of their units

There were some portions of land which the occupant could lay claim to as their owner and such claim was recognised by the community. A portion of land “on which a man built his house and its immediate vicinity” and secured it with economic trees like palm trees was regarded as his private property (Majuk 77). Such land and their economic trees could be bequeathed to his next of kin. Secondly portion of land reclaimed from swamp for purpose of cultivating rice are also recognised as private properties of its owner to which he could lease out to his neighbour at a certain fee, although, not without duly informing members of his family and by extension his community.

Land acquired for the purpose of farming took the same method of occupation but slightly different from that meant for residential purposes. Since the society was basically agrarian, land acquisition had certain customs for its use. Since land belonged to community and no land was permanently assigned to any member for farming, each farming season, farmers acquired land by showing interest on a particular portion. The practice among the Bakor group which Majuk documented was widely practiced by many agrarian nationalities in the upper-cross region.

At the beginning of every planting season, anybody who first indicated an interest to cultivate it was free to do so. Such interest was indicated by clearing a small portion of land in a conspicuous area or by pinning a fresh palm leaf on the place.

Any members of any community acquired land for farming as long as they lived and was able to farm. He “owned” such land and in the case of death his next of kin would cultivate it. However, he owned it only in the sense that nobody would cultivate it without his permission. On no account could he sell it.” (Majuk 78).

The ownership of land by communities is sacrosanct, however, certain factors like population explosion, limited land, shifting cultivation with its attendant requirement for arable land, expansion of other communities who also need land and so on, combined to force people to device means of coping with these strains. It should also be kept in mind that the ability of farmers to mobilize labour differed. One farmer could mobilize labourers enough and with the resources at his reach could acquire and regularly bring a larger portion to use than his neighbour. After several years of cultivating on a particular portion of land, such a person may begin to conceive the idea of ownership of such portions of land.

In spite of this seeming “right” over some portions of land through regular usage by some members of the society, land could still be acquired. When certain age grades who retired from farming, and some of their children could not match their charisma and skills in farming, thereby being unable to effectively occupy their land, other members of the extended family or any other member could occupy the land. However,

upon retirement from active farming either through age or incapacitation, or even while he was still active, any member of the community could challenge him by ignoring any sign indicating that he intended to farm on his usual portion by going in to contest for the same portion. This could be done by beginning to actively occupy the land even before the first person who had indicated interest arrived. When this happened, which did happen most times on purpose, the elders would intervene and divide the land among the contending parties. In this way someone could acquire land.

On the other hand, a person could approach his neighbour to acquire his usual portion of land on which he farmed with a request to have it for residential use. This had to follow the traditional method of providing kolanut and wine. If it was not too close to his own residence, he was obliged to accept otherwise the community could step in and he could lose the portion.

From the beginning of the 20th century when British presence became real in Bekwarra, land acquisition was also affected in several ways. From 1908 when Hives visited Bekwarra, the resultant activities affected land acquisition in Bekwarra as in other areas of Nigeria. British approach to colonial occupation required the construction of roads. In his *Dual Mandate*, Lugard provided a guideline for colonial approach that, "It is a matter of the first importance to interest the native administrations in road constructions, and to train native road-makers who should be capable of directing the work under occasional supervision...." (Erim, 158). It is clear that the motif of British colonial economic policies was for the exploitation of her colonies. In order to realize this, road construction was paramount in order to traverse the hinterland villages located outside the waterways for their resources and markets. Through proclamation by British officials, encouragement was given for road constructions by using unpaid local labour (Omagu 75).

Footpaths which were used by local communities were converted into roads. Where the terrain was difficult, new ones were constructed to facilitate movement of colonial personnel and trade. A memorandum by Schut to the Secretary, Southern Provinces corroborates this point in his statement, "On to Abuochiche (10miles) headquarters of the Bekwarra clan, by the New Native Administration road which is a mile longer than the old track but cuts out the numerous streams that feed the Aya river" (1). Schut was reporting on the construction of a new road from Ogoja to Abuochiche because the old road had many streams which would require constructing bridges. Recounting on the road construction efforts of the British, Erim also pointed out that "the Ogoja/Gboko/Obudu road, for instance, facilitated the movement of farm produce and beniseed from Obudu to Ogoja and the Benue region" (159). Apart from these major roads, other feeder roads using mostly forced labour were constructed. According to Adie, British aim was, "To construct feeder roads into the interior villages to ensure that the area was reasonably opened up to legitimate trade and for the repatriation of cash crops and other primary products".(378).

In spite of these colonial activities, in his intelligence report on Bekwarra, Cann still believed that "There is no shortage of land" (19). Giving a demographic analysis of the area to back his argument, he wrote that "the area of the clan (Bekwarra) is estimated at 110 square miles and a population of 16, 430 giving a density of population of 149 to the square mile" (15). By 1921, according to intelligence report on Ogoja Province, the population of Bekwarra was estimated at 23,010 (Memorandum 12). This report shows a population increase without a corresponding increase in land available for farming. There is no more land to colonise outside the existing area because, "in the course of the 19th century...political boundaries were becoming more permanent"(Majuk 75). British economic policy of excising cash crops, road construction, building of courts and both administrative and residential houses for her personnel, (labour for much of these constructions were conscripted without pay), added more pressure to the existing land. "We must... encourage the production of benniseed (which at 5.14/- a tone offers the producer a good return), and relieve them of the extra cost of maintaining their section of the Ogoja-Makurdi Road (classified as a Trunk Road B)." (G.G. Schut, Chief Commissioner, Eastern Provinces).

These activities of the colonial operators, created other dynamics among Bekwarra society, one of which was rural-rural migration of labour from Bekwarra to other areas like Ikom, Boki, and increasingly to Yorubaland in the west, and Taraba in north central area of Nigeria during the colonial period in search of land for farming and money to meet increased demands one of which was payment of tax (Ajor 47).

Most of these road constructions, apart from the ones linking the villages of Bekwarra, the ones linking Obudu and Gboko from Ogoja passed through Bekwarra. The area was therefore opened up for commerce. The Beehive of commercial activities resulting from these roads served as stimuli for land acquisition and dislocated the traditional methods of acquiring land. First, people whose villages were located outside the colonial road networks began to relocate to acquire lands along the road. People who were previously contented in their places of abode, began to classify themselves as living in the “bush”, while those whom the road network passed through their territories and were able to make quick sales, were accorded “respect”. This new development resulted to struggle over land among the contending villages. Edward Abua captures this in his monograph:

It is a common practice that all villages in the interior now move to live near the main roads. They maintain that the people who live near main roads, are a bit more respected than those in the bush. Because of this belief, all villages in Bekwarra now struggle to open up compounds near main roads. Today, compounds are seen all along sides of every main road in Bekwarra clan. (14).

The colonial masters on the other hand, needed land for the construction of residential quarters and administrative buildings. The colonial culture of permanent ownership of land through leasing or outright purchase which required surveying the land was contrary to the traditional practice. In Bekwarra, schools and churches received land through donation. The British practice therefore was strange. During the colonial period therefore, people were averse to the sale of lands. Most of the schools and churches within that period were built on land donated by their various communities without any deed of assignment. However, like a contagion, the seed for sale of land had been sown. It was only a matter of time before its maturation and the fruit would be matured in the 21st century whereby people would lease out or sell out portions of land to willing buyers. Urbanization has also contributed to this development. In spite of these developments, rarely was the right of land ownership taken away from the people. Individuals could be called upon to give up their portion of land for use by the community though his “private” property. Projects like building of schools, hospitals are classified as community property just as the land. The person whose land was being taken was relocated and assigned a new place of residence without monetary compensation. This is to re-emphasise that land among African societies generally were owned not by individuals but by their communities.

Christian missionaries also acquired land to build houses for their personnel, churches, schools, and hospitals. The first Christian mission to arrive Bekwarra was the Roman Catholic on October 8, 1922 (Alagoa. 69). The Assemblies of God Missionaries arrived Bekwarra in 1951. These were the two Christian missions in Bekwarra until to the 1990s other denominational groups began to arrive. This contact with these groups which also needed land across Bekwarra also affected land acquisition. It should be understood that by this period, there was no more expansion on a large scale with intent to acquiring more land. Rather, a new phase, that of compressing all the new developments and new arrivals to the area with the old need of sustaining the people on the same piece of land surfaced. This brought about slight changes in the method of land acquisition.

The first primary schools and medical clinics in Bekwarra were established by the Roman Catholic missions. Between 1940 and 1959, Seventeen primary schools were established by the Roman Catholic mission with assistance from the communities where they were established (Alagoa. 70). Use of land in the eye and culture of the people was free on the one hand, while in the eye of the Europeans land should be bought. There is a different cultural viewpoint as regard to land acquisition. While Europeans advocate outright sale, the traditional view is strictly non sale of land because it was against the custom. Some of the documents paraded by colonial officers, business operatives and missionaries were entered into with the notion of none-sale. In-fact, what some of them collected through persuasion was the usual kolanut which was permitted by tradition. To the Europeans therefore, the documents represented forfeiture of rights to land, while the owners of the other hand looked at whatever they received as kolanut as prescribed by custom. Most lands occupied by missionaries were donated free by the communities. Martha Jacobson, an Assemblies of God missionary to Bekwarra described how she got land to erect the first Assemblies of God Church in Ebengang, a village in Bekwarra in 1952:

...One day I reminded the Chief that the rainy season was approaching and we would not be able to continue outdoor meetings. I suggested, "Why not build a house for God? Then you will not be prevented from hearing all of God's works". He stood up, swung the horse tail above his head and commanded certain men to bring bamboo sticks and vines from the forest, others to bring grass and a third group to clear the path to make a road wide enough for my car to come all the way into the village? (69).

Her account shows how she acquired land from Chief Achu Ayim of Ebegang who offered it to the Church at her request without charges. In the same way, all other land used by schools which were built in the area was donated by the communities. There are no documents of purchase of land for the purpose of building schools or churches in Bekwarra during the missionary or colonial period. Members of such communities considered these two as development to their communities because all members were free to attend. Such schools although built by Christian missions, they were regarded as public schools. However, there may be documents of agreement of land acquisition by the missions, (for the reason advanced above), and in other cases there are no documents.

CONCLUSION

We have noted that land was owned by the entire community and nobody could make an outright sale of it. Throughout their history and the colonial period this notion of non-sale of land among the Bekwarra people had been observed. However, before the creation Bekwarra local government area in 1996, the tradition of not selling land began gradually to be affected. With the spread of urban centres and influx of strangers and business enterprises, people began to sell land. One could now move to any part of Bekwarra and purchase land from those who were willing to sell. One thing still remained, that the land "owner" must, as a rule, inform members of his family about his intention. Buyers on their part would want to be sure that there are no encumbrances. This change in the pattern of land acquisition suggests some form of individual ownership of land. The society may recognise an individual ownership of a particular parcel of land and give tacit consent, during sale of such land. This is a deviation from the norm. However, when there is a clear case or perceived trespass by another village or external aggression, the entire community would come together in defence of that property even when it belonged to an individual member of the community. The notion of communal ownership of land still remained in the consciousness of the people while individual sale of land is being practiced.

This paper observes that the notion of communal ownership of land is still rife, but it has undergone changes in the light of migration of people in and out of Bekwarra, the impact of colonialism and the recent spate of urbanization. This is a form of change which is a constant phenomenon of human existence. However, the culture and notion of communal ownership has remained in the psychic of the people.

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