

Authority Question and Politics of Indigene/Settler Conflicts in Ezillo community, Ebonyi State, South-East Nigeria

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Abstract

There is continuous search for answers to understand the politics of settler/indigene conflicts as an emerging dimension of quest to exercise authority over access, use and ownership of land in Africa. In Nigeria, contentions on authority over land based on settler/indigene identity have reached an unprecedented volatility level that increasingly precipitates inter/intra sub-ethnic violent conflict. To date, in Ezillo community, very little is known about the malignancy of this form of conflict that is extremely violent: pitting kinship ties against citizenship and resonating sometimes with settler/indigene authority and politics. The focus of this paper therefore, was to examine authority question and the politics of settler/indigene conflicts in Ezillo community, Ebonyi State, South East Nigeria. Anchored on the exploratory research design and social constructionism its theoretical framework, the study argues that there exist a dissonance space where authority over land is contested between settlers and indigenes that feeds into political influence and network. Qualitative data were purposively gathered from Ezillo and Ezza clans. Eight key informant interviews were conducted with youth leaders, opinion leaders, politicians and police officers in Ezillo Divisional Police Station. Six in-depth interviews were held with male town union executive members, female town union executive members, and community members. Preliminary report reveals that Ezillo land conflict persists because actors are divided and mobilized by politicians along indigene/Settler line not to have a voice against oppression and poverty.

Keywords: Indigene, Settler, Authority, Politics, Conflict, Ezillo community, Ebonyi State, Nigeria

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Introduction

The articulation and construction of multiple meanings of land and the differential interpretations the exercise of authority over land by settlers and indigenous raise complexity question of citizenship in Africa. The quest to access, own and use land is largely characterized by contestation and conflict of meanings and interpretation particularly in some Nigerian communities. Research has shown that this may not be unconnected with coexistence of customary and statutory platforms for the exercise of parallel authorities over land (Alimba, 2005). Land conflict in Ezillo community is not insulated from this contradiction. As an indispensable source of livelihood and a sacred symbol of status, spirituality, identity, culture and history; rights to land are intimately tied to membership and belongingness in most African communities. No wonder why communal conflict stems from the fact that, ranging from a nuclear or extended family, clan, or ethnic group to the nation-state (Awanyo, 2009; Igwe, 2019). On one hand, the foregoing corroborates the sensitivity and volatility of issues concerning access, use and ownership of land as they practically weave into emotion. If issues concerning land ownership and access can degenerate to deepening emotional outcome, land concerns particularly during disagreements over territory, boundaries, or access can intensify conflict among stakeholders.

On the other hand, looking at land from another dimension particularly from national governments' perspective, land is the physical basis for territorial integrity, political sovereignty that legitimizes and consolidates authority and power at the same time symbolizing national economic wealth. However, majority in most rural communities see land as symbol of their collective socio-cultural and political identities, as well as a basis for their economic survival. Permeating identity, livelihood, socio-economic status, spirituality and political authority and power, land, its access, use and ownership is an indispensable fundamental human right. The implication of its denial is deprivation of livelihood, wellbeing, survival and invitation of authority legitimization crisis that jeopardise political negotiation. Nonetheless, the focus of this paper is to examine authority question and politics of settler/indigene conflicts in Ezillo community, Ebonyi State, Nigeria.

The importance of negotiation of access and use of land is to duly recognise indigenous land rights. The exercise of over lordship authority over communal land in Nigeria`s rural communities has been strongly stressed by scholars (Best, 2006). However, despite the centrality of autochthon`s authority in deciding who gets what, where and when, little empirical research have engaged the trajectory of the exercise of indigenous authority in determining who access, use and own land in in rural communities particularly Ezillo. Consequently, discrepancy in the exercise of authority to control rural land distribution has rendered the process exclusionary. With the excluded being the subsistent rural peasant majority whose livelihood totally depend on land. This explains why successive national governments` policies and development interventions are not inclusive enough to capture the interests of subsistence rural peasant population. Ironically, rather than tailor land reform policy along recognising and supporting indigenous authority, what happens to communal land in terms of access, ownership and use issues weave into development interventions. Such intervention components are processed as issues of “public, citizen or national interests” by government. While minority community groups are positively affected, the majority is negatively affected to the extent of exclusion.

Consequently, as the excluded and/or disadvantaged rural groups resort to alternative survival strategies, they activate primordial cleavages and mobilise relevant ties of belonging and identities including indigeneship or settlersip to mitigate effects of such exclusionary national policies and practices. Beyond denial, interpretations of land as a store of property value and also cultural item connect exclusion to raise issues of who are original first comers (indigene) and who are later (settler). The constructions and reconstructions of land-based authority evolve from the foregoing contraption giving rise to politicised identity and authority discrepancy that characterise recurrence conflicts in some rural areas.

Literature Review

This section will dwell on critical examination of relevant literature on Authority Question and Politics of Indigene/Settler Conflicts. This will be done under three sub-themes.

The Politics of Authority over Land

Before colonialism, traditionally, exercise of authority over land is domiciled in traditional authority symbol, the Eze in Igboland southeast Nigeria (Ugbem, 2014). The right to administer communal land is vested on the Eze who exercise it in trust for his subjects. While the people legitimise this position, he exercises this authority over land together with his traditional political authority. Sooner the colonial reforms set in; the customary tenure got weakened by the statutory tenure that vested power to exercise final authority over land on the governor as a form of devolution of power (Ugbo *et al*, 2008). This placed the traditional authority over land only operational where government presence is limited to enforce land laws. In the course of this duality, political functions, considerations and decisions largely influence decisions taken to address customary and statutory land tenure issues.

It has been pointed out that land reform particularly that of 1978 greatly complicated the exercise of authority within customary land tenure practices (Bello, 1994). Distribution of land becomes cumbersome leading to denial of access, use and ownership of land. In some clans, land distribution is politicised. As an impediment, the rural economy is weakened when subsistent peasants that constitute majority of those directly depending on land for survival are left landless by any system (Albert, 1999). Structural violence is the immediate effect of this dislocation. Gradually, it evolves into physical frustration and escalates in aggressiveness and spontaneous violent conflict. While allowing government overriding power to exercise authority over communal land the identity and culture of the people is questioned by the statutory practices that negates customary land tenure. By so doing, the emotion of the people is raised into withdrawing their legitimacy from the system of exclusion. In major violent land conflicts in Nigeria, actors capitalise on this justification to transfer aggression to the closest suspect usually the settlers. Based on self-recognition as citizen with rights to live and own land anywhere in Nigeria, the settlers resort to self-defense that further heightens hostility.

Violent Land Conflicts

Mapping of land-based conflict face difficult challenge from the broader dimensions and dichotomy its explanation often assumes in Nigeria. These range from indigene/settler inequitable access, inconsistency in land identification process, authority and entitlement question attributable to the concept of indigene, settler or citizenship (Egwu, 2004). These concepts are often subjected to different political maneuvering with active stakeholder giving the political coloration. In some other clans, a particular fault line could evolve into others thus presenting conflict as having multi-causality. Access and use of land automatically become controversial and intractable that can be interpreted from more than one perspective (Coleman, 2003). For instance, indigene/settler clashes arise as a consequence of competition to access land, power and economic ego. Therefore, underpins of communal clashes must be holistically be engaged if the actual cause of conflict must be known. Consequently, any research into this area needs to note this phenomenon. One of the important considerations is that not all land conflicts in most parts of south-eastern Nigeria particularly in Ezillo community is connected to land scarcity but struggle between settlers and indigenes to exercise authority in a given space and differing definition of land away from its cultural meaning (Afoke & Michael, 2010).

Indigene/settler supremacy struggle

In the context of Ezillo violent conflicts, the actual cause is not only denial of access or use of land, but also by the perceived domination and oppression tendencies considered inimical to indigenous population by those considered as settlers. There is constraining fear and animosity expressed about out-group activities attributed to the destruction of cultural and sacred value of land (Enuke, 2015). Appropriation of authority of any kind by outside actors is taken to be land related even when disguised with the notion of citizenship. To this end, reconceptualization of land access and use is needed to specify practical meanings, roles and entitlements of such concepts as settler, indigene and citizen. This objective classification will insulate the concepts from subjective considerations that could trigger emotion and hostility particularly when these considerations are exposed to political machination and exercise of power and authority. The absence of consistent constitutional meaning of these concepts “indigene/settler” complicate interpretation and gives

space for irregular mental and social construction of meanings that often slip into contention and conflict. People of the south-east region of Nigeria mostly comprising the Igbo tribe have common belief in land as their ancestral home that must be revered as sacred spiritual symbol, hence the emotional attachment to land (Obioha, 2008).

In contrast, Toriola, (2001) concluded that landlord/stranger interaction is not enough factor that trigger the conflict pointing out that economic, political and identity issues revolving around land ownership are important in understanding the conflict. This claim is interesting particularly in view of the fact that Ife is the historic ancestral home of Yoruba. But one will expect that land here will be for all who are of Yoruba descent. Protraction of land conflict under landlord/stranger divide is strange given the expected ethnic homogeneity.

However, Agbe, (2001) argued that payment of land rent/royalty (Isakole), status of the Modakeke community; local government creation and location of its headquarters may have caused the conflict. Albert, (1999) argued further that the inconsistency arising from the fusion of orthodox and conventional land tenure system threaten traditional authority over land is responsible for crisis over land. While the former present basis to question the capacity and control culturally provided to Ife as ancestral home of the Yoruba to mediate land conflict and related issues. The later position portends a kind of indictment to the rationale for the emergence of 1978 land tenure Act and its promised intervention to make land accessible to all under state supervision. Putting economic, political and identity issues Ife-Modakeke conflict into perspectives therefore, one will need to imagine what exactly could have underlay this intractable land conflict.

Theoretical Framework

Berger and Luckman`s Social Constructionist Theory provided the framework.

Social constructionism is essentially a theoretical agenda that situate man at the center of reality (Berger, P., & Luckmann, 1966; Ugbem, 2014). In attempt to make sense out of the social world, social constructionists view knowledge as constructed not created and not discovered by the mind (Schwandt, 2003). This is consistent with the idea of Berger and Luckmann (1991) and the realism

of Hammersley (1992), in that reality is socially defined but this reality refers to the subjective experience of everyday life, how the world is understood rather than to the objective reality of the natural world. Everyday life has reality that is shared with others. Others themselves experience this reality, hence the explanation of their different mode of experience. Face-to-face situation is a prototypical case of social interaction that continues to impinge on each other “my” and “his” interchange of expressivity. For instance, he frowns at seen me frown and smiles at seen me smile. This continuous reciprocity of reality producing act is simultaneously available to both of us. In face-to-face situation the “other” is fully real. The words of Kirk and Miller (1986) are relevant when they suggest that the search for a final, absolute truth be left to philosophers and theologians. Social constructionism places great emphasis on everyday interactions among people who use language to construct their reality. It regards the social practices people engage in as the focus of enquiry.

In the context of Ezillo and Ezza-Ezillo land conflict in Ezillo community, the theory explains how land conflict is socially constructed. The quest to secure access and livelihood, identity and authority over land provide the social environment for supremacy contests over land. It is also within this context that the construction and reconstruction of land social relation take place. These processes have pitched groups and communities against one another. In-group/out-group or intra/inter-group land relations in Ezillo community is socially constructed that reflects continuous reconstruction of identity and authority nuances. This reflection sustains supremacy contest with land as primary object of contestation and struggle. This has implication for land access social relation. Consequently, it is not enough however, to access land as a space but accessing land with culturally embedded authority over it is paramount. Having authority over land has a direct link to social identity in Nigeria, which in turn determines dominant and subordinate group (Mbah& Nwangwu, 2014). These two groups may have access to land but their authority over it is a negotiation embedded in social construction and reconstruction. People construct meaning of authority and identity based on the reality arising from everyday face-to-face interaction. These meanings attach to social reality as daily experienced go a long way to create and recreate communal conflict in Ezillo community.

Methodology

The study is adopted the exploratory research designed. Qualitative data were purposively gathered from Ezillo and Ezza clans. Eight key informant interviews were conducted with youth leaders, opinion leaders, politicians and police officers in Ezillo divisional police station. Six in-depth interviews were held with male town union executive member, female town union executive member, community member.

Research Area

The study area is Ezillo community, which serves as headquarters to Ishielu local government area in Ebonyi state, southeastern Nigeria. While the national population census estimate 2015 put the population of Ebonyi state at 2,676,947, the total population of Ezillo community is put at 351,048 inhabitants with land area of 872 km² (Oji, *et al*, 2015). Ezillo has a very fertile and economically viable land with large population of farmers who double as traders some of who are strangers based there for trading in local farm produce between the rural community and other neighbouring towns and communities. Ezillo is historically a major trade route, because of its strategic location as a transit community with ever busy Enugu – Abakaliki Expressway bisecting it. The community share boundary with two incongruent states-Enugu and Benue state, and three local government areas in Ebonyi state Ohaukwu (north), Ezza (east) and Onicha (south). It is a transit route through Eastern and Northern Nigeria. Ezillo and Ezza-Ezillo are Igbo speaking ethnic sub-groups coexisting in Ezillo community in Ishielu local government of Ebonyi state.

Results and Discussions

Historical account of Ezhiulo origin, migration, contacts and conflict

The issue of who settled in Ezhiulo first is largely located in two versions of oral accounts and sparsely in literature (Ugboet *al*, 2008; Enuke, 2011; Enuke, 2015). According to one version of these oral accounts, the people of Ezhiulo trace their origin to one Ebenyi Ali Aja who first settled

at Ezhiulo. The name Ezhiulo in Ezillo social thought denotes “*good house of accommodation and hospitality*” (Enuke, 2010). In other words, the name describes the land, the people as well as their values. The word Ezhiulo was later misspell by the British as “*Ezillo*”, when they first reached the area in 1905 (Enuke, 2015). Furthermore, the oral account state that Ebenyi Ali Aja migrated from a town called AmofiaMgbo in search of uninhabited place to hunt wild animals. In the process, he discovered a vast area today called Ezillo where he hunted for several years without meeting any rival. According to the accounts, another individual called Agbaja Ota Okpa later emerged to hunt in the same area and encountered Ebenyi Ali Aja. Feeling threatened, Ebenyi retreated and returned to where he migrated from, AmofiaMgbo, reinforced and came back to Ezillo with bands of hunters to secure Ezhiulo from Agbaja Ota Okpa who he considered as an invader.

Ezillo and Ezza contact historically, occurred in two phases as noted earlier. The first phase was a survival search for greener pasture as farm labourers before colonisation while the second phase was an invitation to render military service to Ezillo during the colonial era. While the first was characterised by exchange of farm labour for farmland or wives, the second was purely a rescue mission to dislodge Mgbo forceful occupation of Ezillo land. Mutual trust and confidence largely sustained peace initially unlike in the second contact that generated suspicion, fear and conflict. Chronologically, these land conflicts are examined.

Ezillo and Ezza agreed in a blood covenant *Igbandu*² marked by *ImabeOgbu*³ that after dislodging Mgbo, the entire borderline land area of 38.364Ha⁴ between Mgbo and Ezillo will become permanent Ezza settlement to guard against future invasion. The agreement was sealed and signed by elders of both sides and a detachment of Ezza warriors from Izzo community was dispatched to do the job in Ezillo. The war ended in favour of Ezillo and Izzo Ezza settled in Ezillo as agreed in the late 1920s. In early 1930s, issues of violation of cultural values, norms and population

² This terms is traditional oath or covenant taking involving exchange of blood done to cement an agreement.

³This is a traditional process of land allocation for residential, resettlement or farm layout a community elders and the traditional ruler perform as a customary transfer of legitimacy over a certain potion of land to an indigene or a settler who demands it and has community confidence. It is symbolised by the planting in one section of the land a tree called *Ogbu*

⁴Mbafu, E. N. and Ogah, N. N., (2008) Survey map of the Ezza-Ezillo land allocation, Surveyor General; Tracing No. EB (N) 028; Nov.

pressure rose to challenge the coexistence of Ezillo and Ezza people in Ezillo. Hence, that was the beginning of conflict situation.

The first conflict between Ezillo and Ezza happened in the 1930s was over land encroachment, ownership right and identity supremacy struggle. Initially, it started as failure of Ezza farmers to release leased land to their original owners after expiration of the lease term without making trouble at the end of its tenement. It degenerated into verbal altercation and later litigation before violent conflict ensued. To Ezillo people displacement or dispossession from their land means denying them of their ancestral inheritance and identity which starts from gradual exercise of authority over land by migrant settlers. An interviewer from Ezillo explains:

Arrival of migrants to any destination springs up issues of population, displacement and competition for scarce resources in that destination. While the host community adjusts to accommodate the migrant as guest, the migrant's prioritize self-survival at the expense of their host. This activates competition and supremacy contest. The first destination response to migrants is the construction of out-group distinct identity for their guest. This distinction draws and sustains division line of fault indigenes and settlers that often gain salience as they were activated and mobilised as source of identity solidarity, social action that are often basis for social tension.⁵

The data above shows that the first struggle between indigenes and settlers is that of survival and survival instinct is an innate character of all social being. The inevitable ethnic or sub-ethnic balance as the case may be is social adjustment achieved through compromise and sacrifice to meet a common ground if peace must reign. Often, this peace is hard to achieve, hence, the usual tension associated with contact and interaction among host rural community members and their guest migrants. Characterizing communal interaction in the context of Ezillo as data suggest are fear, animosity and distrust making their coexistence with the Ezza people difficult. The case of Ezillo highlights destination response to migrants as the construction of out-group distinct identity for their guest Ezza and others. This distinction draws and sustains division line of fault indigenes and settlers that often gain salience as they are activated and mobilised as source of identity solidarity, social action that are often basis for social tension. It is against this background that the

⁵KII/Elderly man/ Christian Priest//clergy/63years /Ezillo /20th August 2016

above explanation demonstrates and confirms the complexity of interpretation characterizing most communal conflicts in Nigeria deepening their intensity.

Beyond Malthusian and Neo-Malthusian perspectives on population pressure and increasing denial of access as the primary driver of land conflicts, the social construction of authority and the struggle to exercise it over land have often extended the conflict space to question cultural and political interest (Jones, 1961). It is suggestive that looking at conflict political ecology perspective, there is likelihood that conflicts over resources are often due to other factors more than mere scarcity. This assumption is buttressed by Igwe, (2018) that the abundance of land resources in the Ezillo and Ezza areas of North-East Igboland in South-Eastern Nigeria had no solution to conflict in the area where indigene/settler conflicts in intermittent.

Collective Identities and ‘Imagined Communities’: The Case of Indigene/Settler Identity

There is an emerging scholarly debate that represents growing attention and discussion for over three decades about issues of identity (Mamdani, 2001; Mbah, *et al.*, 2014). As the kernel of this discussion, settler/indigene identity represent collective dimension of identity that constitute dynamic and inter-relational traits. This is in line with the emphasis made by Osaghae, *et al.*, (2005) when he posits that ‘limits’ and ‘boundaries’ provide platform for inter-relations among groups that mold the sense of belonging to group members. However, the inter-relational dimension of identity as depicted by indigene/settler identities as collectivism that is self-molding. Essentialist and primordialist explanations to identity aside leaning strongly on self-molding collective identity, perceived identity as objective, and unique essences as well as sociologic constructivism.

According to Osaghae, *et al.*, (2005) identification only exists during tension. Pushing it further he asserts that identity either negates itself or perishes. However, identity variation as response to adaptation and cooperation generates redefinition process that is never stable. This reality depends on time, context, and on how actors are able to claim and renew themselves to reflect their goals, concrete needs, and contingent situations. As main weapon of political fight usually mobilized for strategic purposes, identities renewal is potent to self actualisation. In line with the instrumentalist current that supports identity as being a resource to which individuals and groups activate to satisfy tactical needs (Baud *et al.*, 1996).

Like national identity, indigene or settler identity resonate importantly with its salience profound in rural communities and borderline social zones, where group interests experience a greater external threat, and where overall social cohesion is weaker. In this sense, limits become more than material lines, and they are often drawn through symbolic and narrative devices. Its main expression is found in what Benedict Anderson (1991) defined as the imagined community. This is subsumed in the narrative pointing to cultural legitimacy involving a group of individuals who recognize themselves as members of social or political unit. Imagination and reality meet to invoke hostility particularly when the reality is expressed through social construct that negates the imagined community. A sense of belonging to a shared historical entity is able to provide a transcendent collective sentiment or an identity (Miller, 2006; Sanjinés, 2009). This suggests that like nations, societies are social construct that evolves, through the strengthening of symbolic and discursive boundaries.

The Political Nuances of Citizen, Indigene and Settler Identity Crisis - Ezillo Example

Exclusionary land practices led to series of political manipulations and struggle against or for citizenship, indigeneship or settlersip. Either of this identity is activated and expressed at different times to pursue different goals at different time and place. The lopsidedness of land development policy in Nigerian in disfavour of the rural peasants are strong factors in explaining what evokes all kinds of sub-national identities, belonging emotion and crisis (Onwuzuruigbo, 2009). This position interrogates the extent of state involvement in either reinforcing land related identity crisis arising from state omission or commission. Having transformed into conflict, the state-induced local conflicts often escalate into large-scale wars with their attendant gross violations of human rights. This implies that land factor can invert, with the progress of a conflict, to become an intrinsic cause and, in the process, increase its complexity, thereby reducing the possibility of managing, resolving and ultimately transforming it. Conversely, the prior respect, protection and realization of land rights would both prevent and remedy such conflicts. However, the post-colonial government of Nigeria has not been foresighted to applying such a rights-based policy. The consequences of the commissions and omissions on the part of the Nigerian government and its development partners have set in motion a formula for intractable conflict that ultimately undermines the presumed socio-economic and territorial bases of the state.

Therefore, state-induced local conflicts escalate into large-scale war when either of the subjective categories like indigeneship or settlersip is emphasised more than a more objective category replaces citizenship. This suggests that, with the progress of a conflict, land can form an intrinsic cause of conflict, and increase its complexity, thereby reducing the possibility of managing, resolving and, ultimately, transforming it in a way that encourages broader nation-state affiliation. The escalation of land conflict in Ezillo that repeatedly degenerates from local to national conflict brings to question the effectiveness of government engagement of the issues in contention.

The State: Land, People and Institutions

Officially, all unregistered lands and unregistered land belong to government. Therefore, state authority over land is unquestionable. However, the coexistence of customary and statutory rights to land in Nigeria as provided for by 1978 land Act is contradiction. The Act alienates the people from land and upholds institutional land administration that structurally and practically sidelines the real owners of land. Consequently, land expropriation for mechanized schemes monopolized by wealthy non-indigenes, with no consideration for the rights and interests of local peoples, brought about new political and economic dynamics, not only along the center-periphery line, but also along ethnic lines within Ezillo. Local communities resist the encroachment of mechanized farming, and violent conflicts often erupt between them and the absentee landlords supported by the government. The conflict becomes multidimensional between (i) the local population and the scheme owners; (ii) the sedentary and nomadic local communities; and (iii) between the local sedentary and nomadic communities, on the one hand, and central and state government institutions, on the other.

What is clearer is that, under the banner of “public interest,” the mechanized schemes have involved privatizing local resources for the benefit of a few wealthy or politically connected individuals. Based on the slogan that “land should be given to those who are able to use it for the national interest,” most of the best arable land in the Ezillo ended up in the hands of a few. Worst still, this few are outsiders or settlers either the Ezza in power disguising as government agent or others from elsewhere. Thus, the notions of state, government, nation and public as well as citizenship, indigeneship and settlersip have become merged in controversy that makes political

manipulations and interpretation unavoidable. This completely exercised the constituent people and their institutions from the process and this has threatened equitable access, use and ownership rights of distribution (Omole, 1999; Onwuzuruigbo, 2010). The crux of the matter here is that due to the expanding mechanized rain-fed farming schemes in the area, local Ezillo clans were and still are being systematically squeezed out, not only to the margins of their livelihood base but also to the peripheral socio-economic and political status. That is why, when the civil war broke out between Ezza and Ezillo in 2008, the Ezillo peoples fought for inclusiveness with passion to ensure and guarantee their involvement in the decision-making process that hitherto excluded them from using and accessing land of their identity.

Nigeria's Land Use Act of 1978 and Its Socio-Political Consequences

The system of land tenure in Nigeria has been, and still is, characterized by sharp dualism. It comprises – customary and statutory tenures. The main problem with this Act is its failure to recognise indigene and settler identities` involvement in the scheme of land distribution and administration despite its recognition of the coexistence of customary and statutory tenures. Being the main regulatory mechanism prescribing land tenure in both rural and urban communities, the statutory tenure overshadow the customary prescription that exist only in those places too remote that the statutory tenure is almost absence. The statutory tenure is based on civil laws and institutions. Modern land laws, policies and rights continue to concentrate functionally in the hands of the state governors and political heavy weights (Bello, 1994). The political class has used quite the instrumentality of state institutions to concentrate viable plots of land to themselves and their cronies. In many cases, the indigenous owners of land suddenly become tenants in their own land with their land space shrinking smaller than that of the growing population of settlers. Most of these settler gain access to communal land due to their position in government where they use official institutions to allocate choice land to themselves. This is why in some quarters, the 1978 Land Use Act is seen as servicing the rich elite interest rather than salvaging the interest of the poor peasants whose livelihood directly depends on farm land (Umezuruike, 1989). The Act promise to provide equitable distribution of farm land to all is compromised.

Till date, land is still largely communally owned with individual rights to use the land in accordance with tribal custom, or as tribal authority directs. Hence, the concept of tribal land significantly forms the main constituent of traditional land tenure in Nigeria with a strong link to the practice of native administration. “Tribal land” means “land which has for long been at the disposition of the tribal land authorities (Ojukwu & Onifade, 2010). It is a major tenure system based on customary lines and follows historically derived tribal territorial rights initially constituted during successive indigenous kingdoms of pre-colonial Nigeria. Within the tribal homeland, collective security of the community involves individual use and inheritance rights without alienating the land from the collective ownership of the community (Ogban – Iyam, 2005). However, as the society undergoes transformation under the modern system of laws and institutions, the land tenure system shifts gradually toward private ownership.

Indigene/Settler`s Authority Contentions Over Land in Ezillo Community

This segment examines the issues of contentions on authority over Ezillo land. The existing claims and counter claims of land ownership and the unrestrained exercise of control pitch Ezza migrant settlers against their host Ezillo people against each other in Ezillo community.

However, the question of who has authority over land in Ezillo cannot be adequately answered without making reference to migration, settlement and meaning of land in the community. Also, that some Ezza people had before colonial period migrated and settled in Ezillo first, as labourers farming in the community in exchange for personalised farm land and other material needs as mutually provided by their host Ezillo people is on record (Onwe, *et al.*, 2015). Secondly, it is not questionable that Ezza people settled in Ezillo after Ezillo people. They are known for offering not only farm services but also mercenary services to needy communities in exchange for land right usually for settlement as compensation. An IDI interviewee from Ezillo remarked:

As aborigines/indigenes, our authority over Ezillo land is not negotiable. Though our hospitality culture mandates us to allow strangers access and use of our land

for livelihood that is not giving out our authority to ownership. Our land is our identity we cannot share it. So, converting access to ownership is not acceptable.⁶

A KII interviewee from Ezza-Ezillo argued:

We, Ezza-Ezillo have legitimate authority over all the land we have inherited, acquired, developed or settled in Ezillo after all aboriginality is a mental construction. No culture can challenge it. We are no junior partners to Ezillo people at all. The constitution provided that Nigerians can live and own land anywhere in Nigeria. We share in Ezillo identity and entitlements that land ownership here can provide⁷

On the part of Ezillo, it is not enough to have access to Ezillo land but to be entitled to Ezillo identity; you need to have authority over land as an indigene. On the part of Ezza, access to land based on acquisition is enough to provide needed authority to be entitled to Ezillo identity. This debate presents the importance of authority in deciding who own a piece of land rather than just access or use of land. According to Arua (1999), man is made to understand that he belongs to the land, not the land to him. The construction of cultural identity, aboriginality and indigeneship are derived from perceived affinity to land by its first settlers. This imagined affinity confers on the first settlers, authority to regulate and control land access and use by all including subsequent migrant settlers or strangers. As social construction, the settler could be the indigene or the indigene can also be the settler. Therefore, authority to either side of the divide is transient. The colonial statutory land tenure provides usufruct rights to access, use and control ownership process of land as private property. This duality became the foundation for subsequent postcolonial land tenure system and legislation in Nigeria. It supports further, the Ezza-Ezillo claim of legitimacy over their acquired land in Ezillo community.

However, the trajectory of authority exercise and misappropriation in Ezillo context involving Ezillo and Ezza-Ezillo people is laced with contentions that have shaped and defined claims and counter claims of authority over land that have generated countless conflicts in Ezillo community.

⁶IDI/Men/ town union member /64years /Ezillo/17th August 2016

⁷KII/Youth/youth leader/ 38years /Ezillo/27thSeptember 2016

In a chronological order, these contentions are hereby reviewed. Authority contentions over land can take the various forms: change in the meaning of land and abuse of its sacredness, change in land acquisition process, treaty, oath taking.

Considering the sacredness of land and its commercialization and privatisation as contentious issue, according to Enuke (2015), the belief and tradition in Ezillo is that *Ala* (land) is a gift from *Chukwu* (God) and from ancestors who have not left them. For the Ezillo, like the other Igbo community, the mother earth is (LAND) *Ala*, is the greatest deity after Chukwu, the heavenly creator. It is therefore unheard of for land to be sold or owned privately (Obioha, 2008). Ezza-Ezillo claim to own sacred land in Ezillo is perceived as desecration of Ezillo culture. It is generally reserved as the graveyard for people who died of abnormal diseases, such as, swollen stomach, leprosy, small pox, and other abhorred diseases and for throwing unwanted charms. People keep away from sacred communal land for fear of physical and psychological harm from bad spirits that are believed to inhabit it. It is abominable to access sacred land except for the purpose it is meant for. An FGD participant from Ezillo says:

The European missionaries invaded evil forests and burial grounds considered as sacred land reserved for the burial of abnormal deaths and earth gods. They built churches and missionary schools on these reserved fetish lands in Ezillo. Example is the building of the first church in Ezillo by the Methodist and Catholic church missionaries and the first secondary school the then St. Peters secondary school now Girls high school Ezillo, in Ezillo community.⁸

An IDI respondent from Ezillo says:

Today, sacred land suddenly becomes private building of institutions for the use of Ezza alone in Ezillo. Ezza people like the colonial regime have also occupied some of the remaining sacred land in Ezillo for private use. They convert them to residential first and later build on them markets, religious centers and schools bearing Ezza names. This is not acceptable!⁹

⁸FGD/Elderly man/ Farmers/ 60years and above / Ezillo/25th August 2016

⁹KII/Elderly man/ Earth Priest//clergy/73years /Ezza /20th August 2016

A KII respondent from Ezza says:

The Ezza strife to adopt any colonial legacy considered pro-development. The keeping of sacred land is not development oriented. Ezillo is made to be developed like other communities. Sacred land reminds use of Dark Age.¹⁰

The data above suggest that in the post-colonial Ezillo, the Ezza-Ezillo people followed after colonial scramble for sacred land in Ezillo community. Although this means community development to the Ezza people not Ezillo. The statutory system that allows the missionary to use sacred land is believed to have tempted some Ezza farmers to encroach on some sacred land in Ezillo community. Some of these pieces of land have been converted to Ezza-Ezillo owned Churches, Markets, residential places and playgrounds against the purposes they are traditionally known for. The particularly reason goes beyond desecration of culture to the fact that the Ezillo people do not freely access any of these facilities built by the Ezza on sacred land in Ezillo for fear of clashing with Ezza people over authority issue and rent collection. Example is the 2008 war resulting from mounting of telephone boot by an Ezillo trader who refused to pay market rent to the Ezza who claim ownership of the land called Ishimkpuma.

Another dimension of authority contention arises from change in land acquisition process. Based on the 1958 land agreement between Ezillo and the Ezza-Ezillo people specific parcels of land in dispute between Ezillo and Ngbo people were Eguzo-Oge, EguOkwuru, Abogodo and Egu-Echara. The Ezza solely occupied the recovered land “Egu-Echara” contrary to the terms of land agreement which stipulates that both Ezillo and Ezza should settle on the recovered land and no other part of Ezillo. A KII interviewee from Ezillo who is also a political office holder attests:

Apart from Egu-Echara, the Ezza have totally occupied Ugbonna and Ndegu-UgwuEzillo villages as part of their Umuezeoka and Umuezeokoha (Ezza-Ezillo villages in Ezillo). Other Ezillo villages that are under threat of occupation by Ezza include Ishinvuja, Ishimkpuma, Okpochiri, Egbirigba, Mgbado, Onueko, Ubojima, Odeligbo, Uragbo among others. All these villages exist before Ezza came to live in Ezillo. The treaty is there for government to base its consideration

¹⁰KII/Elderly man/ Earth Priest//clergy/73years /Ezza /20th August 2016

of these issues of conflict. This is purely conspiracy of impunity for land occupation. This is not acceptable¹¹

A KII interviewee from Ezza-Ezillo affirms:

Ugbonna and Ndegu-Ugwu are parts of Ezza-Ezillo villages of Umuezeoka and Umuezeokoha that the Ezillo people are pressing to occupy. We cannot allow Ezillo chase us away from our land having developed it after many years. Instead, they use their own rules and expect us to abandon our ancestral heritage. It is not possible. We earn any portion of land that we, Ezza-Ezillo claim in Ezillo.¹²

Both Ezillo and Ezza trade claims and counter claims of expansionism and occupation. While Ezza perceived Ezillo to have encroached Ezza ancestral land inheritance, the Ezillo insist that Ezza is occupying land beyond the once allocated traditionally that host Umuezeoka and Umuezeokoha (Ezza-Ezillo villages in Ezillo). According to Onwe, *et al*, (2015) these Umuezeoka and Umuezeokoha are constantly expanding while their neighbouring villages continue to cry out of mysterious disappearance of inhabitants and their land taken over by Ezza with flimsy claims of buying the claimed land. This suggests dispossession and displacement that typify people expansion drive. It also shows there is conspiracy that seat on the 1958 land agreement between Ezillo and the Ezza-Ezillo people and allow them to fight over settlements limits. It is conspiracy of impunity for land occupation.

Also, despite the acceptance that Oath was actually taken as evidence that legitimise Ezza rights to land allocated to them by Ezillo people, some new generation of Ezillo people continue to contest the efficacy of oath taking. A KII respondent from Ezza-Ezillo says:

Upon invitation by Ezillo people, there was a historic Oath taking ceremony that saw the elders of Ezillo and Ezza enter into blood covenant culminating into Oath marked by traditional “ImabeOgbu” in the Promised Land east of Ezillo land bounding Ngbo land. It was agreed that once the occupiers of this land are pushed

¹¹KII/Elderly man/ Earth Priest//clergy/73years /Ezza /20th August 2016

¹²KII/ Female/57 years old / Farmer/Women leader/ Ezillo/29th July 2016

out by Ezillo and Ezza warriors, they should settle there to forestall future encroachment. We are no junior partners to anybody in Ezillo. The treaty and oath must stand and be respected. ¹³

An IDI respondent from Ezillo in affirmation says:

It is funny and baseless because Ezillo land on the eastern part of Ebenyi River (Abakaliki side) in question constitutes 85% of the entire Ezillo land. The critical argument here is that there was no way our forefathers would have taken such an Oath with Ezza and still went ahead to sue them at Nkalagu Customary Court in 1959 (judgment passed to Ezillo favour) for not restricting themselves (Ezza) to Egu-Echara. ¹⁴

The contention over contemporary efficacy of Oath taking claims perceived to have provided authority over Ezillo land to Ezza-Ezillo implies questioning cultural history of Oath as in all Igbo communities and beyond. This practice predates colonialism and it has been a potent process of social control and traditional alternative dispute resolution. In Ezillo context as noted above, there is challenge of certainty and content. While the Ezza claim that an Oath was taken between forefathers of Ezza and Ezillo that ceded parts of Ezillo land to Ezza, Ezillo is insisting that nobody goes into Oath taking to disfavor himself. They hold that their ancestor would not enter into such Oath that mortgage future generations of Ezillo. To Ezillo, the Oath thing is not sustainable but to Ezza it is sustainable. This is the basis for contention and fight on authority claims. Corroboratively, FEGA (2015) further submit that after due consultation, Ishielu LGA headquarters Ezillo, Ezillo Regional Water Scheme, Ugbonna Health Center Ezillo, Community Boys High School Ezillo, Central School Ezillo, Ugbonna Primary School, Ishielu Divisional Police Headquarters Ezillo were all located on the said Ezillo land without a single protest from Ezza during those days.

Yet, another strong source of contention on authority over land is the continuous claim by Ezza people that they constitute larger part of Ezillo community. Another respondent from Ezza-Ezillo says:

¹³KII/Elderly man/ Earth Priest//clergy/73years /Ezza /20th August 2016

¹⁴ IDI/Elderly Man/ Farmers/ Town union executive/60years /Ezillo/19th August 2016

Despite the suppression and humiliation, Ezza-Ezillo in terms of population outnumber Ezillo the statistics is there. Therefore, to maximally utilize this political capital to advance our political relevance, we demand for an Izzo autonomous community and additional political ward in from Ezillo autonomous community. This will address our political needs and secure our identity and culture as a people. The statutory land laws are just modification of the cultural land laws.¹⁵

A respondent from Ezillo says:

Our identity, autonomy and security as a community is under siege going by Ezza perceived numerical strength and desire for an autonomous community in our community. The implication of Ezza-Ezillo perception and political desire is total colonisation of Ezillo that is if we are allowed to even stay in Ezillo land. How can Ezza having two villages Umuezeoka and Umuezeokoha in Ezillo claim numerical superiority to Ezillo with seven clans? This is all politics of number as a strategy for territorial expansion¹⁶

The activities of Ezza-Ezillo in Ezillo community goes beyond land acquisition and occupation. It also involves politics of number and politics of position considering the data above. Afoke and Michael, (2010) posits that the history of Umuezeoka and Umuezeokoha active migration and territorial expansion tendency predates colonialism. This support the position above that Ezza politics of population number is a game of territorial expansion. Considering the earlier claim of owning through Oath taking about 85% of Ezillo land, this population claim and political demand further highlight the fact that Ezza-Ezillo may be planning total colonisation of Ezillo as alleged in the data above. On the other hand, the articulation of Ezza population in terms of its political relevance for Ezillo community is vital in the political participation and negotiation with votes that provides political gains and involvement that attracts community development. Both Ezza and Ezillo stand to benefit from this such that will be more than trading their population strength for primordial sentiment. Again, autonomous community given to Ezza-Ezillo on one hand draws

¹⁵IDI/Men/ Lawyer and town union member/43years and above /Ezza/ 15th August 2016

¹⁶KII/Elderly man/ Earth Priest//clergy/73years /Ezillo /10th August 2016

development closer to the people and secure political wards for representativeness and political participation. On the other hand, it affects identity and culture of Ezillo and Ezza-Ezillo either negatively or positively. While the identity, culture and authority over land for the Ezza-Ezillo will be boosted, the same may not be for the Ezillo people should that be.

Conclusion and Recommendations

The issues of migration, settlement and contestation of land meaning are the components of authority claims that inform the discussion on authority balance and exercise in Ezillo community. The struggle strikes a balance in this debate has often turned violent and hostility that leave behind feeling of fear and animosity. Resentment and intolerance generated by unanswered authority question polarise social interaction into in-group/out-group dichotomy. These distinctions snowballs into indigene/settler identity classification orchestrated mainly by politicians to facilitate narrowing political space and restrict inclusive involvement of all in access and use of land and political power resource in the community. Citizenship, indigeneship and settlers ship constitute critical identity politicised and invoked at different time to assuage opponent or impress right claims to access, use and even own land. While the State through its land related institutions invoke citizenship and tie it to constitutional provision concerning land, indigeneship/settlership identities status are controversially left by the constitution undefined giving space for contestation among rural peasant population and traditional authority. Synergy between State agencies constituting political elites and the traditional political authority in the administration of land matters in the rural areas has further severed the peasants from inclusive involvement in the distribution of land and authority over it.

In Nigeria, contentions on authority over land based on settler/indigene identity have reached an unprecedented volatility level that increasingly precipitates inter/intra sub-ethnic violent conflict. To date, in Ezillo community, very little is known about the malignancy of this form of conflict that is extremely violent: pitting kinsmen against one another divided along political line. As a result, constitutionally recognised citizenship identity placed burden of recognition on indigene/settler identities to create authority legitimacy crises. The study, therefore, argues that there exist a dissonance space where authority over land is contested between settlers and indigenes

that feeds into political citizenship influence and network. Findings reveal that Ezillo land conflict persists because actors are divided along political and identity lines where exercise of authority to access, use and own land constitute conflict triggers. While political elites mobilise citizenship bestowed authority to advance their interest in land, the rural peasants mobilise traditional primordial affinity locally politicised along indigene/settler line to contest statutory authority over land. These contentions result into restrictions and denial of access and use compounding oppression, poverty and crisis of legitimacy.

Finally, the absence of constitutional provision that clearly define indigene, settler and citizenship creates space for decent, rivalry and conflict. So, strong legal framework that apportioned duties and responsibility to indigene, settler and citizenship is needed. Inclusive administration and distribution of land is needed to create sense of belonging rather than isolation. Also, there should be a harmonization framework that will place traditional authority in check of statutory authority and vis-verser in land administration and distribution.

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