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Colonialism, Land Commercialisation and its Implications for Access and Usage: A study in Historical Sociology

LIADI, O. F[1], OLUTAYO, O. A[2], LIADI, K. I[3]

[1]Department of Sociology & Criminology, Fountain University
[2]Department of Sociology, University of Ibadan
[3]Department of Mass Communication, Fountain University

Correspondence Email:
liadiolusegun@gmail.com

Abstract

This article examines the changing land tenure systems and housing development in Ibadan from the precolonial to the postcolonial period. It aims to shed light on the historical transformations that have occurred in land ownership and administrations, as well as the consequences for housing development. The paper draws insight from Demsetz's evolutionary theory of property rights which explains the process of transition of communal land tenure to modern property rights system where titling is the main feature of land ownership. With the aid of multiple-sourced data such as review of seminar works, archival documents and in-depth interviews (with selected traditional masons, known as oloomo in local parlance) the authors present a reconstruction of the process of transformation of land tenure systems and housing development in Ibadan. The paper found that transformation of land ownership systems from community ownership to modern property right has been a convoluted journey, shaped by historical, political, and socio-economic factors. Given the importance of land to housing, the paper recommends that there is a need to strike a balance between private property rights and communal land management. This may entail recognizing the importance of traditional land tenure practices while also establishing clear legal frameworks that protect individual ownership rights and promote sustainable housing development. Hence, as our society continues to grapple with land issues, it is imperative to prioritize equitable access, tenure security, and the incorporation of traditional practices in order to foster a more just and access for all.

Keywords

Land tenure, communal relations to land, transactional relations to land, historical sociology, colonialism

Introduction

Land ownership systems generally in Nigeria and specifically in Yoruba society have undergone significant changes over the centuries (Otu, Edith & Asuquo, 2023). From the pre-colonial era to the modern era, the way lands are owned and managed has had a profound impact on housing development across the nation. Prior to the British contact, for instance, land was primarily communally owned (Udoekanem, Adoja & Onwumere, 2014; Olutayo, 1991). Community members saw themselves as custodians of the land, with individuals having access to specific portions for farming and housing. Land was seen as a common resource, and communal decision-making was crucial in determining its uses (Otu et al, 2023). With advent of colonialism, the nation saw a radical transformation in land ownership systems. European powers introduced various forms of land tenure, influenced by their own cultural and legal systems. These systems often disregarded the communal nature of land ownership in many African societies. Under colonial rule, land became a valuable economic asset to be exploited. Large tracts of land were seized and allocated to European settlers, while indigenous communities were displaced from their ancestral lands (Hull, Babalola &Whittal, 2019). This resulted in widespread dispossession and displacement, leading to social, economic, and political upheaval.

This article concerns the transformative journey of changing access to land and the profound impact it has had on housing development in one of the ancient Yoruba towns, Ibadan. In the ever-transforming landscape of urban and rural development, the dynamics of access to land play a pivotal role in shaping the future of housing in the city. As the people of the city of Ibadan grapple with the growing demand for residential spaces and the need for sustainable solutions, the paradigm of land access has undergone significant shift (Falola, 2012). Our article focuses on how the shift from community-ownership system towards more market-oriented reforms enabled consequences that still holds implications for housing development even today. For instance, we find that the commodification of land in Ibadan, as in other Yoruba cities, has led to speculative practices, where land is acquired for investment purposes rather than for immediate development. The article thus, suggest that such land practices have led to the proliferation of

vacant land and urban sprawl, exacerbating the challenge of providing affordable, well-planned housing for all. Hence, an examination of the transformation of relations to land access presents a starting point to understanding of the seeming housing debacle across the country even as governments at all levels have now recognized the benefits of private property rights and sought to promote individual land ownership at the expense of customary practices.

The paper draws insight from Demsetz's evolutionary theory of property rights which explains the process of transition of communal land tenure to modern property rights system where titling is the main feature of land ownership. Evolutionary theory of property rights understanding that titling severe the umbilical cord tying individuals' rights to land from the larger communities. Platteau (1996) suggests that the thesis of evolutionary theory of Land rights is grounded in the well-established flexibility inherent in the traditional tenure arrangements in most Sub-Saharan African countries. By the advent of colonialism, Platteau (1996; 32) averred, many factors including the increasing population, commercialisation of agriculture and many other important issues had given "rise to gradual but meaningful changes in land tenure towards an enhanced individualisation of tenure" system in most part of Africa. Nevertheless, Hull et al (2019) have reasoned that the motives behind replacement of the customary land ownership tenure system with property right tenure, is embedded in the view that the former is antithetical to the development of land markets for modern economy. However, most of the assumed benefits ascribed to transition from the communal ownership tenure to individualized property rights may be grossly overestimated and the solution to many of the problems generated as a result of change of tenure system in Africa could be found in the existing informal mechanism of communal land administration (Platteau, 19956).

In this paper, we adopted varied data such as seminar works, archival documents and in-depth interviews (with selected traditional masons, known as *oloomo* in local parlance) to presents a reconstruction of the process of transformation of land tenure systems and housing development in Ibadan from the

precolonial time to postcolonial period. The article begins by analysing seminar works on precolonial land tenure system and the process of access and usage of land in Ibadan and its surrounding Yoruba communities. A specific and detailed attention was paid to the main factors that made land such an important productive force in the process of house building in Ibadan at that period. Next, the article notes the centrality of the intervention of colonial administration in transforming traditional communal relations to transactional relations. Here, a reconstruction of how the city chiefs and wealthy merchant in cahoots with the Europeans appropriate town lands and establish property rights (an alien land practice) as the dominate tenure system. The next section was devoted to the consequences of transactional relations on accessibility and usage of land. Here, we also focused on the issues of the inability of non-owners to access building materials that were customarily accesses from nearby land as a result of individualized ownership which established the law of trespasses. The article concludes by offering a number of recommendations.

Access by Birth right: land allocations and housing development in pre-colonial Yoruba society

Before the year 1900, while agricultural land was mostly allocated and cultivated some distance away from towns or residential spaces, town lands were usually allocated for building of family compounds where individuals retired after the day's economic activities:

> Patterns of land-use in Ibadan bear the imprint of traditional Yoruba practices. Traditionally, very little farming went on within the limit of a Yoruba town. The belt immediately surrounding a town was used for cultivation of crops. Farmers went from their residences in the city to their farm plots. Town land was used primarily for residential and public buildings, for markets, shrines and paths (Oluwasanmi, 1967: 30).

Lands in early Yoruba towns had few other purposes than for house building. Only small part of the town in consonance with traditional town planning methods was used for production of various food crops and other traditional edible fruits and vegetables. This land-use pattern is in fact a traditional practice which characterised and distinguished the early

Yoruba urbanism[1]. Nevertheless, whether in the town or in the farm settlements, the character of the pre-colonial social formation of Ibadan, as it was for the rest of the Yoruba society, was such that this object of labour (land) was communally held. No individual could hold land as a personal property, as land-ownership was based principally on possession right only. In other words, there was an absence of individual titling. Ogunremi (1998) explains this issue thus:

> Land was owned not by individuals but by the community. The head of the community allocated it to families or anyone who wanted to use it for production. Thus everyone had usufruct right to it...As the trustee of the land the head of the community played a significant role in its allocation. But since he did not own it he could not appropriate the whole of it or even an unreasonable proportion of it to himself (Ogunremi, 1998: 115).

It is significant to note the importance of this tenure system as described by Ogunremi. In Ibadan division, as in Western Nigeria generally, the land-owning group is the lineage (Oluwasanmi, 1967). Land ownership was vested not in an individual but in community or lineage or even family. Every individual member, however, was traditionally entitled to a piece of the community/lineage land for whatever productive purpose he required it for. Whether for building or agriculture, or any other social / economic purpose, what is required is for an individual to request for the right of use or possession of uncultivated or undeveloped portion. With the exception of already occupied or cultivated portion, individuals who required the use of land as object of labour are provided with it. Consequently, the customary practice, as it were, was that members of a lineage was hardly denied the right of use to land except in a case of banishment from the community as a result of unhealthy behaviour towards the lineage or the community. Sociologically, one may say, land in this regard served an important function with respect to lineage social cohesiveness and by extension societal unity. According to James (1965):

> So important was the desire for group solidarity that a member of the family to whom a portion of the family land was allocated would forfeit his interest if he did an act inconsistent with that of the overlord's title, or was

> guilty of bad behaviour (James, 1965: 11).

The inalienability of land to members of society was a result of belief that land belongs not only to the existing members of the society but also to the dead members (Jacob and Le Meur, 2012). This religious/spiritual undertone to land reinforces people's beliefs that land is a gift from the ancestors for the purpose of sustenance of the living members and the unborn members. Therefore, no one is expected to be 'left in the cold' in distribution of this main object of survival.

While the responsibility for allocation and re-apportionment of uncultivated land in most part of Yoruba society was vested in the chief or head of a lineage, not even he (the lineage head) had absolute power over land. He, on behalf of his kinsmen, was a mere custodian of land. The significant role he plays never extended to personal appropriation of community land; but only as the point man who any member may have to approach or relate with if such member required the use of a piece of land for construction or for farming. James (1965) again summarises this thought succinctly:

> Communal ownership demonstrates social solidarity on a wider level. Communal land belongs to the community, but it is vested in the chief who holds it as trustee on behalf of the community. The chief allots such land to members of the community according to their needs. This is the principle of fairness of distribution which is so vital to the social policy and economic wellbeing (James, 1965: 9).

Shelter is a traditional need and people require land to build it. The indigenous "social policy" designed to ensure equitable "economic well-being" was device to equitably distribute land to those that need it. It is taken for granted therefore that since an individual would/should belong to a lineage (giving exception to slaves and pawns) in a community his right to land was guaranteed under the traditional policy of land allocation. The head had the responsibility of ensuring this by certifying that the one who made a land request for house-building belong to a lineage within the community; and he gets it**.**

This system of land allocation is important for several related reasons, for the purpose of the article, we will focus only on one:

availability of land for building. In Ibadan (being a non-coastal settlement) availability of land was a primary condition for any type of housing construction. In any case, this observation is true of today's Ibadan as it was in the pre-colonial period. To build a house means an individual must look for available space (a piece of land) where he could have his abode erected. Nevertheless, what is more important to us here is how individual members of a community were apportioned a piece from the available land for construction of dwelling. This is in fact an important element for consideration in housing development of the period. In pre-colonial time, accessing land for building purpose in Ibadan division (as in other Yoruba society) would not take much effort once an individual is a member of a lineage or belongs in the service of one of the leading overlords in Ibadan. In *the Morphology of Ibadan,* Mabogunje (1967) recalls that:

> Because of the circumstances of the city's (Ibadan) foundation... land was given out as block grants to chiefs who proceeded, with their relations, retainers and followers, to occupy them as they thought fit. Such blocks of buildings came to form a 'quarter' of the town and often bore the name of the chief prefixed by the significant topographic element such as hills (oke), road (opo or popo) or market-space (ita) (Mabogunje, 1967: 46).

Writing generally for the Yoruba society, Haruna (2005) commented that, within the clan or sub-tribe, the land is divided more or less permanently into territories owned by the various towns, "quarters" and villages. Within each of these divisions, less permanently into the different regions possessed or worked by the family "groups". He then said:

> As a rule, there are no fixed boundaries within the latter sub-divisions, but the head of the family allots to each his portion at the beginning of the farming season. There is generally no periodical redistribution of land beyond the limits of the "quarter" (Haruna, 2005: 37).

Finally, Falola (2012) in his book *Ibadan: Foundation, Growth and Change,* gives vent to this point when he described the methods by which an individual had access to land in pre-British Ibadanland:

> The first person to cultivate it (land) was regarded as the "owner". This method of

> obtaining land never degenerated into scramble. Only those who had a sufficient labour force bothered to explore the forest for more land...the abundant supply of land made it unnecessary to fight over possession. Those who needed more land made incursions into the backyard of their existing property or went further inland to occupy vacant areas (Falola, 2012: 38).

Land was allocated to early settlers in blocks to be done with whichever way they dimmed fit. This method of land acquisition is instructive. But the relevant point is that land for building was ever available and free for use for every member of the community – a point which makes scramble for land unnecessary and issue of homelessness almost unthinkable. In several parts of the town, available land was simply more than the people. Acres per head were in favour of land and human access to them was without much challenge. As Ojo (1966) explained "during this stage of development there was always more than enough land to meet the needs of the people. As a result, the necessity did not arise for an individual to assert personal ownership". The only recorded challenge was the low-level development of technology of land appropriation (Olutayo, 1991).

The abundant nature of land at this time means spaces, where individuals need to erect their dwellings was at their behest. Individuals who required land for new building only need to make "incursions into the backyard of their existing property". The existing property is the land on which the lineage compound was already built. The authors have earlier clarified that land occupied by any family – or a warlord in the case of Ibadan – is deemed in their possession insofar as that remains. This is to say that cultivated lands and those where family compounds were built were deemed to belong to those occupying them. Thus, the "free portions" directly adjacent or behind or surrounding the "family property" were usually the next in line for new buildings. As Clarke (1972: 237) remarks, individual only has to search for "the next best spot within the vicinity of the old home" to construct his abode. Furthermore, the fact that the prevailing social formation was formed around the lineage means that family lived in a manner that could only be described as close-knitted – and buildings or dwelling units were clustered around

lineage space. Lineage member who required land for new building extends the compound by constructing his abode in any available space near or within the precinct of the old homes.

Isola Olomola (1999: 19) made specific reference to the fact that when a compound becomes overcrowded, the "overflowing population built new compounds annexes to existing one". This point, as it were, requires little emphasis since it is a generally acceptable pattern of social practice of building among the Yoruba. Nevertheless, the point to be stressed is the reasons why this was, and for Ibadan, there could be numerous explanations. One factor, provided by Ajala (2005) in the case of traditional Ibadan is, that "shelters are closed and compacted together for defensive purpose and good neighbourliness". In other words, compound system of residence may have developed as a result of or could not be dissociated from the general (warring) atmosphere of the pre-colonial Yoruba social formation. What Ajala's perspective indicate is that as town walls were developed as forms of protection against war, so also was the built system of the people. The logic of the town walls influenced the compound residential system wherein dwellings were enveloped within compound walls. This argument seems to suggest that the early people in Ibadan built houses in "roof-to-roof styles, with little or no regard for aesthetic values, motorable roads, drainage and recreational facilities" (Ajala, 2005: 123) just to shield themselves from the eighteenth century Yoruba inter-tribal wars.

At first, Ajala's submission appears to be all that can be said about the logic of this traditional built form. But a closer examination of the general socio-economic practices prevailing in traditional Yoruba society (not to limit the argument to only Ibadan) will indicate that there may be other logic for close appropriation of land near the original compound for house building that may be beyond security or protection against the effect of wars. In any case, when war happens, destruction of lives and properties easily follow irrespective of form of residential building systems. Hence the paper presupposes other factors did inform close compound system of Ibadan ditto Yoruba system of residential building. In any case, the reading of other

scholars on Yoruba culture indeed seem to provide other explanations for this form of building approximation than fear of raid by the enemy. While the prevailing inter-tribal wars was a veritable rationale for compound residential building system, the authors suspect that both social and economic considerations take historical prominence as to why houses were compound built than security. For example, Imoagene (1990) observes that:

> The compound *(*system of building in Yoruba society) functioned as a production unit. All members, especially young men and women participated in farm work and production was under the leadership of the lineage head who in turn took responsibility for the major ceremonies associated with the life cycle of individual members (Imoagene, 1990: 41).

In this matter, and with regards to weaving production, Bray's (1968) remark seems to encapsulate the general economic logic of residential compound system of the Yoruba:

> Extended family compound is the unit of production for weaving and for the immediate processes of spinning and dyeing. The place of residence coincides with the workplace, whether there is a row of fixed looms in the central open space of a compound or a single portable loom alongside the house. Training also takes place within the compound unit and only where this is associated with Arabic are children sent to non-relatives (Bray, 1968: 271).

Lloyd (1953) provides further insight into this by opening other possible uses to which compound was put by the Yoruba lineage members:

> In each of the crafts mentioned (above) a father taught his children to follow his own occupation, and thus there are lineages in which all the members ply the same crafts...In every compound the eldest man of the dominant lineage is known as the Bale; a craft compound is no exception. In the craft compound his authority extends to all matters affecting the craft industry as well as the social life of the lineage. At the same meeting the craft men will decide about their marriage disputes, farm land, prices, the maintenance of high standards of work or the repair of the common workshop. Some craft men, notably smiths, carvers, and hunters, worship Ogun the god of iron and war; other lineages have their own deities

> which may be associated in a lesser degree with their craft. In both cases the deity is regard as belonging to the lineage and propitiatory rites addressed to it are carried by the Bale. There is no division in the minds of the craft men between their social and economic activities (Lloyd, 1953: 33-34).

Finally, Sieber's (1980) general observation on the traditional African compound residential form encapsulates the socio-economic precedence of this form over security:

> For Africans...the home is the centre of the world. However, to the African the sense of space at the centre is not necessarily interior space, for most African home is not the semi-sealed, closed container... Rather it often sprawls, housing an extended family and domestic animals... The home compound is at the same time a unit in the larger village. Many, perhaps most, activities from food preparation and handicrafts to relaxing and gossip, take place outdoors, in the courtyards or compounds. The interior spaces are refuges, shelters, in the primary sense, from rain, night, cold or predators (Sieber, 1980: 15).

Evidences from the above show clearly some of the socio-economic rationale behind compound buildings in traditional Yoruba nation. Craft or manufacturing industries/activities were carried on within the compound (Mabogunje, 1968). It was also within compounds that social and other cultural and political discussions took place (Ojo, 1966). Beyond these, young apprentices (usually the sons or nephews of the craft masters) acquire some of the skills required to master certain crafts within the compounds. And when he/she grows he/she joins the entire family or lineage in production activities (see Fadina, 2004, in the case of weaving; Bray, 1968). This shows that the members of a craft lineage were both social and economic groups. The point of immediate relevance, therefore, is to argue the case that with the state of social development when households were production units and their compounds the industrial settings, learning to live within a compound may be a rational social and economic decision rather than the fear of raids by the enemy. Economic/production logic dictated against fragmentation of household since the head of household appropriated the labour of members of his immediate family for production. And insofar as this is true, it is no wonder that individual lineage member would not

naturally be expected to build his dwelling too far away from the group – to ensure continuity in primary production process. For instance, Falola (2012) has this to say with respect to the dilemma that arises as a result of a young man wanting to leave the lineage compound in pre-British Ibadan:

> It is true that a young person could be allowed to leave the lineage and learn a non-lineage job but this had to be done through the expressed consent of his father who would find a master for him. A father with one or two wives and very few sons would seldom allow anyone to leave him because the absence of one worker could reduce his output (Falola, 2012: 41-42).

Hence, while it may be true that the general security condition of the pre-colonial Yoruba society may have been important enough to have influence on the overall pattern of design of compound dwellings; but the prevailing social organisation of socio-economic activities may have had as much influence on Ibadan compound dwelling pattern as well.

The second important reason that made land an important productive force is the fact that the materials of construction of dwelling including walling and roofing were sourced or derived from land. Though in a less developed state, the materials extracted from land and/or forest (in their natural state) were the actual things upon which human labour were applied to provide the much-needed shelter for protection from the menace of wild animals and from the vagaries of harsh weather. While the main walling material of building was mud/clay/laterite soil, those for roofing such as timber, thatch, rope (derived from plant) was from surrounding land (or forest in the case of the latter). This second factor is also very important to our present discussion on form of precolonial access to land.

Like other Yoruba societies of this period, mud occupied a central place in and was extensively used for construction of residential, spiritual and communal monuments such as the royal palace and town walls in Ibadan. This material referred to as “primary material” by Ifesanya (2007) was exclusively employed for building purpose across this traditional town. In fact, the adoption of this primary construction material has been one of the main things that was

observed and documented by the 19th century missionaries, explorers, voyagers, administrators, etc, about the building culture of the Yoruba people. For example, Clarke, in the account of his *travels and explorations in Yoruba land between the years of 1854 and1858* observed and remarked that:

> The towns and cities of this people strike us both as to the number and size. They are scattered over this small area so thickly that many of them may be reached within a few hours walk and with population so heavy that we are sometimes afraid to give expression to our own conviction lest we be called enthusiasts. Though some of the largest now lie in ruins without a single guard or sentinel to tell the traveller of the site, there are now in the full tide of native prosperity a large number of towns varying in population from 25,000 to 130,000 people, Ijaye, Abeokuta, Ibadan and Ilorin swarm with such myriads of human beings as to arouse every power within the man who contemplates the scene. All of these towns are surrounded by mud length of ten to fifteen feet (Clarke, 1972)

This observation was made in admiration of the extent of town development among the people living in Yoruba land at this material period. An important reference was made of the height of walls constructed with mud. Town walls construction was common among important Yoruba towns at this period as it was for the protection of towns against marauders invading the Yoruba community. In 1862, the outer walls of Ibadan which was constructed with mud excavated from ditch dug outside the wall was said to measure about 24 miles which was just a mile less than that of the Old Oyo (Ojo, 1966). Such walls were nearly a second feature of the peripheries of the Yoruba towns at this period.

Before the contact with the Europeans and indeed for decades after, almost every Yoruba town of considerable military prowess was in arms against one another. Ibadan was such a powerhouse of military might and, therefore, would require walls for security against any invading army of the enemy. In any case, the 19th century inter-tribal wars that ravaged Yoruba land had been well documented (see Falola, 2012; Asiwaju, 1975). Nevertheless, what is important about these wars for us to know is the consequence of the spate of destructions of the pre-colonial Yoruba

towns and the resulted destruction of the walls that surrounded these towns, residential building, and more importantly, the likes of the "magnificent and stupendous royal palace of Old Oyo" (Frobenius, 1913: 177) which was apparently built of mud, but buried in such destruction. However, more importantly is the fact that these wars led to displacement and migration of many inhabitants of the towns to other parts of Yoruba land including the newly militarily established Ibadan. Among several other skills and knowledge took with them must have been the knowledge and skills of building. For, over five decades ago, Mabogunje (1962: 5) informs us that "there is a growing body of evidence to show that the founders of these towns reproduced not only the social and political institutions of their parent towns but also their physical plan". In similar manner, Olomola (1999) contends that the traditional town planning in the 'newly' emergent towns provided for "ample palace or baale's courtyard; the principal or central market and irrespective of size, each town was an aggregate of quarters" around which individual family abode or dwelling was constructed. If this is true, and I believe it is, walls of these towns would not be the only construction that mud was used for – residential building would be one other. But the usage of this material naturally depends on availability within the environment. In this regards, Oluwasanmi (1967) described Ibadan soil in thus:

> Apart from narrow valley bottoms, the land in Ibadan is undulating, and soils ranging from sands to sandy clays are freely drained... the clay fraction of the soil firmly retain important plant-nutrient elements, and leaching is not normally intense in this area of moderate rainfall (Oluwasanmi, 1967).

Because clay is a soil/earth type found in every part of southwest including in Ibadan, we should argue that buildings in mud were certainly the commonest feature of pre-British Ibadan town. In other words, clay was the main construction material for residential building. Across the pre-colonial Yoruba landscape, Mabogunje (1968: 65) again explains that "the use of clay for house building was the hall mark of urban construction". Mud is a derivative of clay when water is added and kneaded to malleably required point. Ibadan holds abundant deposit of clayey material which was extensively used for

traditional building. Even Ajala (2005) and Dmchowski (1997) found that even the palaces of kings, houses of chiefs and those of important men were usually built of mud, wattle and thatch in pre-colonial time. In the case of roofing, again, Ojo's (1966: 150) remarks offers a clear picture of the materials adopted generally in traditional Yoruba society:

> Roofing materials consist of wooden poles of varying sizes obtained from the forest. Hard, durable and highly insect-resistant wood-types such as that of isin (*Blighia sapida*) are favourites for girders, beams, rafters and joists. The network holding the thatch is plaited from mid-rib poles of the oil palm and wine palm. Ropes (or tie-tie) come from some of the climbers and lianas of the flora; some are made by twisting the outer covering of the mid-rib palms. The predominant thatching materials are *ewe eron* (leaves of the phrynium plant) and more particularly *ewe gbodogi* (leaves of the Sarco-phrynuim species) (Ojo, 1966: 155).

While modernisation has had considerable influence on the usage of these materials, the pre-colonial Ibadan building culture like those of other Yoruba settlements rested entirely on them. Evidence of their adoption for solving shelter problems by the ancient people of this traditional city is not so difficult. The core areas of the present Ibadan (such as *gege-olo orun, foko, Popo-iyemoeja, Oja-oba*) were entirely built of these materials (Ajala, 2005). These settlements were the initial areas where those who founded the city established their households (Falola, 2012). In exeception of *ewe gbodogi* which has obviously been replaced by corrugated zinc, houses built long ago abound and seen easily around the aforementioned areas of core Ibadan and beyond.

However, this is not peculiar to Ibadan. Agbontaen, Ogunje and Oladipupo (1996) and Nwafor (1979) studies have established that several African indigenous cities including Ibadan, Oyo, Benin, Ife, Abeokuta, etc in their earlier days were constructed entirely of mud dwellings around courtyards. Mabogunje (1968:101) commented on Yoruba traditional building that "the Yoruba compound...was an enclosed space, generally in the form of a square, bounded by a mud wall about seven feet high". The Yoruba traditional builders employed mainly mud in construction of large compound walls; an indigenous system of residential building form which the pre-

colonial Yoruba people was known for. Compound walls and those of the houses enclosed within it were constructed of mud, extracted from the earth, gotten from deep pits and processed into malleable mass by adding water and kneading it into clay balls (Adewale, Anthony and Olamide, 2008; Dmochowski, 1997). "A compound", says Clarke,

> Is an enclosed space (generally in the form of a square) bounded by a mud wall about seven feet high...inside, against this wall, the rooms of the house are built. These rooms are square and are covered by a thatched roof, which rest on the walls on the outside and on the posts on the side so as to give a covering for a piazza extending all around the enclosed space on the side (Clarke, 1900: 25)

Clarke, also notes that, "the walls of the compounds were built of a kind of solid *adobe"* and the "mission house", he went on to say "was also built of this material" (p.28). Nothing in Clarke's remarks contain any description of foreign building materials in the features of Yoruba compound-houses he so observed. Yet, "the houses though of clay and thatched, were better built and more commodious than is usual in Africa..." so remarked Tucker (an emancipados from Sierra Leone) in 1839 while describing the houses he observed in the town of Abeokuta.

Thus, the above suggest that the Ibadan builders of traditional compound housing design and their counterparts across the Yoruba land made abundant use of clay soil as building material to erect imposing dwellings and edifice (such Oba's palace) that were incomparable with those of many other tropical regions (Ojo, 1966). The eighteenth century missionaries who settled in Yoruba society also (first) built their mission houses with these materials probably as a recognition or respect for the built culture of the Yoruba. It may also be because of the fact that these were the only materials available for them as soon as they settled, since the idea of importation of European cultural artefacts of building had not been firmly rooted. In this context, the early use of these materials represents what Mark (1996) called "cultural achievement" in architecture in the part of the Ibadan people as it appears elsewhere in Africa. Therefore, it is noteworthy that the creative freedom that was manifested in the traditional Yoruba architecture as typified in traditional Ibadan built environment can be "associated with

availability of appropriate workable soil materials for the construction of a home" (Ugiohom and Okonny, 1999: 139). To the extent that this is true, it is safe to submit that the use of mud and thatching materials as described above is a rational response to environmental conditions and general level of social and physical knowledge of building. However, all of these changed with the advent of colonial rule.

The Change in Access Code: Colonialism and Commercialisation of Land

The subject of pre-colonial land tenure system had been discussed in earlier section. Little remain to be added except to say that prior to the establishment of colonial regime in Nigeria this tenure system (of distribution/allocation and use of land) operated based on conventions and trust. This is to admit a lack of either legal or economic frameworks for pre-colonial land tenure until the advent of colonialism. The merit and demerit of this traditional system are of little value to the present discussion. What is needed to be emphasised is the fact that the arrival of Europeans brought about new focus and interpretations about land (James, 1965). And that the basic constitution of the emerging interpretation about land was embedded in European tradition which allowed individual ownership of land with legal rights to dispose it like any other commodity as the owner wishes.

The concept of 'ownership' greatly conflicted the traditional values of the Yoruba people about land. Indeed, there is the need to restate that the pre-colonial people related with this resource (land) as sacred entity (Obioha, 2008) with the right of possession residing in the communities or groups which made up the communities. It is therefore correct to note that between the Nigerian and European values on land, there appeared to be an irresolvable conflict; at least, during the colonial period. Such conflict of values is better understood in relation to the European value of property rights as against the African communal rights on lands. These two contrasting values defined the character of access to land among the Europeans and Africans. And as far as land usage was concerned in colonial Africa, this was a source of constant contention between the European conquerors and the conquered African.

Njor (2008) states this more succinctly thus:

> Few European values clashed as violently with their African equivalents as those relating to access to land. While Africans subscribed to a system of communal ownership of land, European custom advocated individual property ownership and treated land as a commodity. Colonial authorities forcefully contended that the communal ownership of land (or any property for that matter) was antithetical to the principal tenets of capitalism. Accordingly, they sought to supplant the African land tenure system with a European variety (Njor, 2008: 90)

In any case, Asiwaju (1997) has led us to understand the context that underpinned the cultural relations between the British and the people of the Protectorates and Colony. He stressed the point thus:

> Colonial rule began and ended on a constant note of assumption of cultural superiority on the part of the European rulers over their subject populations. In spite of a non-articulation of an assimilation policy, the difference was one of degree, not type, between the British and their French or Portuguese counterparts who were more explicit in their articulation and systematic pursuit of assimilation policy. Under the British, as under the French for example, colonial rule left a distinct stamp of the culture of the colonising power and, by implication, the subordination, if not actual suppression, of the indigenous cultures (Asiwaju, 1997: 32).

This European colonial attitude towards the communal forms of landholding was informed by deeply entrenched cultural preconceptions that set individual, private ownership as superior to communal or collective tenure (Peter, 2007). This is hardly surprising since all the colonising powers were from nations of capitalists; where land and any other form of properties have defined rights and legal entity. Like any other cultural philosophy of the Europeans, individual proprietary right over land was seen as (or expected to be) a universal doctrine. This biased view of the colonialists, for Pottier (2005), made them to assume, like in every other thing, that the European notions of legal tenure are universal and should be applicable elsewhere. The cultural background and legal environment of the colonial administrators debarred them from appreciating neither the modus of operandi nor the spirit behind traditional customs which ensured lack of market or

monetary value for land. And it may also explain why the African ethos of landholding would be viewed as inimical to capital development as intended in the colonies and protectorates. To the colonial power, therefore, the communal anti-market ethos must be supplanted; and European legal private property system must replace them. To accomplish this aim, the colonial government had to devise a strategy to free land from communal grip and transfer such back into private sphere for individual acquisition. This they succeeded in doing because:

> One of the earliest legislations introduced by the Colonial Administration is that dealing with acquisition of land for public purposes. The first of such legislation was the Public Lands Ordinance of 1876 later re-enacted as Public Lands Acquisition 1917. The Act empowered the Government to acquire land compulsorily for public purposes subject to the payment of compensation to the land owners. The land acquired becomes state (formerly crown) land, and therefore becomes property of the state. This strategy helps the government to free land from the prevalent customary land tenure which restricts the land ownership and holding strictly to the family and communal and hardly individual. In effect land needed for developmental purposes must be compulsorily acquired by government for this purpose. The state Lands Acts or Laws empowered the Government to grant leases of state Land to private individuals. The title of such grants is therefore free from any communal claims (NOUN, n.d.).

Earlier in 1900, a British colonial land ordinance had already been put in place to direct all interests in land especially those which relate to alien and migrant transaction with the native to acquire government consent. This was largely to bring under control all issues relating to land concessions:

> No interests in land shall be acquired from the native without the approval of the High Commissioner. This chiefly affects the Niger territories where it is highly essential in the interest of the native owners as well as the Protectorate generally that new concessions and grants should be acquired under government sanctions (Southern Nigeria, 1899-1900:37).

Through various other ordinances, land became titled and the applications of such ordinances by the British colonialist, certain categories of land became Crown Land acquired especially in the urban areas. Although in the Southern part of Nigeria, there was the recognition that land was owned by lineages or extended

families, Crown Land, expressly acquired by the colonial government, was held by the Governor (Mabogunje, n.d.). Such land was concessioned or granted to European commercial interests and used for any other purposes the colonialists deemed fit. Many of such land became used for reservation areas where the Europeans and government staff were resident (Obioha, 2008). But many others were either held or used by private individuals. However, what is instructive is that, land so transferred into the private sphere could also be leased or sold by such individual 'owners' since such land is freed from the grips of communal system. With this, land gradually assumed commercial purpose and related with on transactional basis. Emergence of such commercial relation, obviously a negation of communal tradition on land possession, resulted in a situation whereby process of access to land became commercialised. Titled land became alienable and sellable by the new 'owners' or holders of titled land. In the case of Ibadan, the truth of this is driven home in Falola's (2012) remarks which describe how such commercial tendency became established among the local people and alien:

> Within the town, major issues continued to revolve on leasehold reservations and outright sales. Men with dubious and genuine claims conspired with chiefs to grant leases to individuals and companies. Over forty local and foreign firms held plots in the Business Area in 1920. Some of these companies sublet to others, in contravention of terms of lease (Falola, 2012: 641).

Earlier, Mabogunje (1962) demonstrated that the arrival of railways in 1901 in the city of Ibadan attracted a number of European economic institutions, administrative institutions as well as reserved residential areas into the city. But since land for these various institutions could hardly be found in the already closely settled area of Ibadan town, they had to depend largely on the periphery. Then, Ibadan periphery was the reserved areas or the colonial/Crown Land. Access to a piece of this land was entirely on the basis of commercial transaction. Thus Mabogunje further noted that:

> The European occupation of land involved commercial transactions; plots of land in the new area came to acquire monetary value. This tended to call into being not only speculation in land but also speculative house building with a view to letting out to new

> immigrants (Mabogunje, 1962: 13).

In 1968, in his celebrated book *Urbanisation in Nigeria*, Mabogunje offered specific examples of this process:

> In Ibadan the British Resident requested the Council to agree to the demarcation and survey of a special part of the city for the European traders. After initial opposition by the Council, various European firms were in 1903 granted leasehold to land for varying terms of up to fifty years in consideration of an annual rental of between £5 and £8 per acre. The operation of pegging out the boundaries of these plots was such a novelty that it came to be used as the name of the district. Thus the new European business District in Ibadan was called Gbagi which, in the vernacular, meant 'to peg' (Mabogunje, 1968: 194).

To say the least, therefore, the introduction of commercial or economic purpose on land brought about the breakdown of the old order (James, 1965). The older practices which conceived land as an "unbounded resource" – possessed by individual members of groups on the basis of *need to use* withered while modern changes which transformed land to a "commodity which was measured, plotted, subdivided, leased and sold during the colonial period" (Pottier, 2005) became emphasised. The outcome of the change put succinctly by Njoh (2008) states clearly that:

> Because the European land tenure system moved land to the commodity sphere, it effectively changed the prerequisite for access to land from membership in a family – as the case under the traditional African system – to financial ability. This reduced or eliminated the chances of African accessing land in the more desirable areas, hence transforming such areas into 'white only' enclaves (Njoh, 2008: 91).

And Obioha furthered this

by saying thus:

> These new phases of development in Africa and the new economic system of agriculture (cash cropping) stimulated a need for the exploitation of lands, which changed the pre-colonial distribution of land from relative abundance to scarcity in supply. This created the need for scrambling for land as the most important means of acquiring land (Obioha, 2008: 46).

Through the colonial forceful acquisition and the various ordinances which now direct the process of land titling and usage, land already acquired by the colonial government became prohibited to people

(Mabogunje, 1962). The prohibition placed on certain portion of land limited the available land to which people could relate. This led to differentiation between the 'native' lands and the 'Crown' Lands. In consequence, dual systems of landownership; "traditional system" for the native African and "modern system" for the Europeans and Europeanised natives was to result (Njor, 2008). While the latter retained the communal distributive system, the former became commercialised leading to land speculations and scrambling especially in the government acquired areas. From this latter system comes general commercialisation of this important factor of building.

Several other factors assisted the process of commercialisation. Increased urbanisation, introduction of commercial agriculture, intensified money economy and influx of migrants from the rural to the colonial urban settings helped in this sense (Mabogunje, n.d., Obioha, 2008). As more people moved into new colonial cities, land speculation increased and commercial transactions on land continued to ensue. However, the new migrants (especially the non-natives and the educated elites) preferred to deal with government in the case of land transaction to avoid the problem with disputes (Falola, 2012). In Ibadan, by 1923, the native authority drew up rules which were meant to guide land transactions with a nominal ground rent payable to the Ibadan council in recognition of its overlordship (Falola, 2012). However, these rules did not stop the myriads of land litigations which later ensued among the people many of which had to be brought to the colonial courts.

Transactional land relations and its Implications for Housing Development

With the above modern influence on land, commercial relation emerged and became widespread. This created economic consciousness and monetary values for land. And with increasing influx of migrants into the colonial cities who needed land (without any ties in the city), land was bought and sold freely. Rather than membership position in a group, access to land only required financial wherewithal. For those who had the money, land of their choices could be procured for certain amount. Little regards were attached to social and spiritual roles of land. The modern influences of colonial

regime also made inalienability attribute of land to become secondary to financial capability of individual land buyers. This situation broke down the communal landholding system. In terms of the impact this had on the people, Pottier (2005) makes an important observation:

> These changes had an impact on local systems of land rights as men began to evaluate the land they used in new ways. They also led to an increasing number of legal battles over land; for men were encouraged to establish long-term rights in particular holdings either for immediate use or for subsequent gain (Pottier, 2005: 59).

What emerged from the colonial distortion of the traditional land practice was that plots of land were bought and sold without recourse to any affinial relations. This individualistic relation is the general outcome of colonial land management away from the pre-colonial system. Colonialism created, in the people, economic consciousness of land. Monetary gains became the number one consideration in evaluation and re-evaluation of land. The consequence of this change was not lost on one other author, who pointed out that:

> Changes have occurred in the course of development and expansion of the various towns...land speculation and sales began. Some lineage lands were granted to colonial authorities for department of offices, social and economic infrastructures; sold out to proprietors of schools and colleges, etc as well as non-indigenes and strangers who developed them. Thus by 1960s, many of the lineages had started to face problems of land shortages, members who could not obtain desired land for development at home bought land outside from other lineage (Olomola, 1999: 24).

Emergence of shortage of land, of course, has important implications for access to this important productive resource either for building or for other purposes. In the case of building, taking the next best spot nearest to the lineage compound to build one's abode (as it was the practice in the pre-contact time) increasingly became a challenge. Gradually, land came to assume the quality of scarcity and became a resource which people would need to struggle to acquire in the course of building (Agbola and Adegoke, 2007). As the British colonial regime destabilised the communal access to landholding, acquired some communal land for construction of European quarters,

railway land, administrative buildings, schools, etc; and the European merchants bought land to develop economic institutions such as banks and shops, etc; and the missionaries-built churches and mission houses, the object of labour of housing became impacted.

On the one hand, the Yoruba value which supported and ensured that people had free access to land – an important factor of building – for construction of their dwellings have been defeated by the new (transactional) value of the colonialists. Hence, the freedoms with which people used land for building became modified. For the migrants or non-indigenes and strangers who trooped into the newly created urban centres, land had to be purchased to build especially from the colonial administrators. Even for those who should ordinarily have free access to (members of a lineage) land, the greed for the British money affected and influenced the traditional modalities by which people related with land issue. This is because as people began to see land as having economic potential their worldviews began to change (Obioha, 2008).

Disputes and disagreements over land matters became prominent among lineage members. The chiefs and heads of family whose roles were limited to being custodians of land by the age-long practices of the people took advantage of the new system and offered lineage lands to the colonial government and private individuals for pecuniary advantage. The result of the destabilisation of the structure of relations to land is offered by Falola (2012: 643) who noted that: "several people believed that their land was "stolen" by chiefs and sold to government who in turn sold to individuals". Heads of quarters and the *Baales* of villages and districts who were to hold land in trust and distribute it on the basis of need as traditional land conventions dictated increasingly became greedy. They began to appropriate family lands turning them into personal possessions; with many of them (family heads/chiefs) in Ibadan selling the same land to multiple people (Falola, 2012). This amounted to several land litigations settled in the colonial courts (Pottier, 2005; James, 1965).

On the other hand, since land began to assume economic value, it is arguable that free materials of building (which required users to only inform owners) became increasingly inaccessible. People could no

longer dig lateritic/clayey soil for building from anywhere it was available (IDI/Traditional Mason/75yrs/Lalupon, Lagelu Local Government). This is because plotting and pegging of land indicate personal ownership of the portion so pegged or plotted and everything on such land comes under the possession of the land owner.

In any case, at the height of colonialism, the colonial administrators and the missionary agents building activities have already introduced materials of building which were alien to the native environment (Liadi, 2019). Mud bricks and cement blocks have gradually become adopted for construction of walls of new houses (Ojo, 1966), while corrugated iron has become the new fashionable roofing materials. The point here is that, at the height of colonialism, while traditional building materials become increasingly challenging to access as a result of commercialisation of land, European imported materials were simultaneously introduced into the built environment. Several materials such as walling and tiling materials, joinery and furniture, roofing materials and paints became commodity for which colonial government first used and later became adopted by the natives. And this also has some level of influence on the means of labour of house building. It is time to discuss this further.

Discussions

In any case, to conclude this first part of the importance of access to land for building in pre-colonial Ibadan, three facts should be evident. Firstly, the pre-colonial tenure system as regards building (and indeed other productive activities) was a tenure based largely on need and use. If a piece of land was needed by any member of the society for building purpose, and insofar as such particular land is left uncultivated or built on, and the person who request its use is a member of the society, he is granted the right of occupation. It is important to note that the right vested on individual is *use or possession* right not ownership right. People never owned (with concept of proprietary in mind) a piece or portion of land. That right was vested in the community and the social groups to which people belonged. And it is the individual standing in relation to the group to which he/she belongs that offers him/her access to land; thus his/her struggle to maintain

healthy group relations with others (Chanock, 1985).

Secondly, land as a productive force in building never assumed commercial character. No one had to purchase land for construction of his dwelling. Land, as a community 'property', could not be sold nor bought. For as long as a piece of land was cultivated or built on, it belonged to the family or the individual holding it. This, in other words, means that at the period under discussion individual held "possession" right over land. This is certainly different from having "property" right which later emerged with the contact with British rules. Thus, land for building in pre-colonial Ibadan, as Ogunremi's (1998) remark suggests, had "no market value". Thirdly and emanating directly from the last two points is that scarcity of land for building erection was alien to the people of Ibadan and indeed the entire Yoruba community at large. There was abundance of spaces for construction of houses. Everyone who required the need of land for construction of his/her dwelling was allotted one with little or no fuss. we now need to examine the second reason for the importance of land as productive force of building in pre-colonial time.

The new colonial system invoked, in the people, individual consciousness rather than group consciousness. The concept of 'my land' which has now entered into people's consciousness prohibits others' rights – who are now considered as trespassers – over same portion of land. Consequently, through the colonial involvement in land, the primordial structure which allowed individuals to depend on his/her group to access land and materials for building became disintegrated. The role of the society or social or group relations had become limited. Personalised and transactional relations had been 'upgraded' as the new norm which shapes land relations. Consequently, the social structural distortion of the land relations created by Colonial administrations manifested itself in the disorganisation of the veritable source through which people accessed building materials.

Conclusions

This article examines the changing land tenure systems and housing development in Ibadan from the precolonial to the

postcolonial period. It aims to shed light on the historical transformations that have occurred in land ownership and administration, as well as the consequences for housing development. By analysing the impact of colonialism and the subsequent postcolonial era, this study seeks to provide a comprehensive understanding of the evolution of land tenure systems and its implications for housing in one of the oldest urban environments in Nigeria.

Consequently, the evolution of land ownership systems in Ibadan has had a significant impact on housing development. From communal ownership in the pre-colonial era to the current emphasis on individual ownership, the society has experienced a complex transition. Balancing the need for private property rights with the preservation of communal land management traditions is crucial for sustainable and inclusive housing development in Africa. By addressing challenges such as conflicting land claims and speculative practices, African countries can create an enabling environment for affordable, well-planned housing for all.

To address these challenges, African countries need to strike a balance between private property rights and communal land management. This entails recognizing the importance of traditional land tenure practices while also establishing clear legal frameworks that protect individual ownership rights and promote sustainable housing development. Additionally, there is a need for increased transparency and accountability in land administration processes. This includes effective land registration systems, clear land titling procedures, and mechanisms for resolving land disputes. Such measures would provide greater security for landholders and foster a conducive environment for housing development.

Notes

1. Although Yoruba towns have largely been considered as agricultural town because of the penchant to have farms within towns – farms established in towns were not large farms and they were generally regarded as oko etile (nearby farms) – large farms were always some distance from the town.

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