

# Conflicts over Agricultural Land and Indigenous Institutions for Conflict Resolution in Rural Yorubaland (Southwestern Nigeria)

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**INTRODUCTION**

Land constitutes a basic productive resource to the people of Africa and is the only major source of livelihood to many of them including the people in the rural/agricultural Yoruba communities<sup>1</sup> of Southwestern Nigeria. An intricate relationship therefore exists between the individual, the family/compound, the larger community on one hand, and land on the other hand. The proper functioning of such a relationship is basic to healthy inter-personal, intra-and inter-family, and intra-and inter-group stability, and for political stability and unhampered economic growth in many parts of developing world. However, growing conflicts over land have led to inter-group fights/violence in many parts of developing world including Yorubaland. The conflicts over land in Yoruba communities along with its escalation and continuation are similar to other kinds of conflicts that exist in much of Africa where small-, medium-, and large-scale conflicts have continued to simmer and sometimes erupt into very serious violence.

With the promulgation of the 1978 land use decree, land conflicts between tenants/migrants and indigenous landowners (families/compounds) have led to the non-recognition of indigenous institutions for conflict resolution in some rural Yoruba communities and increasing number of inter-group fights. The 1978 land use decree transferred landownership in Nigeria from the family/compound to the government without any regard for peculiar local circumstances that structure the relationship between migrants/tenants and indigenous landowners in different communities. The promulgation of the 1978 uniform land regime was consequently accompanied by conflicting claims over landownership between tenants/migrants and indigenous landowners in some rural Yoruba communities. Issues over the appropriate form of landownership, strictly individual private property or common property, are included among the important issues being addressed in these conflicts. In such rural Yoruba communities, tenants/migrants recognize the government as the landowner but their former landlords (families/compounds) have continued to maintain their claims to landownership. Much as indigenous institutions for resolving this kind of conflicts between indigenous landowners and tenants/migrants have remained successful in some rural Yoruba communities, they have broken down in other rural Yoruba communities with the

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<sup>1</sup> Rural and agricultural communities are used interchangeably to refer to non-urban communities like villages where farming activities take place.

promulgation of the 1978 land use decree and have led to land fracas that has, in turn, degenerated into killing, arson, and mayhem of unprecedented proportions. This paper therefore seeks to investigate why success of indigenous institutions in resolving these conflicts in some rural Yoruba communities and their breakdown in other rural Yoruba communities.

Against this backdrop, the basic questions that will be addressed in this paper are as follows: Why do initial conflicts over land between tenants and landowners escalate and erupt into violence in rural Yoruba communities where such conflicts did not exist in earlier times? What were some of the indigenous institutions for conflict resolution related to land in earlier times? How did these conflict resolution mechanisms work to resolve conflicting claims to landownership and cope with geographic segregation of conflicting groups, and struggles over leadership? In general, what is the nature of property rights systems in use in rural Yoruba communities where conflict has been resolved relatively easily and where it has not? In what situations has the government or centralized state been found a more useful mechanism for the resolution of these conflicts?

This paper addresses these questions using two rural Yoruba communities such as Ominigbo and Famia located respectively in the northwest and southeast of Yorubaland. These two rural Yoruba communities are comparable in terms of being occupied by tenants/migrants; predominantly using the same language (Yoruba); having fertile land for the cultivation of food (like maize) and cash (cocoa and kolanuts) crops; having compounds as indigenous landowners in the mother towns (parts of which the tenant/migrant communities are); and being administered by the same local government structures. Since the two communities are comparable on these factors, the factors do not constitute any alternative explanations for the success/breakdown of indigenous institutions for conflict resolution in either of the two communities.

The two communities, however, differ only on degrees of conflicting claims to landownership, geographical segregation of heterogeneous/homogenous tenant groups (which can create the presence or absence of competition between tenant groups and indigenous landowners), and degree of community leadership legitimacy. These are the factors considered in this paper to be driving the survival or breakdown of indigenous conflict resolution mechanisms in relation to rural land. The survival or breakdown of

indigenous institutions for conflict resolution with the introduction of the 1978 land use decree will be assessed in terms of the proportion of conflicts over agricultural land that has been resolved through indigenous institutions and the frequency with serious/bloody violence has occurred. The breakdown of indigenous conflict resolution mechanisms should be expected to occur when greater proportion of conflicts are not resolved through indigenous mechanisms accompanied by greater frequency of bloody violence as opposed to the 1978 period. The discussion that follows turns attention to a review of the extant literature with a view to situating this paper within the framework of the existing social scientific literature.

## LITERATURE REVIEW

### **Conflict and Pluralism**

Conflicts are bound to arise when individuals or groups pursue divergent interests, goals or aspirations. Given the fact that divergence in interests creates potential contexts for emergence of conflicts, Smootha (1975:69) argues that conflicts and pluralism are related. This is because a plural society provides the context of cultural diversity and social segmentation. Such pluralism can be observed both in culturally homogenous and heterogeneous settings such as Ominigbo and Famia chosen for consideration in this paper. While rural Yoruba communities are relatively homogenous in culture (especially in language), for example, they can be regarded as plural societies with the existence of social segmentations involving indigenous landowners and tenants/migrants. This paper seeks to make an original and specific contribution to an interrelated set of long-standing research literatures by focusing on land-related conflicts between tenants and indigenous landowners (compounds) in rural Yoruba communities.

Social segmentations in culturally homogenous communities could also be observed in terms of geographical segregation of distinct groups like migrants/tenants just as we currently have in some rural Yoruba communities. Since these social segments are interdependent and are not likely to have the same values and interests, conflicts are bound to exist in circumstances where differences are expressed by interdependent peoples in the process of achieving their needs and goals (Donohue and Kolt, 1992:3). Such conflicts within the Nigerian settings, according to Otite & Albert (1999: 4), could come from changes in physical and social circumstances like the location of a new local

government council headquarters, contestable access to a variety of limited resources (such as leadership positions, power and status, grassland, market, water spots for animals and pasture-routes, jurisdiction of chiefs and kings, leadership of political parties). Disagreements over what to pay in rents for the use of agricultural land are also potential sources of conflict, to which this paper pays close attention. Nader (1968) argues that such conflicts can occur at three major structural levels such as intra-family, intra-community (between land owners and tenants, for example) and inter-community levels. Resolution of these conflicts can be undertaken with the employment of mechanisms such as negotiation, conciliation or facilitation, mediation, arbitration, and adjudication (Gulliver, 1979, McGinnis, 2002).

### **Analysis of Negotiation for Conflict Resolution**

Since the focus of this study is on how people themselves resolve their conflicts, this paper focuses on processes of negotiation. Negotiation has been regarded as a way of reaching a joint decision on matters of common concern where two or more parties are in disagreement and conflict. In his analysis of negotiation, Gulliver (1979) assumes that: (i) negotiations comprise a set of social processes leading to interdependent, joint decision-making by the negotiators through dynamic interaction with one another; (ii) these processes involve the exchange of information and its manipulation, which permits and compels learning by each party about his opponent, about himself, and about their common situation (including their expectations, requirements, strengths, and strategies); (iii) due to learning, negotiators can modify their expectations and requirements to reach a common ground; and (iv) negotiators continue to exchange information and to explore possibilities so long as they consider that they may gain an outcome that is more advantageous than the status quo.

Zechmeister & Druckman, (1973) and Sandole (1993:28) identify circumstances when conflict resolution mechanisms may break down. According to these scholars, the more polarized/heterogeneous the conflicting parties are in values and attributes, the more difficult it is to resolve a related conflict. As will be discussed later in this paper, parties in conflict could be polarized along conflicting claims to scarce resources (like land), geographic segregation, community leadership legitimacy. Despite the pressures these divergent forces may put on conflict resolution mechanisms, Niamir-Fuller

(1999:149) argues that conflict resolution mechanisms are best based on indigenous institutions. This is because indigenous arrangements are all flexible in how they are used, with some being transient and expected to change with time and others based on long-term alliances (Niamir-Fuller, 1999:175). In view of this observation, attention is now turned to studies on indigenous institutions and conflict resolution mechanisms in Yorubaland.

### **Yoruba Indigenous Institutions and Conflict Resolution Mechanisms**

Indigenous institutions have been the subject of multiple studies<sup>2</sup>. These studies recognize the existence of indigenous institutions for local governance in Yorubaland and other Nigerian communities. Ayo & Awotokun (1996); Olowu & Erero (1997); and Adedeji & Ayo (2000) particularly argue that state institutions operate in some of the communities to supplement the efforts of the people and in others to weaken the indigenous institutions. By and large, their studies have brought to the fore the importance of indigenous institutions in Yorubaland and other parts of Nigeria. The significance of such institutions has been demonstrated for the governance of community affairs, socioeconomic activities, resource governance and conflict resolution. Various mechanisms through which such institutions function were also pointed in these studies along with the role of women.

Of these scholars only Akinola (1997), Akinrinade (1999), Akinteye (1999), Albert (1999) and Ayo (2002) specifically give attention to conflicts and conflict resolution mechanisms in Yorubaland. Such mechanisms involve the council of chiefs for conflicts not resolved at the compound level, compound elders (leaders of the social units within the compound) for conflicts within the compound, witches, traditional medicine men, and community delegates for inter-community conflicts. While Akinola (1997), Akinteye (1999) and Ayo (2002) look at the processes of conflict resolution within urban and rural Yoruba communities, Akinrinade (1999) considers mechanisms for conflict resolution and prevention in the case of inter-kingdom (inter-community) conflicts before post-colonial Nigeria. Only Albert's (1999) study touches a bit on land related issues in the case of Ife-Modakeke conflict. Albert's (1999) attention is however more to the location of a local government headquarters as the major driver of the conflict.

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<sup>2</sup> They include studies by Ayo & Awotokun (1996); Akinola (1997); Olowu & Erero (1997); Akinrinade (1999); Adedeji & Ayo (2000); Ayo (2002: forthcoming).

### **Contributions to the Existing Body of Knowledge and Framework of Analysis**

While these studies represent prior work on indigenous institutions, they have not yet really focused on the role that indigenous institutions may or may not play in effective resolution of conflicts over agricultural land between tenants and indigenous landowners (compounds) in rural Yoruba communities and on factors driving the success/breakdown of such institutions. This study focuses on the factors driving the survival/breakdown of indigenous institutions for conflict resolution in relation to rural land between tenants and indigenous landowners in rural Yoruba communities. In this paper, attention is given to how the 1978 uniform land regime has created conflicting claims to landownership between the pre-1978 land owners and tenants; and how the uniform land regime has created the context where leadership illegitimacy, concentration of homogenous groups of tenant in specific parts of rural Yoruba communities, and conflicting claims to landownership have weakened or caused the breakdown of indigenous conflict resolution mechanisms in some rural Yoruba communities. In communities where these mechanisms have survived, this study examines reasons for their survival. In this direction, the following hypotheses will be tested with the little evidence currently gathered:

- i) A greater proportion of conflicts tends to be resolved through indigenous institutions when community leadership is legitimate to all the parties in conflict.
- ii) A greater number of conflicts will occur between migrants and indigenous landowners when the migrants maintain a separatist identity with the introduction of a uniform property right system that disregards local peculiarities.
- iii) Bloody violence is more likely to occur when community leadership is illegitimate to at least a party in conflict in the context of a property right system that creates conflicting claim to ownership.

Against this backdrop, this paper is guided by the variables identified in the Institutional Development and Analysis (IAD) framework. The IAD framework is a broad perspective that creates room for analyzing how rules-in-use, physical and material conditions and the features of communities affect action situations and the incentives human beings in structuring their interactions which in turn affects outcomes within three levels of interchanges such as constitutional, collective-choice and operational arenas (E. Ostrom, 1990; E. Ostrom, Gardner & Walker, 1994; McGinnis, 1999; E. Ostrom, 1999).

While these three levels of interaction may be identifiable and nested in some settings, they may not be separable in some other settings. This paper uses IAD to analyze how the attributes of the migrants in the two selected communities (especially how the people think of themselves in relation to their indigenous landowners, their kinship relationships, and recognition of community leadership) in particular and the Yoruba in general, their physical environments (including the quality and quantity of land) and rules-in-use (their governing institutions within the context of Yoruba customs and traditions and formal institutions) affect the incentives facing them in structuring their strategies and interactions in resolving conflicts over their farmlands. With regard to land-related issues, the actors in this paper are set out in the table below:

**Table 1 - Actors and Their Claims in Relation to Landownership and Land Use**

<b>Actor</b>	<b>Claim/Responsibility</b>
Landowning compound and their leaders/elders	Indigenous landownership
Community leaders (including the <i>Oba</i> or King)	Responsibility for conflict resolution
Tenants/migrants and their leaders	Land use for agreed-upon charges/fees
Government (Local government and State government for administration of rural and urban land on behalf of the national government; and government-owned courts).	Ownership of land in Nigeria from 1978. Government-owned courts serve as avenue for handling legal actions on land conflicts.

The three levels of interchanges identified in the IAD framework are also relevant to the analysis pursued in this paper. These are constitutional, collective choice and operational levels. At the constitutional level, rules are set to define and constrain interactions at the collective-choice level, In Yorubaland, constitutional rules are Yoruba customary laws and long-term alliances which define the rights of individuals and how issues of life (including rights in land) among the Yoruba are to be handled. An example of these rules, which may be found in other societies hinges on the principle of reciprocity: *do unto others as you would want others to do unto you*. These rules have evolved within the context of the traditions and customs of the Yoruba and are essentially unwritten. The rules that guide actions at the operational level are determined at the collective-choice level. Multiple collective choice arenas are identifiable in the two

selected communities. They include compounds and community councils where decisions are taken on allocation of land to tenants, appointment or approval of tenant leaders, fees for land use by tenants, and activities allowable on the land, and sanctions for violating the conditions for land use.

At the operational level, the individuals mostly directly affected take solid actions/decisions about what to plant, technologies for farming, hiring of laborers and organizing his household members for farming activities. This paper uses the IAD framework to gain an understanding of how the attributes of the villagers (in Ominigbo and Famia) and their physical environments affect the incentives facing them, their patterns of interactions and outcomes of such interchanges in the process of conflict resolution related to land. Before moving to the discussion of these two communities, attention is turned to the Yoruba setting as a whole for a general understanding of how rural Yoruba communities operate in relation land.

## **THE SETTING**

Yorubaland constitutes Southwestern Nigeria and is predominantly occupied by Yorubas. While the Yoruba all speak Yoruba as a common language, variants can be observed as one moves from one place to another. Such variations in tongue divide the Yoruba into groups like the Oyo, the Egba, the Ife, the Ekiti, the Ijesa, and the Ijebu (see Appendix I); and they occupy states such as Ekiti, Lagos, Ondo, Ogun, Osun and Oyo States as well as some parts of Kogi and Kwara States (see Appendix II). Differences can also be observed in their physical and climatic conditions, types of forests, values, customs, nature of land rights, village social relations, tenant-indigenous landowner relations, degrees of heterogeneity of tenants and landowners, quality of land and agricultural practices. These divergences suggest that land regimes/land tenure systems will have to be designed to reflect local endemic peculiarities.

Yoruba can also be found in countries like Republic of Benin and Togo with Ewe in Ghana (see Appendix III) tracing their historical path to Ile-Ife. Much as all Yoruba still trace their origin to Ile-Ife, there is no concrete historical fact as to where the Yorubas came from and when they migrated to Ile-Ife. Despite this historical controversy, Ile-Ife serves as the cradle of the Yorubas and the center of Yoruba culture.

Before 1978, and precisely after the Yoruba had consolidated their power in Ile-Ife and conquered their neighbors through force, the available land in Ile-Ife could no longer meet their agricultural needs. For their survival, quest for land acquisition subsequently emerged as one of the major incentives for the emigration of many of them out of Ile-Ife under different leaders. While some moved southward, others spread to the north of the Yoruba nation to establish the Old Oyo Empire. The eventual collapse of the Old Oyo Empire, following the Fulanis invasion, forced many back to Ile-Ife and other parts of Yorubaland. The Modakeke and the people of Ibarapa considered in this paper are descendants of the Oyo refugees that fled the old Oyo Empire.

As these people fanned across the Yoruba nation, the first set of families (compounds) to settle in a place claimed ownership of the land. The terms "family" and "compound" are interchangeably used among the Yoruba. A compound is a set of social units each of which include a man, his wife (wives), children and relatives living with him. The compound rights in land are based on Yoruba Native Law and Customs, which recognize that all land within the territory of each Yoruba community is held in trust for all members of the community by the traditional ruler or the *Oba* (King). Yoruba customs forbid market in land through which transfers of land can occur through sales. But through, marriage, patrilineal and matrilineal relationships, and practices of accommodating strangers and friends, use rights to land could be granted to non-members of landowning compounds. These kinds of relationships, albeit diverse across rural Yoruba communities, have given rise to the existence of tenant groups/communities in rural Yoruba communities. It is instructive to indicate that the landowning unit is the compound, not the tribe or clan or community. The only land that belongs to the *Oba* (king: overall community leader) is his compound land, rather than the entire land of the community.

Since market in land is forbidden, the compound doubles as landowner and land proprietor, which exercises and determines the rights to access land and get plots, the rights to determine who have an access right, and how use rights may be transferred, the right to regulate internal use patterns and transform the land by making improvements. Migrants/tenants that are directly allocated plots on the compound's land can be regarded as claimants as they have the rights to access and use the land for agricultural purposes

and the rights to improve the land by constructing roads for transportation of farm products, building houses to live in, and building schools for their children. But they do not have the right to transfer the land nor exclude other users that the compound may want to-give use rights to. Hired laborers given the right to farm on the land allocated to a tenant can be considered authorized users as they can only use the land without the right to manage it, to exclude users, and to transfer use rights. These three categories of property rights holders (landowners/proprietors, land claimants and authorized users) are classes of land users one can find in rural Yorubaland. These classes of land users fall within the conceptual schema Schlager and E. Ostrom (1999: 87-92) develop to organize "property rights regimes that distinguishes among diverse bundles of rights that may be held by the users of a resource system" such as rural land. The table below set out the property rights categories as broadly applicable to Yorubaland.

**Table 2 - Bundles of Rights Associated with Positions**

Rights	Owner/Proprietor (the Compound)	Claimant (migrants directly granted use rights by the landowning compound)	Authorized User (Hired laborer granted use rights by a claimant)
Access and Withdrawal	√	√	√
Management	√	√	
Exclusion	√		

Adapted from Schlager and E. Ostrom, 1999

Resolution of conflicts over lands (between migrants and landowners and among compound members) were (still are) handled within each compound in many rural Yoruba communities. Inter-compound land conflicts were (still are) handled by leaders of the concerned compounds. In the event of failure to resolve such conflicts at these levels, the matters are usually transferred to the community council of chiefs, who are supposed to be final authorities within the indigenous system of governance. Dissatisfied parties in conflict could however turn to the government-owned courts to seek justice. The table below depicts the forums where conflicts can be resolved and the actors responsible for doing so.

**Table 3 - Actors and Forums for Resolution of conflicts over land between migrants/tenants and the landowning compound**

Forum	Actors	Type of Conflict
Compound	Elders of the landowning compound and migrants' representatives.	Disagreement over payable rents
Community	Elders of the landowning compound, migrants' representatives, community's chiefs and the <i>Oba</i> (king)	Disagreement over payable rents
Government-owned Courts	Government-appointed judges, elders of the landowning compound and their lawyers, and migrants' representatives and their lawyers.	Disagreement over payable rents and landownership

While these processes have remained in force in many rural Yoruba communities, they have broken down in others, most especially following the promulgation of a uniform land regime in 1978. On May 26, 1977, the Obasanjo-led military government set up an eleven-member Land Use Panel to visit various parts of Nigeria and look at various problems related to landownership and land use (Igbozurike, 1980). The panel limited its visits only to urban areas and generalized the observed problems in these areas to both urban and rural areas. Thus, the panel was unable to have an appreciation of the nature of land rights, agricultural practices, and village social relations, degrees of heterogeneity of land users (including tenants) and owners in the rural areas. At the end of its visits, the panel came up with a number of recommendations for a new land regime set: (i) to reduce or eliminate land conflicts among land users and owners; (ii) to remove bottlenecks to socioeconomic development efforts (housing expansion and agricultural development) in the country; (iii) to ensure social justice by recognizing the rights of all Nigerians to all land in Nigeria and guaranteeing the legal protection of these rights; and (iv) to harmonize, as much as feasible, the land tenure system in the country. The military government then decreed into existence a uniform land regime in 1978, which vested landownership in urban and rural areas in the state executive chiefs and local government chairmen respectively.

Apart from the fact that the recommendations of the Land Use Panel did not reflect peculiarities in rural areas, the resultant land regime has remained ambiguous about

whether families/compounds still own land or only have usufruct rights. For example, section 1 of the 1978 Land Use decree takes away absolute landownership from the compound and simultaneously recognizes the existence and continuation of compound institutions in termral system (Oretuyi, 1991). While family/compound claims to landownership have continued to be recognized in some rural Yoruba communities, the new land regime has created two categories of parallel landowners in other rural Yoruba communities leading to an unprecedented explosion of serious bloody violence. In these communities, tenants/migrants recognize the government as landowner but their former landlords (family/compounds) continue to maintain their claims to landownership.

In the face of the conflicting interpretations of the letter, spirit, or intent of the new land regime, inter-group fights continue to break out within some communities in the local government areas where land fracas have degenerated into killing, arson, and mayhem. Having regard to the above, it is anticipated that a land regime with general property rights that does not reflect peculiarities in each community will create a context where high degree of conflicting claims to landownership, high degree of community leadership legitimacy and high degree of homogeneity of tenant groups could combine to lead to a complete breakdown of the existing indigenous institutions for resolving conflicts related to land. The discussion that follows turns attention to an analysis of conflict resolution in relation to agricultural land in Ominigbo and Famia, starting with Ominigbo which represents a success case. Famia (which will be considered after Ominigbo) is an example of the breakdown of indigenous institutions for conflict resolution.

## **OMINIGBO**

### **Geographical, Demographic and Socioeconomic Characteristics of Ominigbo**

Ominigbo, a farmland owned by the Jitlele compound in Igangan, is located northwest of Yorubaland under the Ibarapa North Local Government Area. Two seasons are identifiable in the village. These are the rainy and dry seasons. The rainy season begins in May and ends in October. The dry season is much the same in length as the rainy season, spanning from November to April. Much as the village falls within a relatively low rainfall area, its soil contains high natural fertility suited to the cultivation of both cash and food crops. The villagers, who are migrants, cultivate crops such as

cocoa, orange, cassava, yam, maize, tomatoes, pepper, and different types of vegetables. Cocoa beans from the village are sold to produce buyers for export to Europe. Market outlets for their farm products include Republic of Benin (Nigeria's neighbor to the west), Ibadan, Lagos, and Abeokuta.

Ominigbo is a heterogeneous village of migrants from Ayete, Eruwa, Idire, Tapa (all in Yorubaland) and from Kogi, Benue and Niger states (other parts of Nigeria outside Yorubaland) and Sabe (Republic of Benin). Conservatively, the population of the village is about one hundred and fifty. Most of the migrants in the village are able to read and write. Christianity and Islam constitute the two main religions the villagers practice. Their agricultural practices and relationships with their landowning compound (Jitele) are a more solid basis for collective action among the migrants. But the migrants do not share the same identity as those that are Yoruba among them have different dialects, different tribal marks and other places they can call their homes. The non-Yoruba members maintain their languages and also strive to learn Yoruba for effective communication. The village has one primary school, which is largely maintained by the villagers.

Besides, some of the migrants have their own houses and other business interests in the mother town (Igangan) and have engaged in inter-marriages with the people of Igangan. But the migrants' houses are not concentrated in the same part of Igangan. Rather, they are located in different parts of Igangan such that the migrants do not have any basis for coming together as a distinct group in Igangan and thereby develop a separatist identity. In addition, all the migrants respect Yoruba traditions that one cannot dispossess one's landlord of his/her property, and that one must not insult one's in-law, and that one must observe the principle of good neighborliness (*do unto others as you would want them to do to you*). The features identified above have so greatly impacted on the relationship of the migrants with their landowning compound and the people of the mother town (Igangan) that the migrants have continued to respect Igangan community leadership and the ownership claim of the Jitele compound over Ominigbo even after the introduction of the 1978 land use decree. To appreciate how the kinship relationship came to inform the founding of Ominigbo, among others, its history is considered in the next section.

## History

Ominigbo is a farmland/village under Igangan. Igangan is one of the seven Ibarapa towns. The other towns are Ayete, Eruwa, Idere, Igboora, Lanlante, and Tapa. The inhabitants of these towns are Yoruba who are descendants of the Oyo refugees who fled the Old Oyo Empire following its successful invasion by the Fulanis in the early 18<sup>th</sup> century. The people of Ibarapa engage mainly in agricultural activities, which have led to the founding of several settlements or villages. Through kinship relationships some of these people have had to move to other towns to establish farmlands. In this regard, Ominigbo represents a case in point which was founded about 65 years ago by a group of migrants from Ayete, Eruwa, Idere and Tapa.

Ominigbo farmland is owned by the Jitele compound of Igangan. The migrants in the farmland were able to acquire the farmland for agricultural activities through the kinship relationship an indigene (Baba Eruwa) of Eruwa had with some indigenes of Igangan. Baba Eruwa married from Igangan. On one of his visits to his in-law in Igangan, he had an opportunity to come across the farmland, which he found quite suitable for the cultivation of both cash crops (cocoa and orange plantations) and food crops (maize, yam, cassava, melon, tomatoes and pepper). He then asked his in-law to take him to the compound that owns the land for negotiation about how to obtain the use of the farmland. The negotiation involved two parties: (i) Baba Eruwa and his sister's brothers (Princes David Oyetunji Oyerinde and John Olayiwola Oyerinde) on the one the hand, and (ii) heads of the social units within the Jitele compound on the other hand. At the end of the negotiations, the compound elders demanded kola-nut and *ataare* (alligator peppers) to seal the land use deal with an agreement that the migrants would be giving the compound certain quantity of yam tubers annually. To further strengthen the emerging relationships with the landowning compound, Prince David Oyetunji Oyerinde (a migrant from Eruwa) married a young lady (Aduke Oke) from the Jitele compound.

Since market in land is a taboo in Yorubaland, Baba Eruwa's group was only given use rights which would enable the migrants to use and live in the farmland agricultural purposes. With the cocoa boom in the late 1940s, the Jitele compound began to obtain a fixed amount of money annually. Baba Eruwa and his sister's brothers brought in other migrants from Ayete, Eruwa Idere and Tapa. These migrants share

patrilineal and matrilineal relationships with Baba Erawa and his cousins, and enjoy the same use rights as Baba Eruwa and his cousins. Baba Erawa automatically became the village head. Three types of property rights holders are identifiable with respect to the farmland; and these are considered in the section that follows.

**Property Rights System in Ominigbo**

As earlier indicated, land in Yorubaland is owned by the compound and the distribution of the land is undertaken by the compound elders who act on behalf of the entire landowning compound. Ominigbo is no exception to this tradition as the farmland belongs to the Jitele compound which gave it to Yoruba migrants for agricultural purposes. Within the schema provided by Schlager and E. Ostrom (1999), three property rights holders are distinguishable with respect to Ominigbo farmland. These are the compound as both owner and proprietor, Yoruba migrants as claimants and hired laborers as authorized users. These rights holders are set out in the table that follows:

**Table 4 - Bundles of Rights Associated with Positions in Ominigbo**

Rights	Owner/Proprietor (the Jitele Compound)	Claimants (Yoruba migrants granted rights)	Authorized Users (Hired laborers granted use rights by claimants)
Access and Withdrawal	√	√	√
Management	√	√	
Exclusion	√		

Adapted from Schlager and E. Ostrom, 1999

The Jitele compound through its elders exercises control over the right to access the land, the right to be allocated plots to use, the right to determine who has access right and how that right may be transferred, the right for the initial Yoruba migrants to bring in their relatives and the right to regulate internal use patterns and transform the land by planting cash crops, building houses to live, constructing and maintaining roads into the farmland for transporting agricultural products. The Yoruba migrants in the village (from Ayete, Eruwa, Idere and Igangan) are claimants because they are allowed to exercise the rights to access, use, and manage the land. They do not have the right to exclude other users as the compound could bring in more migrants and may ask migrants whose behavior is not satisfactory to leave the farmland. The third category of property rights holders in Ominigbo are hired laborers from Sabe (Republic of Benin), Kogi, Benue and Niger states (parts of Nigeria outside Yorubaland). These laborers live with Yoruba

migrants who have houses in the village. Besides, the Yoruba migrants may allow the hired laborers to work on some plots of their land for the cultivation of food crops (maize, cassava, and yam) without the laborers having the right to transform the land by planting tree crops (like cocoa and oranges) and building their own houses in the village. Attention is now turned to how the village is governed.

## VILLAGE GOVERNANCE IN OMINIGBO

### **Governance at the Family Level**

Through the process of adaptations, the migrants in Ominigbo have developed institutions for the governance of their own affairs. The landowning compound does not interfere with the way in which the migrants govern themselves. This is because the Yoruba cherish individual and group autonomy for self-governance. The processes of institutional design and modification in the village have created room for individuals to participate in governance. These processes, according to Tocqueville (1966), help "... to adapt government to the needs of time and place; and to modify it as men and circumstances requires."

Generally, two broad decision points are noticeable in the village. These are the family unit (the operational arena) and the village council (collective-choice arena). The village is divided into household units. Each of these units represents a "nucleus" family, including a man, his wife (wives), children, relatives, siblings and his hired laborers with their wives and children. The most senior Yoruba male in the family unit serves as the family head. Operational decisions concerning what to plant on the family farm, how to till the land, and take care of family members are matters of exclusive concern of the family. But the family head must secure the approval of the village council before he can bring in a non-Yoruba as a hired laborer.

The family head and his relatives handle conflicts within the family unit. Such conflicts range from petty domestic issues to misunderstandings between the Yoruba and the non-Yoruba members in the household. Generally, most of such issues are usually resolved. Those that cannot be handled at the family level are transferred to the village council, elders of the landowning compound and the community leaders of Igangan in that order, depending how much success is achieved in dealing with the conflicts at the lower levels. Failure to successfully handle such matters could compel the unsatisfied

party to file a legal action in a court of law established by the Nigerian state. Each family head is a member of the Village council together with some elderly women and a hired laborer to represent the interests of women and the hired laborers in the village respectively. The hired laborers decide among themselves who to represent them in the village council considered in the next section.

### **Village Council**

The village council of elders manages the general affairs of the village. The council is made of Yourba family heads with the most senior male serving as both the village head and the council chairman. The village council has the obligation to inform the landowning compound about its new chairman/village head. Other officials of the council include a treasurer (who must be a trustworthy Yoruba family head) and a secretary (a literate member of the village who could be a woman or man). A hired laborer, selected by the hired laborers in the village, is also a member of the council.

The village council constitutes the only collective choice level in the village where decisions are taken as to how to share the annual fee payable to the landowning compound among the Yoruba migrants, resolving conflicts that cannot be handled at the family level, deciding how to select new officials of the council in case of voluntary exit of a member or his death, organizing people for collaborative harvesting of cocoa beans, sanctioning offenders, and planning how to negotiate for a favorable fee payable to the landowning compound. The council meets fortnightly to discuss issues that affect the village as a whole. The council derives its financial resources from the family units in the village. Each family unit is levied based on the exigencies confronting the village.

Attention is now turned to how the kinship relationships and heterogeneous nature of the migrants, their institutional rules and formal rules (especially the 1978 land law (have impacted on possible conflicts between them and the landowning compound (Jitele) and their resultant resolution before and after the introduction of the 1978 land decree that transferred landownership from the compound to the national government.

### **Relationship between the Migrants and the Jitele Compound Pre-1978 Period**

Before the 1978 land decree came into existence, the migrants in Ominigbo maintained a peaceful relationship with the Jitele compound and the people of Igangan. This was based on the kinship relationship through which the farmland was secured, their intermarriages with the people of Igangan which is based on respect for in-laws, and the respect they had for the principle of good neighborliness. Against this backdrop, the migrants (especially the Yoruba among them who are claimants) do not see themselves as different from the people of Igangan in customs, values and pursuit of socioeconomic interests.

The fact that these tenants do not concentrate their houses in Igangan in a the same part of the mother town to take on their own distinct group identity explains how much they have mixed with the people of Igangan. The community leaders of Igangan have continued to be recognized by the migrants. The migrants usually call these leaders their fathers or landowners.<sup>3</sup> Since the migrants recognized the compound leadership and that of the community of Igangan and they see themselves as sharing the same values and interest as the landowning compound (i.e. not polarized/heterogeneous in values and interests), they were able to use the process of negotiation in striking a good deal on payable rents that could otherwise have led to conflict or serious bloody violence before the introduction of the 1978 land use decree. For example, the cocoa boom in the early 1940s led elders of the landowning compound to switch payable rents in yam tubers to money. But the two parties were able to meet and negotiate an agreeable deal through information exchange. Since the start of paying the rent in cash, there had been increases in the payable rents, none of which led to bloody violence. Negotiation based on their kinship relationship has remained the method for reaching mutual agreements.

### **Post-1978 Period**

With the introduction of the 1978 land decree, there were grounds to expect the Yoruba migrants in Ominigbo to engage in strategic behavior by buying up their farmland from the government. However, the migrants did not (still do not) recognize the 1978 land decree because their respect for Yoruba norms (that one cannot dispossess one's landlord of his/her property, and that one must not insult one's in-law, and that one

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<sup>31</sup> Oral accounts supplied by Prince John Olayiwola Oyerinde and Engineer Olutayo Oyeyemi Oyerinde.

must observe the principle of good neighborliness) takes precedence over any form of rules or decrees enacted by the government.

Thus, the migrants do not dispute the ownership claim of Jitele over the farmland as they continue to pay annual rents for the use of the land, and draw upon negotiation to adjust payable rents to a mutually agreeable level. According to an oral account, none of the parties (the migrants and their indigenous landowner) has had any cause to take their disagreements to Igangan community leaders or to file legal actions<sup>4</sup>. Before and after 1978, the migrants' recognition of the Jitele and Igangan leadership, the strong kinship relationships between the migrants and the people of Igangan, the continued recognition of indigenous landowners by the migrants, respect for in-laws and landlords, respect for the Yoruba tradition of good neighborliness and the absence of concentrating the migrants in the same part of Igangan (the mother town) have continued to guarantee conducive circumstances where the migrants and the landowning compound have been able to use negotiation to adjust payable rents that have constituted a source of bloody violence in other rural Yoruba communities such as Famia discussed in the section that follows.

## **FAMIA**

### **Geographical, Demographic and Socioeconomic Characteristics of Famia**

Famia is a village under the ancient city of Ile-Ife (the cradle of Yoruba and center of Yoruba culture) situated in the southeast of Yorubaland. It is being formally administered by the Ife East Local Government. Two major seasons are distinguishable in the village. These are the rainy and dry seasons. The rainy season begins in mid-March and ends in November. The dry season is shorter, spanning from late November to mid-March. By and large, the village is a rain-fed area. Famia's soil is suited to the cultivation of cocoa, kolanut, banana, maize, yam, cocoa-yam, beans, rice and assorted vegetables. Cocoa beans from the village are sold to produce buyers for export to Europe. While Hausas buy kolanuts from the village for consumption as stimulants in Northern Nigeria, other crops are grown for subsistence living. As a matter of traditional beliefs, it is an abomination to grow melon in the village. Such agricultural practice is against Ifes' religious beliefs and is capable of affecting land productivity.

<sup>4</sup> Oral account by Prince John Olaiwola Oyerinde.

The population of Famia farmland is about three hundred. Famia is less heterogeneous than Ominigbo, being substantially settled by migrants generally known as the Modakeke whose language is Yoruba and are distinctively identifiable by their uniform tribal marks and dialect within the ancient city of Ile-Ife and other villages occupied by the Modakeke. The other villages where Modakeke are concentrated include Tonkere, Ayetoro, Ayorunbo, Aregbe, Oluwada, Eleso, Olukotun, Dado, Toro, Ila-Elewa, Akiri, Aba Paanu and Elefon. In the mother town of Ile-Ife, the Modakeke are concentrated in a particular section where they have their houses and maintain a distinct group identity. For example, the way the Modakeke pronounce bitter leaves (*ewuro* in Yoruba), among other Yoruba words, is so fundamentally differently from how the Ife people pronounce the same word that a Yoruba person from another part of Yorubaland cannot mistake the Modakeke for the Ife. Unlike the migrants in Ominigbo who have other places they can call their homes, the Modakeke migrants only see the part of Ile-Ife they occupy as their permanent home. These factors, especially the homogenous nature of the Modakeke, have provided a basis for them to come together as a distinct group in Ile-Ife and pursue shared interests with a separatist identity.

Famia's non-Yoruba inhabitants include Epira (from North-Central Nigeria), Urobo (from South-Southern Nigeria), Igbo (from South-Eastern Nigeria) and Hausa (from North-Western Nigeria). The Urobos, the Epiras, and the Igbos in the village reside in the village and usually serve as hired laborers. The Huasas that trade in the village come from Ile-Ife where they reside and buy kolanut, which are consumed as stimulants in places like Kastina, Kano, Kaduna and Sokoto in Northern Nigeria. While the dominant language is Yoruba, the non-Yorubas maintain their languages. Many people in the village are literate in terms of the ability to read and write. Religious practices in the village exhibit wider diversity than what prevails in Ominigbo village. Christianity, Islam and traditional religion (including traditional gods like, *Sanpona*, *Ogun*, *Oya*, *Ow*, *Obatala*, and *Sang*) are the major religions in Famia. The village has one primary school, which is largely maintained by the villagers. The circumstances that lead to the movement of the Modakeke migrants to Famia and Ile-Ife region in general went beyond kinship relationships. This is captured in the next section on Famia's history.

## History

Famia is a farmland mainly populated by the Modakeke and owned by the Fegun compound from the Okewere district in Ile-Ife. The Modakeke in Famia village and Ile-Ife are descendants of Oyo refugees who migrated from the Old Oyo Empire, which collapsed following its successful invasion by the Fulanis. Modakeke's migration to Ile-Ife occurred under the leadership of Wingbolu and Akinrawo in about 1834 ([www.modakeke.com](http://www.modakeke.com)). On arrival in Ile-Ife, the Ife gave the Oyo refugees a warm welcome as Yorubas returning to their original homeland. This took place during the reign of Ooni Akinmoyero ([www.ile.ife.com](http://www.ile.ife.com), [www.modakeke.com](http://www.modakeke.com))<sup>5</sup>. The refugees were allowed to settle in Ile-Ife and farm on the Ife land belonging to compounds from the Okerewe district of Ile-Ife. To ensure peaceful co-existence, the Oyo refugees were allowed to settle in a section of Ile-Ife, where there was a large swarm of storks, which had their nests on a tree.

The Oyo refugees built their first settlement at the spot in 1845 ([www.modakeke.com](http://www.modakeke.com)). The name "Modakeke" derived from the chirping of storks, which sounded like MO-DA-KE-KE-MO-DA-KE-KE ([www.ile.ife.com](http://www.ile.ife.com)). Thereafter, the Oyo refugees began to be known as the Modakeke. They engage in the cultivation of cocoa, kolanut, banana, maize, yam, cocoa-yam, beans, rice and assorted vegetables in farmlands owned by the Ifes for fixed rents/tributes. The rents were initially in form of farm products including palm oil and yam. With the cocoa boom in the late 1940s, the Ife landowners began to take money. This form of relationships prevails in Famia village between the Modakeke and the Fagun compound.

Although the Modakake in Famia and Ile-Ife have been there for about one hundred and seventy years, the analysis of Famia in this paper will be limited to the period from 1922 to the present time. In 1922, the Modakeke started a fresh form of relationships as migrants/tenants with the people of Ile-Ife when a large number of this group migrated back to Ile-Ife from Odeomu. Before 1922, there had been inter-community (inter-kingdom wars) wars in Yoruba which led to different forms of

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<sup>5</sup> The information from [www.modakeke.com](http://www.modakeke.com) and [www.ile.ife.com](http://www.ile.ife.com) was obtained in 2001 Fall. While these web sites are longer functioning, useful sites for getting this information are <http://usafricanvoice.com/p0001269.htm>, <http://usafricanvoice.com/p0001424.htm>, <http://usafricanvoice.com/p0000475.htm>, <http://usafricanvoice.com/p0001362.htm>.

alliances among different towns. During this period, the Modakeke's support for the Ibadan (also regarded as the Oyos) during the Kiriji war strained their relationship with the Ife. Thus, peace gave way to destructive tensions, vandalization of property and displacement of the people in the cradle of Yorubaland. The resulting conflict became a source of embarrassment to the entire Yoruba nation, especially key Yoruba leaders in Ibadan. The significance of Ile-Ife as the original homeland of Yoruba motivated the Yoruba leaders to seek to restore peace in Ile-Ife (Johnson, 1921). A peace treaty was eventually reached in 1886 to relocate the Modakeke from Ile-Ife to Odeomu.

Around 1922, following some negotiations between the Modakeke and the Ife, some Modakeke were allowed to return to Ile-Ife to work the farmlands belonging to some compounds in Ile-Ife. Their return was based on the condition that they would use the Ife land for agricultural purposes in return for agreed rents payable to the landowning compounds annually. Against this backdrop, some Modakeke moved back to Famia village belonging to the Fagun compound. The property rights system in Famia, which is similar to that of Ominigbo, is the same in all migrant villages in Ile-Ife. The only difference lies in the fact that the propriety rights system in Ominigbo rests on kinship relationships strengthened by inter-marriages with the landowning compound. The property rights system at Famia rests on the 1922 negotiations between the Ife and the Modakeke, which allowed the latter to return to and cultivate Ife farmlands. Besides, the negotiations allowed individual Madekeke farmers to interact directly with the landowning compound, unlike group negotiations that characterized the way the migrants in Ominigbo secured their farmland. Besides, the Modakeke's dominance at Famia remains unparalleled to the situation at Ominigbo where no group of individuals from either Ayete, Eruwa, Idire, and Tapa dominate the other groups.

**Property Rights System in Famia**

Market in land, which makes for transfer of land through sale, constitutes a taboo in Famia just as in other Yoruba communities. In this regard, only three classes of propriety holders exist in Famia. They are depicted in the table below:

**Table 5 - Bundles of Rights Associated with Positions in Famia**

Rights	Owner/Proprietor (the Fagun Compound)	Claimants (Yoruba migrants like Modakeke and migrants from Ikirun, Iwo, Osogbo and Gbongan) and Non-Yoruba migrants granted use rights by the Fagun Compound)	Authorized Users (Hired laborers granted use rights by claimants)
Access and Withdrawal	√	√	√
Management	√	√	
Exclusion	√		

Adapted from Schlager and E. Ostrom, 1999

As shown in table 5 above, the Fagun compound serve as owner/proprietor, Modakeke as claimants along with other Yoruba migrants from Ikirun, Iwo, Osogbo, and Gbongan, and hired laborers working for Modakeke and the other Yoruba migrants constitute authorized users. There are some non-Yoruba migrants who are also claimants: they are allocated plots in Famia by the Fagun compound for subsistence farming. In much the same way as Ominigbo, the Fagun compound through its elders exercises control over the right to access the land, the right to be allocated plots to use, the right to determine who has access right and how that right may be transferred, and the right to regulate internal use patterns and transform the land by planting cash crops, building houses to live, constructing and maintaining roads into the farmland for transporting agricultural products. The next section shifts attention to village governance in Famia.

**Village Governance**

**Governance at the Family Level**

There are two broad decision points in Famia village. These are the family unit and the village council. Governance at the family level in Famia village is the same as in Ominigbo. The difference is in the functioning and composition of the village council discussed in the next section.

### **Village Council**

The village council of elders manages the general affairs of the village. The council is made of both Yourba and non-Yoruba family heads with the most senior male (especially from among the Modakeke migrants) serving as both the village head and the council chairman. Since the village council is more or less dominated by the Modakeke, the council is more responsible to Modakeke leaders in He-Ife than to the landowning compound. The separatist identity maintained by the Modakeke is responsible for this development. The village council however has the obligation to inform the landowning compound about its chairman/village head. Other officials of the council include a treasurer and a secretary who are always appointed from the Modakeke group in the village.

Much like Ominigbo, the village council constitutes the only collective choice level in the village where decisions are taken on issues of general effects. Unlike Ominigbo, individual farmers negotiate with the landowning compound as to what to pay in rents to the compound for the use of the farmland. The council derives its financial resources from the family units in the village, a significant part of which always comes from the Modakeke migrants in the village. The council also handles conflicts that cannot be resolved at the family level. Conflicts among the Modakeke migrants in the villages are handled by the village council (dominated by the Modakeke) and thereafter transferred to the Modakeke leaders in Ile-Ife, where the Modakeke maintain a distinct identity as a homogenous group. But conflicts between the Modakeke and the non-Makeke claimants in the village that cannot be resolved at the village council are transferred to the landowning compound and then to the Ooni's palace (Oba/king of Ile-Ife).

Disagreements over payable rents for the use of the farmland are handled by representatives of the migrants and elders of the landowning compound. If unresolved, such matters may be taken to the Ooni's palace. Failure to successfully handle such matters could compel the unsatisfied party to file a legal action in a government-owned court. There have been some legal actions over unresolved conflicts (disagreements over payable rents for the use of the farmland) between the Modakeke migrants and their

landowning compound, most especially over the payment of rents for the use of land. These forums for conflict resolution and the relevant actors are depicted in table 6 below.

**Table 6 - Actors and Forums for Resolution of conflicts over land between migrants/tenants and the landowning compound**

Forum	Actors	Type of Conflict
Village Council	Village council of elders	Conflicts between the migrants like an encroachment on another tenant' land
Modakeke Community Council of elders in Ile-Ife	Migrants (the Modakeke in Famia) in conflict, and Modakeke community leaders	Conflict between Modakeke Migrants at Famia and other villages
Compound	Elders of the landowning compound and migrants' representatives.	Disagreement over payable rents
Community	Elders of the landowning compound, migrants' representatives, community's chiefs and the <i>Oba</i> (king)	Disagreement over payable rents/landownership (from 1980 for landownership problem)
Government-owned Courts	Government-appointed judges, elders of the landowning compound and their lawyers, and migrants' representatives and their lawyers.	Disagreement over payable rents/landownership (from 1980 for landownership problem)

Attention is now turned to conflicts between the migrants (especially the Modakeke) and their landowning compound in particular and the Ife in general; and resolution of such conflicts before and after the introduction of the 1978 land decree.

### **Migrants' (the Modakeke's) Relationship with the landowning Compound and the Ife Landowning Compound Pre-1978 Period**

In 1934, the Modakeke migrants in Famia and other farmlands in Ile-Ife began to have some conflicts with their landowning compounds over payable rents for land use in Ile-Ife area ([www.modakeke.com](http://www.modakeke.com)). When the conflicts could not be handled successfully between the migrants and the landowning compound, they had to transfer them to the Ooni's (Ife King's) palace. But since the incumbent Ooni (Oba Adesoji Aderemi) had

always treated the Modakeke both as Yoruba and his people, he was able to make the parties (the Modakeke migrants and Ife landowning compounds) in conflicts strike a good deal, thereby preventing resort to bloody violence. Throughout his reign, the Modakeke held Ooni Aderemi in high esteem.

The respect the Modakeke migrants had for Ooni Aderemi was very strong as one of the Ooni's wives was a Modakeke woman ([www.modakeke.com](http://www.modakeke.com)). Thus, throughout his reign (1930-1980), conflicts between the Modakeke migrants and their landowning compounds over payable rents were handled as normal differences in opinion that should be expected in human interactions; and such misunderstandings did not degenerate into killings and property destruction.

With the commercialization of cocoa in the late 1940s, for example, the landowning compound increased the rents payable and this generated an unresolved conflict between the Modakeke migrants in all farmlands (including Famia) in Ile-Ife and the Ife landowning compounds (including the Fagun compound) in 1946. The inability of the Ooni Adesoji Aderemi to resolve the conflict forced the Modakeke migrants as a homogenous group to take the case to the Native Authority Court of Ife on January 13, 1948. The court ruled in favor of the Ife landowning compounds. But the ruling was challenged at the Supreme Court which subsequently upheld the decision of the lower court. The Modakeke felt dissatisfied with the ruling and refused to abide by it. Ooni Aderemi intervened in 1949 to encourage the migrants and their indigenous landowners to use negotiation to strike mutually agreements on payable rents. Ooni Aderemi's effort eventually helped to bring the two parties together again to reach a mutually beneficial deal.

### **Post-1978 Period**

As from 1978, a new twist crept into the relationships between the Modakeke migrants at Famia and their landowning compound (other farmlands where the Modakeke farm were also affected). The Modakeke regarded the introduction of the 1978 land use decree as an end to the payment of rents to the Ife landowning compounds since the new land law transferred landownership to the government. While the Modakeke migrants began to refuse the payment of rents for land use as from 1978, the Modakeke's reaction

the new land law did not lead to any violence until 1980 due to the respect they had for Ooni Aderemi who died in 1980.

Ooni Sijuwade Olubuse II succeeded Ooni Adesoji Aderemi in 1980. Since then, the relationships between the Modakeke and the Ife have been based on mistrust as the Modakeke migrants began to adopt different strategies to stop the payment of rents for land use. Ooni Olubuse I (the father of the current Ooni Sijuwade Olubuse II) happened to be the Oba that pushed for the evacuation of the Modakeke in 1909, which left some hostile relationship between the Modakeke and the Ife. The memory of the strained relationships motivated the Modakeke in 1980 to begin to disregard Ife community leadership under Ooni Olubuse II, to see the government as the legitimate landowner, and to look upon themselves as an independent community based on their distinct identity as a homogenous group concentrated in a same part of Ile-Ife. The Modakeke migrants engaged these strategies to free themselves from their indigenous landowners and thereby stop paying rents for the use of the Ife land. At the same time, Ooni Olubuse II did not (still does not) recognize the Modakeke migrants' claim to an independent town and the Ife landowning compound continue to maintain their landownership claim given that the 1978 land use decree provided for the recognition of communal (compound) rights in land. These circumstances offered the Modakeke no motivation to draw upon the indigenous mechanisms to resolve the crisis.

The post-1978 circumstances were different from those of the pre-1978 when the Modakeke did not disregard their indigenous landowners and Ife community leadership under Ooni Aderemi and when they used negotiation to reach mutual agreements with the indigenous landowners on payable rents as earlier indicated. The breakdown of negotiation from 1980, fueled by the Modakeke migrants' recognition of the government as the landowner and the Modakeke's non-recognition of the Ife landowning compounds claims and community leadership under Ooni Olubuse II, lead to the Modakeke migrants to disregard indigenous institutions for conflict resolution. Besides, the Modakeke migrants (both in Ile-Ife town and farmlands) saw bloody violence as the last resort and drew upon their strength as a homogenous group concentrated in the same section of Ile-Ife to mobilize for violent encounter with the Ife in 1981. The bloody violence led to loss of life and property both in Ile-Ife town and the farmlands. The failure to meet the

Modakeke's demand for a separate local government unit as a way of stopping paying rents to indigenous landowners after the 1981 crisis and the failure to resuscitate the process of negotiation within the indigenous system of governance led to outbreak of different rounds of bloody violence in 1983 and 1997 and 2000, indicating a complete breakdown of indigenous institutions for conflict resolution due mainly to the ambiguities in the 1978 land use decree that both vested landownership in the government and at the same recognizes compound claim to landownership. The breakdown of indigenous institutions for conflict resolution in the case of the Modakeke migrants and the Ife landowning compounds could be expected to be inevitable because, according to Zechmeister & Druckman, (1973) and Sandole (1993:28), the more polarized/heterogeneous the conflicting parties are in values and attributes, the more difficult it is to resolve a related conflict.

Efforts by the government to resolve the crisis following each outbreak of bloody violence did not yield any meaningful fruit. After the 1983 violence, for example, the national and state governments took steps to resolve the conflict. For example, the then Oyo State government set up a commission of inquiry headed by Justice Ibidapo-Obe to look into the immediate cause of the crisis and the ways of preventing future occurrences ([www.ile-ife.com](http://www.ile-ife.com)). But the recommendations of the commission were not acceptable to the Modakeke. This was due to the fact Modakeke's demand for a separate local government unit was not granted. The composition of the commission was also perceived to be in favor of the Ife. Thus, the relationship between the Modakeke farmers and their landowning compounds continued to grow worse with the Modakeke seeing the leadership of Ooni Olubuse II as illegitimate. Efforts by the military government to solve this crisis in 1997 through the creation a separate local government unit for the Modakeke resulted to another round of bloody violence in 1997 and 2000, claiming about five thousand lives with several cocoa, kolanut and orange plantations destroyed in Famia and other villages. The Ife-Modakeke conflict over Agricultural land has assumed complex dimensions since the civilian regime came to power in 1999.

#### **COMPARISON: OMINIGBO AND FAMIA**

As argued earlier, Ominigbo and Famia are similar in terms of being occupied by tenants/migrants; predominantly using the same language (Yoruba); having fertile land

for the cultivation of food (like maize) and cash (cocoa and kolanuts) crops; having compounds as indigenous landowners in the mother towns (parts of which the tenant/migrant communities are); and being administered by the same local government structures. Since the two communities are comparable on these factors, the factors do not constitute any alternative explanations for the success/breakdown of indigenous institutions for conflict resolution in either of the two communities. Before 1978, the migrants in both Ominigbo and Famia used negotiation within the indigenous system of governance to deal with issues of potential sources of conflict (like payable rents for land use). For example, the 1946 conflict over payable rents taken to court by the Modakeke was later resolved through indigenous institutions due to the legitimacy of community leadership under Ooni Aderemi to the two parties. In addition, the pre-1978 did not have any record of resort to bloody violence in both Ominigbo and Famia, which could have indicated the breakdown of indigenous institutions for conflict resolution.

The governing structures of the two rural Yoruba communities are, however, different. In the case of Ominigbo, the governing structures include village council, the landowning compound and Igangan community council of leaders. Apart from these structures, the governing structures in the case of Famia include the community leadership of the Modakeke migrants in Ile-Ife due essentially to the Modakeke's separatist identity. The Ominigbo farmers do not have any separate community leadership of their own than the Igangan community leadership.

In the case of Ominigbo, kinship relationships constituted the underpinning factors in the interactions between the migrants and their landowning compound as well as the people of Igangan. Besides, the migrants are not homogenous in terms of dialects and tribal marks. Before and after 1978, they have continued to recognize their indigenous landowners and Igangan community leadership. But in Famia, the migrants are homogenous and are concentrated in the same place in Ile-Ife town, began to disregard Ife community leadership under Ooni Olubuse II as from 1980 and to recognize the government as the landowner. It can therefore be argued that Ominigbo and Famia differ in terms of their historical backgrounds, group identities, degree of recognition of mother community leadership, village social relations and their relationships with landowning

compounds, all of which shape the attitudes of the migrants from the two communities towards the 1978 land law.

The use of negotiation in the case of Ominigbo has continued to ensure the survival of the indigenous institutions for conflict resolution beyond 1978. The breakdown of the process of negotiation in 1980 in the case of Famia has however led to the collapse of the same institutions for conflict resolution (i) because the Modakeke migrants in Ile-Ife and Famia see the government as the landowner while the indigenous landowning compound maintains its landownership claim, (ii) because the migrants see the community leadership under Ooni Olubuse II as illegitimate, and (ii) because the migrants have been able mobilize themselves for bloody violence due to their distinct identity as a homogenous group.

Before 1978, there were three instances of conflicts over payable rents between the Modakeke migrants and their indigenous landowners (1934, 1946 and 1949), all of which were handled successfully through indigenous institutions to the mutual satisfaction of the two parties. In Ominigbo, there was only one instance of conflict when the landowning compound switched to the collection of payable rents in cash. But negotiation was brought to bear on striking a mutually agreeable deal. As from 1978 with the introduction of a uniform/general land reform, there have been five instances of conflict (1978, 1981, 1983, 1997, and 2000) over the Modakeke migrants' refusal to pay rents for land use and to recognize the landowning compound as legitimate landowners. None of these conflicts were resolved through indigenous institutions, with those of 1981, 1983, 1997 and 2000 erupting into bloody violence. Given the differences before and after 1978 and the attributes of the Modakeke migrants in Famia (along with other farmlands the Ife indigenous landowners claim ownership over), the evidence presented above supports our hypothesis that (i) a greater proportion of conflicts tends to be resolved through indigenous institutions when community leadership is legitimate to all the parties in conflict; (ii) a greater number of conflicts will occur between migrants and indigenous landowners when the migrants maintain a separatist identity with the introduction of a uniform property right system that disregards local peculiarities; and (iii) bloody violence is more likely to occur when community leadership is illegitimate to

at least a party in conflict in the context of a property right system that creates conflicting claim to ownership.

Available evidence about Ominigbo indicates a successful resolution of the conflict over the new mode of paying rents in the late 1940s and shows no record of conflict or outbreak of bloody violence as from 1978. This evidence, given the attributes of the Ominigbo's migrants and their landowning compound, confirms our hypotheses that (i) a greater proportion of conflicts tends to be resolved through indigenous institutions when community leadership is legitimate to all the parties in conflict; (ii) a smaller number of conflicts will occur between migrants and indigenous landowners when the migrants do not maintain a separatist identity with the introduction of a uniform property right system that disregards local peculiarities; and (iii) bloody violence is less likely to occur when community leadership is legitimate to all the parties in the context of a property right system that creates conflicting claim to ownership.

## CONCLUSION

In conclusion, the above discussion shows that the two communities are not similar. Differences can be observed in the nature of their land use rights, village social relations, tenant-indigenous landowner relations, and degree of heterogeneity of tenants and owners. These divergences suggest that land regimes/reforms will have to be designed to reflect these differences in each of the communities. The failure to base the 1978 land law on local peculiarities can be argued to create a context for the breakdown of indigenous institutions for conflict resolution in the case of Famia. It is important to indicate that indigenous institutions are not portrayed in this paper as perfect. Rather, the argument to be pursued further as this work progresses is that an understanding of the functioning of indigenous institutions in Yorubaland would help to create some appreciation of how people organize themselves for governance. Such an understanding could help to lay foundations for changes that are necessary to modify and adapt the indigenous institutions to changing circumstances and thereby create smooth paths to modernity.

### **ISSUES LEFT FOR FURTHER RESEARCH**

Since this paper is an on-going project, a number of issues are left for further study. These include questions such as: How do the landowning compounds distribute collected rents among their members? How far can we generalize what prevail in Famia and Ominigbo to other parts of Yorubaland? How do the relationship between migrants and members of landowning compound change when members of landowning compound have to work the same land as the migrants granted use rights? How do rules like boundary, position, authority, aggregation, information, and payoff rules operate in organizing village relations on the farmland? How have the indigenous governing structures created incentives for innovation, modification and adaptation of the mechanisms over the years? How has market in land affected Yoruba tradition that forbids sales of land? In what ways do death of family/compound head (either among the migrants or in the landowning compounds), marriage and inheritance-related matters affect access to agricultural land? I hope to address these questions as the study progresses

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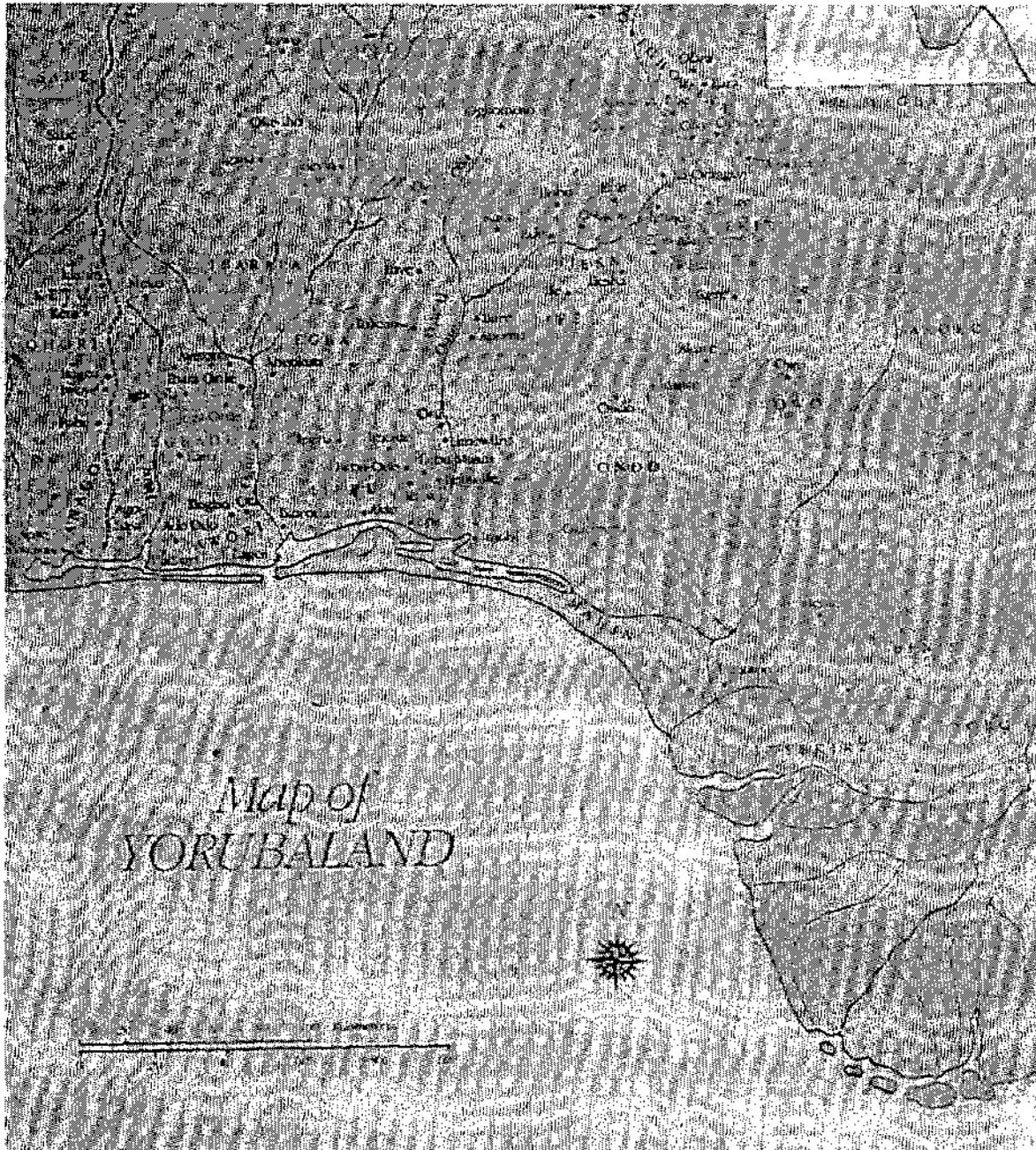
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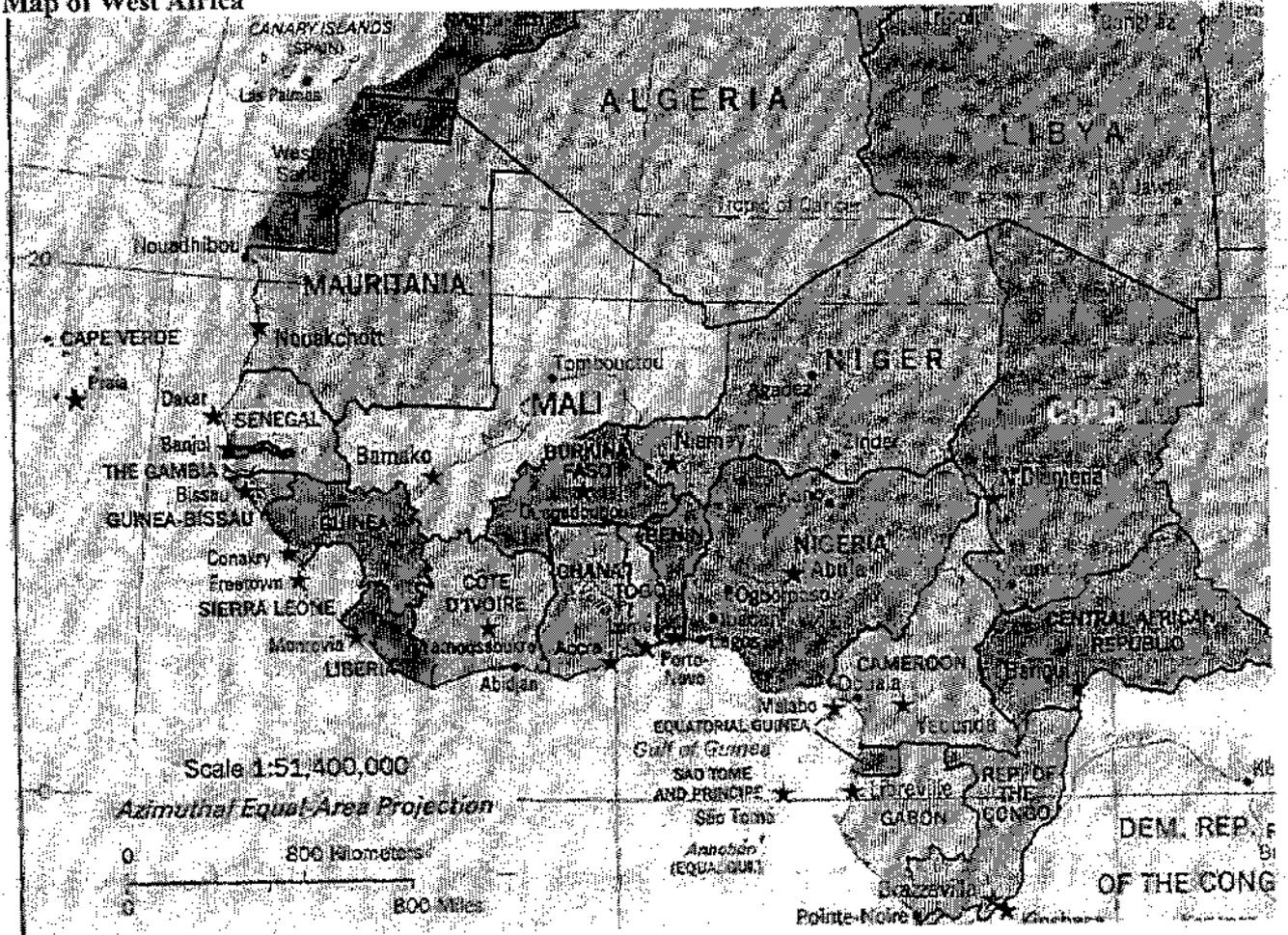
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Map of Yorubaland



Map of West Africa



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