



CHANGES IN IGBO LAND TENURE SYSTEM AND THE CULTURAL IMPLICATIONS

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Abstract

The study examines changes in land tenure system in Igbo land and the cultural implications. There has been changes in traditional Igbo land tenure system. This has led to scarcity of land and introduced problems that are hitherto alien to Igbo land tenure system like land speculations. Most scholars have written on topics related to this study but none had delved into cultural implications of the changes in Igbo land tenure system. The objectives of this study include, to find out changes that have occurred in traditional Igbo land tenure system. It also sets out to highlight causes of the changes and the cultural implications. Theoretical framework will be anchored on social change for analyses. It used qualitative research method to ensure in-depth coverage. Interviews were posed to knowledgeable individuals to gather first-hand information. Scholarly works were also reviewed. Findings reveal that most of the changes in Igbo land tenure system are as a result of colonization and Western culture influence which gave birth to development, increase in indigenous population, and urbanization. It as well reveals that unchecked and uncontrolled land alienation has severed communal ties among Igbo communities and if allowed to continue unabated will eventually make most future progenies strangers in their fathers' land. The study recommends serious control of the activities of the land speculations by Igbo community leaders. It is important for Igbo nation to bear in mind that their descendants will need land to explore.

Introduction

The Igbo traditional land tenure emphasizes communal ownership with individuals having security of tenure for their compounds, gardens, and farms. No member can be dispossessed of his stake in the family without the consent of other family members. However, the inception of colonial rule has affected the concept of land, land tenure system and the use of land that existed in the pre-colonial Igbo society. Since the inception of colonial rule there has been a drift in popular perception of land by Africans as a result of the changing economic importance of land. In line with this, Obioha (2008) observes that the utility of land has been conceived and appreciated in the twenty-first century mainly from its economic dimension as opposed to the traditional conception of land as a social and religious entity. People started to see land as having new economic potentials and predictable values. Dike (1983) corroborates that unlike in the pre-colonial period when land was seen as a sacred entity, land in the contemporary dispensation is no longer considered as sacred or religious commodity. Rather, it is now predominantly seen as purely economic item. This change in land conception from the pre-colonial perceptive to colonial and post-colonial perception generated some land problems and pressure on the customary land tenure system. As a result of colonization, introduction of the English legal system had undermined and made redundant several



aspects of the existing native, customary land tenure system. This has led to the emergence of new and formerly unknown land problems. This study examines alterations in the Igbo land tenure system and the cultural implications.

Literature Review

Concept of Change

Change means to alter or modify something from something it used to be to either better or a worse state. It is replacing of one thing with another. According to <https://www.yourdictionary.com> (2023), change is the act or process of substitution, alteration, or variation. It is mainly variation and difference in the common way of doing things. Change is the only thing constant. www.toppr.com concurs that change is basically a variation in the common way of doing things. Whenever people perform a task in a way, they get accustomed to it. They develop methods which they can implement routinely to achieve the task. Any variation in the method is nothing but change. Shaikh (2020) refers to change as the continuous modification that an organisation or individuals make to deal with adjustments in any matter. He adds that in the continuously environment for change as a result of globalization, technology evaluation or higher customer expectation, management of change is very important for organization continuity and development. Therefore change is a process, not an event. According to www.toppr.com, changes affecting an organization or society are basically the result of its environment. Causes of change may be either external or internal factors.

Concept of Land Tenure

Land tenure among the Igbo people had been a crucial aspect of their culture. This can be traced to the fact that they are mostly farmers and farming is their primary source of livelihood. Land tenure practices like individual family land tenure, public land tenure or communal land tenure had been in existence even before their coinage and subsequent enactment of various tenure laws. Prior to Western contact, the Igbo nation had traditionally arranged procedure under which the owner's right and responsibility in connection with the holding was determined.

Land tenure according to Ifediora (2014) is the name given particularly in common regime in which land is owned by an individual who is said to "hold" the land. Tenure in French is "*tenir*" a verb which means "to hold." The tenant is the present participle of "*tenir*." The sovereign monarch referred to as crown held land in its own right. All private owners are either its tenant or sub-tenant. The "tenure" is used to signify the relationship between the tenant and the Lord. This means that land tenure is the relationship between the land owner and the user known as the tenant in connection with the land.

Land tenure determines who can use the land, for how long and under what conditions. According to Isong (2021) land tenure system of any society is the manner in which land is owned, managed and possessed. Tenure may be based on official law and policies, and on informal customs. Land tenure implies a system in which land is held by an individual. It also refers to the possession or holding of many rights and responsibilities associated with a parcel of land.

Isong (2021) further expresses that land tenure in Nigeria is a complex series of relationship between multiple institutions in relation to the uses of land. It also includes institutions that are significant in determining the pattern of land ownership and use. These institutions include the government, customary among others. What Isong means is that there are institutions concerned with decisions on how land should be used and they include government and customary institutions. Obayelu, Arowolo and Osinowo (2017) describe land tenure as an institution or the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Akintunde (2018) observes that land administration systems entail the management of land as a natural resource to ensure its sustainable use and development. In other words, the land administration systems are concerned with the social, legal, cultural, economic and technical framework within which land managers and administrators must operate. It means that land



administration systems also set guidelines within which the operators must work so as not to be in direct antagonism to the people.

Land tenure is an institution, that is, rule invented by societies to regulate behaviour. LT Studies (2002) expresses that rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to right to use, control, and transfer land, as well as associated responsibilities and restraints. What LT Studies means is that land tenure systems determines who can use what resources for how long, and under what conditions.

Land tenure system according to Ndivi, Asiegbu and Udobi (2021) is constituted by the rules and procedures which govern the right and responsibilities of both individuals and groups in the acquisition process, use and control of land. This means establishment and definition of set rules on how land should be managed in a society.

Land tenure is the relationship that individuals and group hold with respect to land and land based resources, such as trees, minerals, pastures, and water. Land tenure rules define the way in which property right to land are allocated, transferred, used, or managed in a particular society.

Theoretical Framework

Theories of social change according to Strasser and Randall (1974) have exhibited great variation in the ways they define and conceptualise the phenomenon of change. Strasser and Randall (1974) maintain that various theories have focused on the individual and group processes which underlie changes in society while others have focused on changes on the social system level. Most theories dealing with social change have been based on one of these perspectives: the psychological perspectives like Freud, Horney; social-psychological perspective like Simmel, George Herbert Mead; sociological perspective like Emile Durkheim, Karl Marx. There are also some biological theories like social Darwinism and geographical and climatic theories that have been advanced. In corroboration with Strasser and Randall (1974), Robertson (1977) expresses that a number of theories of social change have been proposed, not only by sociologists but also by historians and anthropologists, for all three disciplines have a common interest in social change. However, Robertson (1977) asserts that there are four main theories of social change. They include evolutionary, cyclical, functionalist and conflict theories. This study uses theory of social change based on functionalist perspective because it is the most suitable for the topic under discussion. The functionalist theory of social change proposes that society is in a constant state of equilibrium. When a change occur in one part of the society, adjustments are made. Social change occurs when the equilibrium is compromised due to rapidity with which events occur.

Neubeck and Glasberg (2005) explain that when sociologists talk about social change, they are referring to significant variations on alterations in social structure and cultures over time. Social change can occur in varying levels and in varying degrees of intensity. They further assert that social change is manifest when it is largely recognized and intended. In many cases a large or powerful group deliberately or consciously organize a movement for change. They cited an example of the colonists who began the American Revolution to gain independence.

Merits of Theory of Social Change

Theory of social change, while helpful for understanding and predicting societal shifts, have both merits and demerits. The merits of theory of social change according to LinkedIn post include:

- i. Provides a framework for understanding social change: Theory of social change offers a structured way to analyse the causes, processes and consequences of societal transformation.
- ii. Helps to predict future outcomes: By identifying patterns and mechanism of change, theory of social change can help anticipate potential development.
- iii. Highlights the importance of social factors: Theory of social change emphasizes the role of various social elements, such as cultural norms, technology and demographics, in shaping social change.



- vi. Supports the development of intervention: Theory of social change can inform strategies for addressing social problems and promoting positive social change.
- v. Enhances research: Theory of social change provides basis for researchers formulate hypotheses and analyse data.

Demerits of Theory of Social Change

Demerits of theory of social change are as follow:

- i. Over simplification of reality: Theory of social change can abstract complex social phenomena, potentially leading to an incomplete or misleading representation of reality.
- ii. Lack of universality: They may not apply equally to all societies or contexts, as social change is often influenced by specific historical and cultural factors.
- iii. Assumptions may not hold true: Theory of social change often rely in assumptions about human behaviour and social dynamics, which may not always be accurate in practice.
- iv. Theory of social change can be resistant to change: Established theory of social change may struggle to accommodate new evidence or perspectives that challenge existing assumptions.
- v. May lead to unrealistic expectations: Overly optimistic or pessimistic theory can set unrealistic goals and hinder effective social efforts.

Many scholars have written on topics related to this study. Among them are Adedipe, Olawoye, Olarinde and Okediran (2021) who review the rural communal tenure regimes and private land ownership in Western Nigeria and observe that customary land tenure in Nigeria placed the Oba in charge of land distribution. The study avers that the colonial law did not as a rule intervene in customary land tenure, except in cases of appropriation for the public good. The study also observes the similarities and differences in land tenure concepts and practices prior and after the Land Use Act of 1978 which affected the entire country.

Adedipe, Olawoye, Olarinde and Okediran's study is necessary as it discloses the impact of land tenure system on agriculture, rural development and overall national development from economic, socio-cultural and legal perspective. The study as well reveals that despite changes in land tenure, the subject of land remains sensitive throughout the country. This is because of the fact that land is regarded as a productive combination of economic, social and political assets.

Vandermale, Bogetti and Manson (2024) examine the opportunities and barriers of indigenous led conservation and protected areas in land policy frameworks in Canada and Aotearoa New Zealand. The study observes that indigenous people have pushed colonial government to shift their policy frameworks to better support indigenous rights and leadership across land management but particularly in conservation. The study investigates how indigenous led conservation can contribute to more equitable and consensus based decision-making frameworks in land use management. It reveals that some of the complexities and barriers could be resolved.

Vandermale, Bogetti, and Manson (2024) corroborate Toulmin and Quan (2000), and Famoliyo (1980), as these scholars agree that indigenous peoples have been displaced from their ancestral territories through colonial land use management. Indigenous people have continuously pushed colonial government to review their policy frameworks to better and support indigenous rights and leadership across land management. Just as because they align that indigenous people have continued to suffer. Famoriyo observes, land use and land tenure are inseparable, consequently, government across the world should reconcile injustices against indigenous land owners, support indigenous self-determination and advance more sustainable land use system. These above studies are important to this study because they reveal that there has been marginalization in terms of land use and tenure system since inception of colonialism, not only in Nigeria but in most countries of the world.

Anene and Njoku (2022) trace the origin of Land Use Act to the promulgation of Land Use Ordinance during the colonial administration which sought to hedge land ownership and acquisition with government based laws that were quite different from the pre-colonial communal land administration. The study made very insightful contribution in explaining that land usurpation



during colonial rule has been seamlessly transferred into the post-colonial administration through Legislations, Decree and Acts of the parliament.

Anene and Njoku's study reveals that Land Use Act being a neo-colonial instrument of exploitation and deprivation has indeed altered the pre-colonial system of land acquisition and ownership among the Nigerian people. Their study and the study have sameness in the sense that both of them point out that there has been alterations in the pre-colonial land tenure system. But the areas of concentration are different in both studies. Another difference is that while Anene and Njoku's study does not use any theoretical framework, the study employs theory of social change. From the literature review, it is obvious that no scholar had written on the changes in land tenure system in Igbo land and the cultural implications. It therefore means that this topic needs to be given attention.

Data Analyses

Changes in Land Tenure System in Igbo Land from 1990-2024

Change in Concept of Land: According to Joseph Chukwuedo, the concept of land among the Igbo people had shifted from its original economic, spiritual and political dimension to a new one. This is in line with Isochukwu's (2018) observation that in the pre-colonial period, land was preserved for cultivation, housing, hunting and grazing. Upon contact with the West, colonization, cession of Lagos in 1861, commerce and trade boomed. This was facilitated by commercialization, transportation, and industrialisation. Religious concept of land has been undermined thus, land as an agent of God in charge of fertility revered in the pre-colonial period is mostly viewed in the post-colonial period as a measure for economic value. There has been drastically reduction in spiritual attribute to land. The change can as well be correlated to Christian religious influence.

However, Gabriel Ndikwam maintains that despite the people's unconcerned attitude towards the spiritual concept of land, it has not changed. According to him being indifferent to the old conceptions may be as a result of new religious belief does not change the reality that land fights justifiably for itself and for the upright.

Change in Land Inheritance: Inherited pieces of land as stated above are those from the original owner to another person, mostly from father to son or from one family member to another. There has been alteration in the inheritance procedure which stipulates the particular portion of land to be inherited by the beneficiaries of a deceased man. He notes that the change was not abrupt but rather a gradual process of change from what was previously obtainable in land tenure system. This aligns with the theory of social change which states that some changes in society happen gradually.

The changes in land inheritance in Igbo land is traceable to alterations in the traditional settlement arrangement and increase in population growth of individual families. In the post-colonial period, despite the customary law, it is no longer a must that the first son must occupy their father's compound while the youngest son must inherit the mother's hut. According to Gabriel Ndikwam, the prevailing practice is the one where some first sons after their father's death decide to leave their father's compound for another piece of land so that the younger brother would inherit their father's compound.

Again, the change in the traditional settlement has affected the stipulation of the customary land law about where the youngest son should inherit. This as a result of monogamy against polygamy. The youngest son in the pre-colonial period was meant to inherit the mother's hut which used to be a separate house behind the man's house. But, this practice is no longer practicable because of cohabitation of husband and wife after marriage which demands that a widow would continue to live in the same house after her husband's death. According to Andrew Nwode, this change was introduced by the new religious practice of one man one wife among the Christians. Pius recounts that he is the youngest son among the three sons of his father but he could not inherit the mother's hut because the mother lived in the same house with the husband and upon their death, he inherited a piece of land far from his father's compound. This is because his mother did not live



in a separate house or hut. The traditional land law has changed as the youngest son does not have the mother's hut to inherit.

Another factor of change that has affected the land inheritance procedure is increase in indigenous population. According to Joshua Ezike, Igbo society has continued to increase in population and Isele-Ukwu community is no exception. This factor of population growth is one of the major factors that account for the changes in the traditional land tenure system and land law. Pius Nnebedum maintains that there is no increase in the total pieces of land available to match the increase in population thus, land scarcity in turn altered the preexisting land law.

Changes in Communal Land Tenure: The wind of change has blown on land in most Igbo communities. From later years in twentieth century to early twenty first century like 1999-2007, Okpuno community for instance, used to have most lands owned by kindred where anyone whether male or female who intends to farm every year was required to indicate interest by informing the kindred head and the Land Committee members. During the farming season, the head and the Land Committee members would apportion to them portions of land for cultivation. Someone who needed larger portions can solicit with those that do not want to farm in the season to register so as to collect and give their portions to them that needed more.

Furthermore, because there was more kindred land at that time, their women used to harvest palm fruits heads from the land. The women plan the best procedure to do the harvest; either they collectively pay palm climbers to harvest all the ripe palm fruits, the women would take to an agreed destination and share among those of them that made contributions for the harvest. Or they as well can decide to share them in the farm and everyone would take hers. But Chibuike Agumba explains that as at the time of the research, such exercise is no longer obtainable because most lands that were kindred lands earlier have been distributed to individual holdings and most of them have disposed of the lands.

Changes in Land Sales: Alienation of land most especially inherited land was prohibited in the pre-colonial period. According to Ogechukwu Okonkwo, at the time of this research, an individual has right to dispose of his inherited land in exchange for the monetary value of the land. Norbert Muoebonam explains that after the Nigerian-Biafra war, hardship increased which made people to seek for survival in whatever means they can. He stresses that new litigation method had weakened the traditional land law because the English law in practice does not stop one from alienating one's inherited land. This means that an individual can now sell his inherited land to solve other problems different from reasons why lands could be sold in the pre-colonial period. According to Pius Nnebedum, some of the reasons why an individual could sell in the pre-colonial Agulu community were, to build a house, this means that a man could alienate his inherited land to his kinsman or close relative in order to get a residential house. An interested wealthy man can build a house for the land owner instead of giving him money. Another reason an individual or family could sell land was to marry a new wife, treat a serious sickness among other reasons. Ekechukwu Omerede and Joshua Ezike among other respondents assert that the change in this aspect of land tenure rule can be related with the shift in the economy from non-monetary to monetary economy which is attribute to colonialism.

Some communities at the time of this research have Land Committee in charge of land sales as against the community leaders or kindred heads as was obtainable in the pre-colonial era. However, the Land Committee always gets back to the community leader, that is the Igwe or in some places the President General of the community. According to Ejike Obidimma, a member of Okpuno Land Committee, Okpuno community up to late twentieth century had various committees in charge of different things like the economic trees, water or stream, land and road maintenance. These committees except the Land Committee are extinct because communal ownership had reduced drastically. According to Chibuike Agumba, Okpuno community and individuals started selling their lands as a result of pressure from the government to develop the land. Since most of the community members, kindred and individual owners were not able or ready to develop the land by



themselves, they resorted to selling the lands to avoid seizure by the government. Gabriel Okeke agreed that land sales in Okpuno was occasioned by the development the Okpuno community experienced consequent of being close to the state capital. The government of Anambra state established a gazette during Governor Chimaraoke Mbadinuju's tenure declaring government's interest in most of their lands and mandating them to develop the land in a particular uniformed plan. The Okpuno community leaders and some stakeholders solicited with the government and eventually succeeded to detract some locations of their lands from the gazette.

When the community could not meet the demands of the government, they partitioned their lands and started selling to buyers whose demand increased by the day. The community as well gave out some of their lands to the government like where Ekwueme Square is currently situated, the Community Secondary School Okpuno among others. Another factor that triggered land sales according to Ejike Agumba was that some of the lands the government took from the community to use for public interest ended up in the hands of wealthy investors. This is the consequent of Land Use Act 1978 vesting lands in every state in the hands of the state governors. Obviously, situation like vesting lands in the state governors are unheard of in the pre-colonial period. Some dubious land speculators as a result of high demand for land consciously resell to unsuspecting buyers plots of land already sold. According to Gabriel Okeke, this most often happens when a buyer left the land undeveloped for a long period of time. This has been a recurrent issue that many individuals and organisations are affected by the ugly trend especially in urban areas. Some lucky one end up being compensated by relocation to a site where value for land at the time is less than the previous one, that is if the land speculators have unoccupied land. The unfortunate victims end up on protracted court cases or losing the land. In some cases the first outwitted buyer is meant to believe that either the land owner or the particular person that sold to him is dead and so it will appear as if the first buyer is either lying or not sure of the location of the land even with the land document.

Another dimension of change in land sales is the introduction of policies to guide land sales in some communities. For instance, the chairman of Isiamaigbo village in Agulu Mr. Alphonsus Obiozo on 2nd January 2025 introduced a new policy mandating anyone that sells land in Isiamaigbo to remit two hundred and fifty thousand naira (N250, 000.00) to the village. According to Ogechukwu Okonkwo, the policy started taking effect from the day of announcement.

Change in Land Gift: In the pre-colonial Igbo society, land gift used to be a common practice. Contact with the foreign culture and colonization, and money being important measure of value for land had made land gift unheard off. Gabriel Ndikwam maintains that population increase and increase in demand for land have necessitated the change experienced in land gift. He states that in the contemporary Igbo society, when one needs a small portion of land, may be to widen the entrance to his compound, or to augment his plot of land to serve a purpose, the person must part with the monetary value of the land irrespective of the size.

In the post-colonial or at the time of this research, land exchange is unheard of. Any one in need of land for whatever reason must be ready to buy such land. Unlike in the traditional period when land exchange was common.

The Cultural Implications of the Changes in Land Tenure System in Igbo Land

The changes in land tenure in Igbo land obviously have implications. Implications according to O'hair (1969) are the suggested meanings or consequences of a statement or event. It means the effects that may happen in the future. The consequences of the changes in land tenure system in Igbo land include: Firstly, there will be no land for the indigenous future generation. Since land acquisition in Igbo land in the contemporary period is mainly based on inheritance especially father to son inheritance, alienation of land particularly in an uncontrolled manner by most communities and individuals would constitute a very big problem for the future descendants. The upcoming generations would not have lands to inherit from their fathers who have disposed of all their lands not for reasons like to buy another piece of land or other cogent reasons as obtains in the pre-colonial era but because of monetary gain. Their descendants in the next fifty years according to



Joshua Ezike would appear as if driven from their fathers' land. The wealthy among them who may want to buy lands might not be able to do so in their community because there would be no empty lands available.

There would be loss of brotherly and communal ties: Igbo traditional settlement is mostly arranged in clusters thereby giving room for easy checks among brothers. Information dissemination and conservation of confidential matters was as well easier in the pre-colonial period because people lived closely to one another. According to Gabriel Ndikwam, they had no difficulty identifying strangers among them. Even after the Nigerian civil war when many families started building wall to guard their homes, they maintained closeness in erecting their walled residential houses. But, the influx of land alienation by both individuals and communities has necessitated strangers living among brothers in Igbo communities especially in the semi-urban and urban communities. Consequently, communal ties have been severed.

Few communities have started to think in line with the measures to correct the ugly trend. In line with this, Ifediora (2014) observes that Adabebe in Amawbia community has stopped selling their lands to non-Adabebe indigenes because they want to control strangers' infiltration. Adabebe made a new policy to disallow selling lands to strangers as a way to secure the cultural ties already broken by co-habitation with the non-indigenes. For instance, when one has a problem with the immediate family member, a non-indigene would be the first to know about it and proffer solution. The policy states that people from other communities can reside in Adabebe village but would not be given access to build in their community as this has impacted negatively on their relationship between them as Adabebe community. This is one of the major implication of the changes in land tenure system in Igbo land. It has caused problems among families and would continue to break communal ties.

Another cultural implication is extinction of the villages or communities. According to Joshua Ezike, when the population of the owners of the land is in the minority, over time, they would become unheard and loss control of their land. Their progenies would merely be visitors in their land. He narrates that in Isele-Ukwu, hectares of land were disposed of by the community to estate developers and most people buying the plots of land are not Isele-Ukwu indigenes. Consequently, it will get to a period when it will only be on record that that land belongs to Isele-Ukwu community but majority of Isele-Ukwu descendant cannot lay claim to the land, thereby making the descendants aliens in their fathers' land.

More so, changes in land tenure system in Igbo communities would lead to loss of cultural heritage. Owners of the land would not be able to guard their culture and traditions. This is because the buyers and subsequently occupiers of the land have absolute title to the land hence, the customs of the land owners are not binding on them. No wonder Stark (2004) asserts that both internal and external forces produce social change, and both can as well cause societies to break down. Some individuals like Gabriel Ndikwam, Ejike Obidimma, and Joshua Ezike believe that without selling land, development would be very far from a community.

According to Gabriel Ndikwam, there is no serious challenge in the way lands are being alienated in twenty-first century because he believes that one could established any place of one's choice. Generations who could not inherit from their ancestors because their land is exhausted should go out and buy from those that have enough. But the first people that think change or development is basic were disappointed because they have been eluded of most of their organic mental consciousness.

Summary of Findings

The study has been able to reveal that the most powerful factor of change in land tenure system in most Igbo communities is development a brain child of urbanization, increase in population and pressure for land demand among others. It shows that communities that still maintain non-alienation of land would surely yield to the pressure should government establish any project in such community particularly a federal government institution.



Findings also reveal that in less than fifty years to come, descendants in some Igbo communities especially in the urban Igbo communities would not have access to ancestral land because their parents and grand-parents have alienated all their lands.

Conclusion

The study has established that land tenure system in Igbo land has been affected by the wave of change blowing on all facets of culture of the land. Many factors contributed to the change in land tenure in the Igbo communities. The major factor of change according to most respondents is development and they believed that any community that refuses to dispose of land would not experience development at all.

The study has been able to ascertain the cultural implications of the changes in land tenure system in Igbo nation. Some individuals are indifferent to the changes while few are concerned that the changes could sever the communal ties among communities and alienate future descendants in their own land. Some believe that without the change especially through land alienation, there will be no development. But, there are negative consequences of development as Stark (2004) observes that societies that embraced change as progress regretted at the end because the change that brought progress eventually destroyed the societies. The Igbo nation should trade with caution, land speculations should be checked and controlled so as not to be victims of Stark's assertion.

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