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COMMON PROPERTY IN ECOSYSTEMS UNDER STRESS

**POPULATION GROWTH AND COMMON PROPERTY RIGHTS IN ECOSYSTEMS UNDER
STRESS IN NIGERIA**

By

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1. Introduction

An observable trend that seems to elude critical investigations in many traditional African societies since the post-independence era, but particularly in the 1980s, has been the gradual weakening of the common property ownership of resources for private or individualized ownership (Adegboye 1966; Allan 1969; Barrows 1973; Bohannan 1967; Branney 1959; Chubb 1961; Colson 1971; Elias 1956; Gluckman 1969; Akabane 1970). While studies show that the rural societies of the developing countries accommodate the last vestiges of common property resources in comparison with their tremendous individualization in the more developed societies, their perpetuation in these rural communities in the past two decades or so, marks the demise of traditional common property management in history. Although common property resources constitute an important form of natural resource endowment in the rural areas of most African countries, the socio-cultural and economic transformations of the post-colonial period, coupled with an accompanying high rate of population growth, seem to weaken this traditional system of common and collective ownership in favor of more internally exclusive and private ownership (Jodha 1985). While this problem appears to be compounded by some ambiguities surrounding what constitutes common property rights and their imprecise distinction with individualized ownership in these rural societies, the declension of an ancient traditional practice for a westernized model calls for further investigation, especially the circumstances in which these communal rights are abrogated (Oloko et al. 1961). To this end, this paper intends to achieve two main objectives. First, to provide a better understanding of the rural society's comprehension of common property rights in relation to some popular viewpoints (Hardin 1968; Stevenson 1991). Secondly, having established this relationship, to investigate the underlying factors surrounding the current crave for individualized property ownership under the existing traditional common property management systems. The findings are expected to provide a preliminary basis for a comparative analysis with other traditional African societies.

The paper has five main sections. Section 1 is a brief introduction to nature of the study; section

2 explains the terms: common property resources and common property rights from the community's perspective; section 3 discusses the study area and its structure of traditional common property resource management; section 4 examines population growth and patterns of common property resource decline, while section 5 contains the summary and conclusions.

2. Common Property Resources and Common Property Rights

Common property resources (CPR) are usually referred to those resources with a definable set of users who have exclusive rights to exclude others from possession, use or benefit from that particular resource (Scrivastava 1989). What constitutes common property resources vary among various communities, but generally they include land, water, trees, rivers, pastures and waste lands (Jodha 1985; Chopra 1990; Stevenson 1991). Scrivastava (1989) has identified at least four dimensions of common property resources to include: people, time, space and law. These various dimensions work in conjunction to initiate some modifications within the system or community, and they determine the rate of decline of common property

Using this brief definition of common property resource, a number of attributes can be identified as follows:

- (a) there is a well defined set of users,
- (b) every one has equal access to the resource,
- (c) some limitations to access and use may be imposed by the factor of space, and
- (d) access may be re-defined by users to achieve a common goal (Pollack 1896:18).

The last two attributes suggest the existence of some modifiable rights in the use of common property. Hence, simply defined, the common property rights of a people are those rights exercised by a group of users who have access to a common property - land, water, etc. under a given form of communal rules and regulations. These defined rules and regulations enable a user to exercise his rights to the use of the common property, in this case - land, without depriving other users the benefit. Under this traditional

TRADITIONAL COMMON PROPERTY MANAGEMENT STRUCTURE

Management Systems

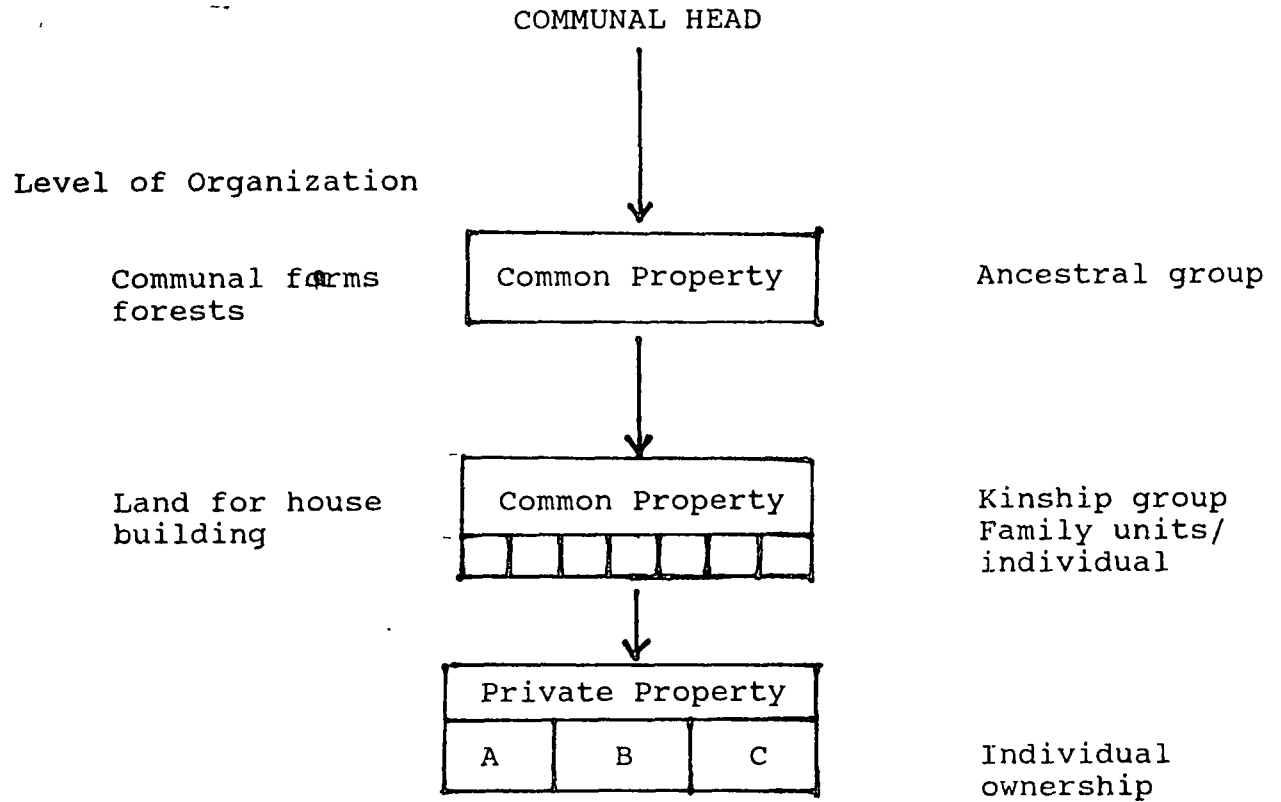


Fig. 4.2

1991), while the third set was obtained from secondary sources. Owing to the broad nature of common property resource management systems in Nigeria, the paper has attempted some comparative analyses with the more densely populated areas of Igboland in Eastern Nigeria and the Kano close-settled areas of Northern Nigeria. However, some caution was exercised in the analysis for the fact the degree of urbanization processes differ.

Traditional pattern of common property Resource management

Two types of land as a common property among the Ukwuani speaking people of midwestern Nigeria are addressed in this paper: farmland and building plots. There is no attempt to examine the management of tree crops on land as is practised among the Igbo-speaking people of Eastern Nigeria since among the Ukwuani people the separation is not well-defined.

Land is traditionally a basic and valuable resource in most Nigerian rural communities. It is the base upon which the various predominantly agricultural communities obtain their sustenance (Mbagwu 1978). As a valuable common property, land belongs to three groups of people: the (departed) ancestors, the living and the yet unborn.

Among the Ukwuani-speaking people common property management is structured hierarchically (Fig. 2). At the apex is the **head** of the community, usually the oldest man. Upon him is vested the power to oversee the land on behalf of the ancestors, the living and the unborn. Next to him are the heads of the various **ancestral groups** which founded and, in most cases, make up the community; with the third in the hierarchy being the **kinship groups**, consisting of different traditional families and individuals.

The communal head (or Chief) oversees the land of the community and ensures that its territorial integrity is not encroached upon an undefined user. Usually he belongs to one of the ancestral groups, and his role, in most cases, does not include the direct allocation of land for farming purposes. The heads of the **ancestral groups** are responsible for the allocation of farmlands to the members from the various

kinship groups who **request** for farmlands at the onset of the farming season through a formal presentation of wine (palm wine or local gin), kola-nut, and/or ego-ani (token paid in form of land rent). The process of farmland allocation is an age-long and well-organized traditional heritage which avails every interested member access to the common property. The idea of the 'tragedy of the commons' which connotes greed, mismanagement and abuse does not hold under the traditional management structure (Hardin 1968). There is access to everyone interested in farming and there is no ill-feeling among those adult members of the community excluded from farming by conscious choice. This practice differs from that of the Igbo-speaking people of Eastern Nigeria, who, though absent from the community still maintains his own (mostly permanent) share of farmland. In exceptional cases, late indication of interest to farm may result in one's forfeiture of his common rights for that season.

In the 1950s and 1960s when land was abundant, a household could be allocated to as many plots as they wanted, but since the 1980s it is regarded a rare privilege to be allocated to 2 farmlands by the same ancestral group. Even the practice of marrying from one's ancestral group limits the chances of having more than a farmland, while marrying outside one's ancestral group increases such chances. Also, in a situation where members of an ancestral group are faced with problems of acute land scarcity, it is customary to negotiate or beg for farmlands from other ancestral groups within the same community. This communal arrangement operates within the principles of common property rights, while helping to intensify population pressure on land. Before the present intensification of population pressure on land, inter-communal exchange of farmlands was practised among neighboring communities, but the occurrence of frequent disputes over land and boundaries has drastically curtailed, if not eradicated, the tradition.

Once a farmland has been allocated to a member of the community, he exercises exclusive rights to the use of the land for a stipulated period of time, ranging usually from 3 to 5 years, during which he is expected to have harvested his perennial crops, and vacated the land in order to lay fallow. Unlike in some other rural communities in Nigeria, there is nothing like a permanent farmland or an assurance that

one will farm on the same spot he did 3 or 5 years ago, as what is shared out as farmlands depends on the number in need at that particular time.

The **heads** of the **kinship** groups are largely responsible for the allocation of building lands or plots as well as lands of some market gardening near the home. Basically, the hierarchical structure of common property management is organized around the communal pattern of land-use. Members of this kinship group maintain private building plots which they have exclusive rights of ownership besides that of the collective kinship reserved for the living who have not yet attained adulthood as well as the yet unborn.

Pattern of communal land-use

A concentric pattern of landuse characterizes most rural communities in the forest zone of the study area. The concentric zones center on the village with an inner core of permanent buildings or settlement, an outer ring of tree crop plantations, mostly rubber; and an outermost ring of cultivated, fallow and reserved or protected forest areas (Osirike 1992). These various zones are arranged to fit into the traditional structure of common property management. The outermost ring is managed by the **ancestral groups**, while the outer ring is managed largely by the **kinship groups** consisting of different families and households. An association with a kinship group, by virtue of heritage, adoption or acquisition, entitles that person to the community's property rights. This accounts for the absence of landless freed slaves (called **Osu** among the Igbo people of eastern Nigeria) in the area (Green 1941).

Generally, the allocation of lands for housebuilding rests mainly on the family members of the kinship group whose common property rights enable them to sell, rent or loan, and lease land, depending on the circumstances and need.

4. Population factor and the emergence of private property rights

Although the factor of population pressure on land was becoming obvious in the late 1970s, the sagging national economy of the mid 1980s, the extremely low world price for rubber, and the ban on

Table 2

Periods and Patterns of Communal Land-Use in Ndokwa LG-A (1900-1989).

Period	Access to CPR (Land)	Average Follow Periods (yrs.)
1900 - 1945	Unlimited Access	7 - 14
1946 - 1970	Limited Access	4 - 9
1970 - 1989	Restricted Access	3 - 7

Source: Author's fieldwork, 1981, 1989

the importation of some agricultural produce, created a high demand for communal lands as farming became more lucrative to rubber tapping. Based on the basic principles of common property rights, demand started to outstrip supply with farmlands becoming proportionately smaller each year. Important contributors to this factor of rapid population growth include: an early age at which women marry and commence childbearing, low level of contraceptive use, falling infant and adult mortality rates, and long periods of childbearing activities among women.

In terms of access to cultivable lands, members of the community start approaching their various ancestral groups at the onset of the farming season. According to most of the communal leaders the earlier the registration of intent to farm the greater the chances of securing a farmland. Of the sample population interviewed in 1989, about 68.4% (288) obtained their farmlands from 1 or 2 different sources within the community. Despite the multiple source of farmland acquisition, farmsizes for about 53.3% (237) range from 0.5 to 1.0 hectare, 32.3% (136) have farmlands ranging from from 1.0 to 2.5 hectares, and less than 7% (28) have farmlands of 2.5 hectares and above.

In regard to accessibility, three degrees of access to the traditional common property resource - land - can be identified between 1900 and 1989, as shown in Table 2. A period of unlimited access to land dating before and between 1900 and 1945; a period of limited access between 1946 and 1970; and a current period of restricted access whereby you do not usually get the proportion or size of farmland you need. These various degrees of access are matched progressively by shorter periods of fallow.

Factors accounting for the decline of common property rights

While the issue of rapid population growth and inelastic land supply has helped greatly in accentuating population pressure on land with an accompanying reduction in farmsizes, a number of other factors, such as: the low world price for rubber, persistent economic hardship, the traditional practice of land inheritance, and the emergence of an elitist group, have operated concomitantly to initiate the current decline in common property resource management in the area. (Table 3)

Table 3

Average Population Density of Traditional Societies by Stage.

Stage	Communities	Average Pop. Density sq. km.
a. Traditional rural societies	Ndokwa LGA	530
b. Urbanizing rural societies	Ihiala	887
	Oru	1094
	Mbano	1184
	Nrewi	1188
	Njikoka	1384
c. Traditional urban societies	Kano	1450 - 1500

Source: Okafor, 1991; Osirike 1992

Besides the problem of population growth and diminishing farmsizes, a major factor that encouraged the individualization of land is the persisting and sharply fluctuating low price of rubber. Until the mid 1970s when the price of rubber as an export good started to fall as the export of crude oil drew greater attention, most families were engaged in both crop cultivation and rubber tapping. Presently a large percentage of the plantations have been abandoned and less than 25% are tapped. This factor coupled with the location of such plantations at the outer ring of most communities served as a lure for family members in dire financial needs to dispose of part of them to the mostly urban-based indigenes. This practice became accommodated within the common property management structure as the abandoned rubber plantation could not make good cultivable lands. The communities with the highest estimated sale of rubber plantations as land for housebuilding purposes include Obiaruku, Obinomba, Owah Abbi, Kwale, Umutu, Abbi, Ogbe Ogume, and Ashaka.

A factor that has equally made a significant contribution to the decline of common property is the enduring economic hardship the country is currently undergoing in the platform of the structural adjustment program (SAP). In the course of implementing the program the cost of living has risen more than 300 times, the rate of unemployment has trebled, many urban-employed ruralites have been laid off with farming being the only resort to make a living, hospitals lack vital drugs with admission bills running into thousands of naira, while hyper-inflation prevails throughout the country with the rural areas being the most affected. Under these circumstances there was a great demand for farmland by farmers and those in other occupations who took to farming ^{to} ~~as~~ supplement their incomes. It therefore became evident that given this scenario, certain unforeseen circumstances emerged in most of these communities. For instance, the elderly members of the kinship group whose unemployed children can no longer support them started to press for the division of the common property in order to sell their share. This initiative can be explained with regard to the non-existence of old age pension schemes for those in non-governmental jobs and their dependence on children, who by virtue of being out of job cannot support

their parents, accelerated the smooth transition from common to private ownership as expectedly other members of kinship group bought such lands off them.

Equally included in the practice of directly promoting the emergence of individualized property rights are the members of the ancestral group involved with the management of farmlands, but who have to sell lands to oil companies prospecting for petroleum. The fact that part of the land commonly sold fall within the supposedly less productive areas has, in a similiar vein, opened opportunities for wealthy individuals in the area to request for land from their communities. The excuse that such lands sold out to individuals for commercial purposes will help to create jobs have constantly provided a strong lure and support from communal heads. Obiaruku, Amai, Umutu, Ogbe-Ogume, and Kwale provide good examples. Regardless of the mode of how common property is individualized, there is usually a concensus of consent before it is eventually disposed of.

The traditional system of land inheritance directly by the first son of a deceased land owner has equally helped to spur the need for individualized ownership. Since unlike farmlands lands for housebuilding are limited, sons other than the first born commonly exercise their rights for individualized property by asking to buy part of the land belonging to the kinship group. This system of inheritance differs from the practice in the predominantly moslem rural communities of Kano state where the land of a deceased is shared equally among the children. Among the Ukwuani-speaking people once a son inherits a land for housebuilding or one that has been built-up, he automatically exercises exclusive rights to its usage without any interference from the other family members. The sale of land of this nature has become rampart because of predominantly polygamous marriages in the community, and the advent of modern cement block buildings in favor of the traditional wattle and thatch structure which can be easily pulled down and rebuilt through the collective labor of kinsmen. In addition, since most inherited lands and buildings hardly meet modern standards, their new owners have frequently rented out such lands for other lands to build houses of their 'taste'. Part of the reason for the observable transition from common

property to private ownership stems from the increasing economic value attached to land in the past 10 years. In every community that the study covered communal labor which have persisted and served as a strong bond among kinsmen and ancestral groups in the rural areas are now couched largely in monetary terms.

Another important factor for the decline of common property in these communities is the emergence of a new crop of wealthy and influential indigenes in government and other urban-based private business establishments, who by virtue of being the children of **heads** of the ancestral or kinship groups, cause lands to be sold to them on the excuse that they have never shared in the cultivation of the common property. Among this group of people are businessmen, civil servants, and rich urban-based sex tourists or prostitutes. It is these sex tourists and prostitutes who are increasingly using their wealth to reverse the traditional reluctance of land sales to women, regardless of marital status.

Mode of private property ownership

Unlike studies conducted Igboland and elsewhere (Ike 1984), land that is transferred by pledge, borrowing and leases in the communities covered by this study are not regarded outright as having acquired an individualized status, since the community, particularly the kinship group, still possess a right to such lands. This difference may be explained by the organizational structure of such communities. For example, the egalitarian and unauthoritarian nature of the Igbo-speaking communities of Eastern Nigeria may warrant individualized possession in the event of default. This does not imply, however, that such practices do not exist, the truth is that the bond of communal understanding is too strong to prevent the outright seizure of land in a case of default as family members often rally around to redeem such lands.

Generally, the commonest mode of transition from relaxed common property ownership to one that is strictly individualized is by direct purchase. The direct purchase of land accounts for about 89% of common property transactions in the area, followed by inheritance, pledge, and borrowing. Leases are very rare, and they are usually practised, mainly and previously, on an inter-communal basis.

The second acknowledged mode of transfer of common property to individualized ownership is by inheritance. As earlier explained, this practice involves the transfer of land, mostly for housebuilding, to the first son of a deceased man or the culturally approved heir if he has no male child. The person to inherit the land is usually a close family member who is expected to use the 'land' to the benefit of the deceased's children. When a man dies when his first son is a teenager his land is held in trust by the eldest man in the kinship group who in turn will 'show' and 'hand over' his father's land to him on the attainment of adulthood. Unlike in modern societies none of these transactions are documented but handed over in form of oral tradition by one's kinsmen. Wills, by modern standards, are rare in traditional societies but, often, before the demise of a man, he will usually 'show' or designate someone to inherit his land. About 15% of the people who inherited lands in the area also acquired lands of their own.

The third mode of individualized ownership is through the pledging of common property. Although the pledging of land hardly translate into private ownership, common property - land - can be used as a collateral security in the process of seeking financial aid to meet some pressing commitments in the community, such as funerals, college fees for children, tax payments, and hospital bills, among others. Pledging of land is guided by certain norms and rights intended to protect the pledger from the pledgee. For example, a pledger can request for a deferment of payment through the presentation of wine when the payment is due. As observed in most communities, lands under pledge are good only for market gardening. Traditional rights prohibit the building of houses on them as they are often redeemable in the cause of default by family members or the kinship group.

Gifts of land are seldomly made since the prevailing population pressure even though the practice is entrenched in traditional common property systems. In the past people who often enjoyed such privileges, include innovative headmasters of the community schools, and catechists who have brought to them a new way of life.

5. Summary and conclusion

Based on the preceding preliminary investigation, the following findings have emerged from the study. First, it is not population growth per se that has triggered off the decline of common property but the manner of responses to the occurrence of population pressure on land and the accompanying diminution in farmsizes. Second, the entrenchment of the principle of individualized ownership within the ambit of common property ownership seems accomodative of this astonishingly exclusive privatization of property in rural societies. Third, for much of the rural areas the transfer of common to private property is still exercised on intra-communal basis, but with the trend is expected to change with more urbanization and socio-economic development in the area. Fourth, the observed economic hardship evident from the implementation of the structural adjustment program (SAP) seems to have some tremendous effect in the decline of common property among the communities in varying degrees. Lastly, there is an evident lack of distinction in existing literature between common property resource management as practised in traditional rural societies, rural societies in urban transition, and traditional urban societies. Each of these societies have their peculiar characteristics in regard to the decline of common property and mode of individualized ownership. For the traditional urban centers in Nigeria and other developing countries, the transition is more distinctive, exclusive and clear-cut.

In conclusion, there is an increasing decline in common property for individualized ownership, although not as exclusive as one might expect, for the fact that over 90% of the individually owned properties still provide some limited access to family, and lack the protective cement walls evident in the urbanizing rural communities of Igboland (Okafor 1991), and which do not have as comprehensive and established centralized form of common property management exemplified among the Ukwuani-speaking people. However, the fact that Ukwuani people are predominantly farmers has helped in the traditional transfer of the communal practice from one generation to another. There is, as yet, no evidence to directly estimate the role played by the process of colonization; neither is there no support, as it is related to farmland, for Hardin's tragedy of the commons. While a detailed analysis in regard to

this thesis is suggested, the preliminary findings so far for the study area appear close to being conclusive.

A seeming advantage with the current decline in common property is the introduction of 'outsider private property owners' into the community. What this implies for the future is still unclear but it is expected to hasten the privatization of common property beyond the prevailing selling of land for building purposes. Such a trend, if it happens, is expected to encourage excessive land fragmentation and low agricultural productivity. Given the impact of the structural adjustment program (SAP), many families may be forced into landlessness should it linger for a longer time. On this basis, the paper has attempted some policy options. First, the various tiers of government should endeavor to ameliorate the adverse effects of the structural adjustment program (SAP) on the rural population whose sole dependence is on land. This can be accomplished by promoting intensive rather extensive farming as well as the use of fertilisers. In spite of the diminishing size of farms, productivity can still be enhanced through the use of fertilisers. Less than 8% of the 422 people interviewed applied fertilisers in their farming practice, demonstrating the difficulty in accepting new agricultural technologies, and/or even discarding some aspects of traditional farming systems. To gain the attention of these traditional farmers, there is the necessity and urgency for a government-assisted program involving extension workers, members of the ancestral and kinship groups aimed at improving their existing land management mechanisms. Second, there is the need for proper coordination of the sale of common property as these communities grow to urbanity. Provision for public services is given little consideration as ideal locations are acquired first. Lastly, the government (local, state, or federal) should capitalize on the traditional common property management systems practised by the people to promote commercial, mechanized farming. Finally, it is envisaged that while these may not improve the decline of common property in the rural areas, it provides a basis to illuminate on its long term implication to the tradition of common property among rural societies.

REFERENCES

- Adegboye, R. O. (1966). Analysis of land Tenure Structure in Some Selected Areas of Nigeria **Nigerian Institute of Social and Economic Research, Reprint Series, 32**
- Akabane, Hiroshi (1970) Traditional Pattern of Land Occupancy in Black Africa **Developing Economics**, 8, 2; 161-179.
- Allan, W (1965). **The African Husbandman**. New York. Barnes and Noble.
- (1960). Changing Patterns of African Land Use. In **Royal Society of Arts**, July . 612-629.
- Barrows, R. (1973) Individualized Land Tenure and African Agricultural Development Alternatives For Policy **Paper no. 85**. Madison: Land Tenure Center
- Bohannon, P. (1960) Africa's Land **Centennial Review of Arts and Science**, 4,4 439-449
- Branney, L. (1959). Towards the Systematic individualization of African Land Tenure. **Journal of African Administration**. 11. 4. 208-214
- Bromley, D. W. (1989) **Economic Interests and Institutions: The Conceptual Foundations of Public Policy** New York: Basil Blackwell.
- Chopra, K. R. et al. (1990). **Participatory Development: People and Common Resources** New Delhi. Sage Publications
- Chubb, L. T. (1961): **Ibo Land Tenure**. Ibadan. Ibadan University Press
- Green, M. M. (1941). **Land Tenure in an Ibo Village**. London: Percy Lund Company and Humphries
- Colson, E. (1971) The Impact of the Colonial period on the definition of land rights. In Gann, L. H. comp **Colonialism in Africa, 1870-1960. Vol. 3: Profiles of change: African Society and Colonial Rule**. Cambridge Cambridge University Press.
- Elias, T. O. (1956) Some current problems of African land tenure **Tropical Agriculture**, 33, 4 287-296.
- Gluckman, M. (1966). Property rights and status in African traditional law. In **Ideas and Procedures in African Customary Law: Studies Presented and Discussed**, Gluckman (ed) London: Oxford University Press.
- Hardin, G. (1968) The Tragedy of the Commons **Science**, vol. 162 (December 13). 1243-48.
- Ike, D. N. (1984) The System of Land Rights in Nigerian Agriculture **American Journal of Economics and Sociology** 43 (October) 470-180
- Jodha, N. S. (1986) Common Property Resources and the Rural Poor in Dry Regions of India

Economic and Political Weekly, xxx. 27, 5 July: 1169-81.

- Mbagwu, T. C. (1978). Land concentration around a few individuals in Igboland of Eastern Nigeria: its processes, scope and future. **Africa**. 8, 2 : 101-115.
- Okafor, F. C. (1991). Population Pressure, Agricultural Change and Environmental Consequences in Southeastern Nigeria. The Project on African Agriculture. **Working Paper No. 3**.
- Oloko, T. et al. (1961). **A Handbook for Extension Workers**. Ibadan. University College (Department of Extra-Mural Studies).
- Osirike, A. B. (1991). Population Growth and Quality of Life in Rural Nigeria: A Case Study of Umukwata, Ossissa and Ezionum in Bendel State. **Final Report** submitted to The Social Science Council of Nigeria.
- (1992). Population Growth, Agricultural Activities and Deforestation in Southern Nigeria: An Analysis of Causal Factors. **Paper Presented at an IUSSP sponsored International Seminar on Population and Deforestation in Developing Countries in Brazil**. (Dec)
- Pollack, F. (1896) **The Land Law**. London: Macmillan and Co.
- Srivastava, H. C. and M. K. Chaturvedi (1989). **Dependency and Common Property Resources of Tribal and Rural Poor**. India: Commonwealth Publishers.
- Stevenson, G. G.(1991). **Common Property Economics: A General Theory and Land Use Applications**. Cambridge: Cambridge University Press.