

## AFRICAN NATIVE LAND RIGHTS

THOSE who heard something last year of the visit to this country of the Delegation of the National Council of Nigeria and the Cameroons, headed by Dr. Nnamdi Azikiwe—commonly known as Dr. Zik—may look for news from West Africa this year. Certainly, in the month of October, in Lagos, it is proposed to hold an All-West African National Congress.

On August 11th, 1947, the Delegation from the Nigerian National Council—a federation of 183 political parties, trade unions, professional and business associations, farmers' and peasants' organisations, tribal unions, youth leagues, students and other cultural organisations scattered all over Nigeria and the British Cameroons—presented a Memorandum to Mr. Creech Jones, Secretary of State for the Colonies.

This approach to the British Government arose out of discontent with the new constitution known as the "Richards Constitution," which came arbitrarily into operation on January 1st, 1947. And very serious grievances were expressed with regard to questions of land tenure, the Delegation having been especially enjoined "to emphasise the recognised principle of the inalienability of the communal lands of the people of Nigeria and the Cameroons and to secure the original tenure of land against exploitation, and to obtain an irrevocable acknowledgment by the British Government of the foundation principle upon which the land system in Nigeria is erected, namely: that the whole of the land in all parts of Nigeria and the Cameroons, including the Colony and the Protectorates, north and south, whether occupied or unoccupied, shall be declared native land; and that all rights of ownership over all native land shall be vested in the indigenous inhabitants as being inalienable and untransferable." Most strangely, the Delegation made no reference to the "Land and Native Rights" Proclamation of 1911, the greatest Colonial act of any British Government, which actually provided (in Northern Nigeria) for the just and secure land tenure demanded in the Memorandum. The Delegation would have served their constituents most effectually had they reminded the *present* British Government of that Ordinance, asked what was happening about its proper administration and insisted on its extension to the whole territory.

The Colonial Secretary, Mr. Creech Jones, in his reply to the Delegation, insisted that they should return to Nigeria and give the new Constitution a fair chance of success by co-operating with the Nigerian Government. The other points brought forward, including points in connection with land legislation, would be looked into. On November 12th, a question was asked in the Commons as to when the Colonial Secretary expected to be able to make a further statement on the Memorandum recently presented. The reply was to the effect that the Acting Governor was being consulted and it was hoped that an early statement could be made on the points raised therein. There have been no further reported developments.

Among the legislations affecting the land, minerals and Chiefs, the following sections were declared inimical to the best interests of these West African peoples, and their repeal was demanded:—

*Public Lands Acquisition (Amendment) Ordinance, 1945.* Under this law, the Government has the right to acquire land for public purposes absolutely, and to use it for settlement.

It can declare certain land "unoccupied" and occupy same without payment of any compensation.

*Crown Land (Amendment) Ordinance, 1945.* This law gives the Government the right to declare any land "Crown Land" if it was acquired originally for public purposes absolutely and it is no longer required as such.

*Minerals Ordinance, 1945.* Under this law, mineral rights are vested in the Crown. . . . Certain sections of this law give the Governor authoritative and totalitarian power "in his absolute discretion" to grant, cancel, renew, vary, modify any prospecting licence or mining right.

As in other native countries, before the intrusion of the Europeans, land in Nigeria was looked upon as inalienable from the people. It was held, and is very largely held to-day, by kinship groups, passing from one person to another in virtue of inheritance, and being under the control of the elders of the group. How this system is changing and is giving place to a privileged land ownership, is indicated in a recently published book, *The Native Economies of Nigeria* (Faber and Faber), being the first volume of a study undertaken by Prof. Daryll Forde and Dr. Richards Scott, edited by Margery Perham, and published under the auspices of the Nuffield College. The book, with all its wealth of detail, is silent about the 1911 Land and Native Rights Ordinance, an omission as singular as that of the Nigerian delegation. But there are significant passages which bring the mind back to it and show how its principles are being flouted. Of the Western Provinces of the country, in which lies "the intensive cocoa producing belt," we are told:—

"Land had no market price and the question of sale did not arise. It was held to be a gift of nature and it would have been considered morally wrong to take payment for land which had been obtained for nothing. On the other hand, it was the prime duty of a group of kinsmen to preserve their land for the use of their successors.

"This traditional system has by no means entirely passed away, but the demand for land in certain areas, particularly in the vicinity of large towns, and especially on soils suitable for growing cocoa, has greatly increased. The traditional system of acquisition and transfer has become increasingly inadequate to meet the demands of the commercial agriculture which has replaced subsistence farming in such areas. It has gradually come to be accepted that, where the recipient of land is likely to make a money profit from it, the grantors are entitled to receive a commensurate monetary reward. Thus, while objection in principle to money sales or renting of land for cultivating food crops has continued, cocoa land, for which there is often much competition has, like building land in towns, comes to be regarded as negotiable property. Forest land suitable for cocoa growing is either disposed of outright for an agreed money payment or leased on an annual rent, which may include some labour service, the owner reserving the right to evict a tenant who refuses to pay.

" . . . So far, however, no general system of registration of documents and transfers has been introduced outside the Colony (this Dependency being composed of the Crown Colony of Lagos, the Protectorate of Nigeria—North and South—and the Trust Territory of the Cameroons), and the whole question of land tenure in the cocoa areas remains confused.

"In the Protectorate, land may not theoretically be dis-

posed of as personal property, but personal control can often be made practically effective. At Ibogun, in Southern Abeokuta Province, outright sale and purchase between individuals is generally recognised. Transfers take place on oath in the presence of witnesses, but no written documents are produced. The usual price per acre in recent years has been £5 in the Colony and £2 10s., plus two bottles of gin in Ibogun (according to unpublished reports by the agricultural officers at the Government farm, Agege, April, 1938).

"... Furthermore, transfers of land to individuals are commonly effected by paying a 'compensation' agreed upon between the parties to the transaction, whereby the land acquired is held to be granted as a gift. Thus, one African member of the Agricultural Department stated that he had obtained thirty acres of land in one compact block by 'gift' for £15 compensation paid over a period of three years. In this case he had gone to the head of the kin group owning the land, who was a friend of his father, and had 'begged' him for a plot. The head man had called together all the men of his lineage and with their consent had granted the land to the applicant. No documents were drawn up, but the fact that the two men were friends and the children of both knew of the transaction provided the surety that the applicant and his sons would not be dispossessed. In addition, this would-be cocoa farmer, despite the prohibition of land alienation, has 'bought' fifteen further acres adjoining his block in small parcels at varying prices, amounting in all to a further £15. These plots were purchased from other occupiers and in each case he had entered into written agreements ensuring his ownership."

There are thus influences among the Nigerians themselves which are helping to undermine the old communal control of the land and there is something sinister in their flourishing under the ægis of the Crown.

The West Africans have before them the example of Kenya, where the land has been purposefully alienated. Applying to Kenya, in 1898, an Order-in-Council vested land taken for public purposes absolutely in the Commissioner and the Consul-General in trust for Her Majesty. Under this Order-in-Council land was taken without compensation, but it did not confer the right to alienate the land. In 1901, however, another Order-in-Council decreed that the expression "Crown Lands" should mean all public lands "which are subject to the control of His Majesty," and provided that "the Commissioner may make grants or leases of any Crown Lands on such terms and conditions as he may think fit, subject to any directions of the Secretary of State." That Order was followed by the "Crown Lands Ordinance" of 1902. Under its provisions nearly 6,000 square miles were said to have been alienated during the succeeding 13 years.

It was in the "Crown Lands Ordinance" of 1915 that the term "Crown Lands" was specifically defined as including "all lands occupied by the native tribes of the Protectorate, and lands reserved for the use of the members of any tribe." Although, of course, several square miles of land formerly occupied by various tribes had been alienated before 1915.

What all this comes to is this. The same process adopted in Kenya to dispossess the Africans is now being initiated in West Africa under a British Labour Government. After acquiring the land, acquisition of the right to the mineral wealth in the bowels of the earth is the next feasible step. With an Ordinance now in force, which is also mentioned in the Nigerian Memorandum, giving the Governor, in case of dispute, power to appoint

and depose Chiefs who, under "indirect rule" are local administrators, the whole chain is complete. Nigeria, thenceforth, will be delivered up, lock, stock and barrel, to the British Crown, the title deeds secure in the Colonial Office.

The Land and Native Rights Proclamation of 1911 (the significance of which is fully treated in the late Lord Wedgwood's International Conference paper, *Colonial Systems of Land Tenure and Taxation*, available price 3d. from our offices) pointed the way to the happiness and welfare of these populations. Followed, it would avoid the betrayal which is so gravely menaced. The preamble and the operative clauses are as follows:

"Whereas it is expedient that the existing customary rights of the natives of Northern Nigeria to use and enjoy the land of the Protectorate and the natural fruits thereof in sufficient quantity to enable them to provide for the sustenance of themselves and their families should be assured, protected, and preserved; and whereas it is expedient that existing native customs with regard to the use and occupation of land should, so far as is possible, be preserved. . . . It shall be lawful for the Governor—(a) to grant rights of occupancy to natives of Northern Nigeria and to persons other than natives of Northern Nigeria; (b) to demand a rental for the use of any native lands granted to a native or non-native; and (c) to revise the said rentals at intervals of not more than seven years.

"In determining the rent to be demanded for any given land and on any subsequent revision of rent the Governor shall take into consideration the rent obtained or obtainable in respect of any other like land in the immediate neighbourhood and shall fix the rent at the highest amount that can reasonably be obtained for the land: provided that in determining the amount of any rent, whether original or revised, the Governor shall not take into consideration any value due to capital expended upon the land by the same or any previous occupier during his terms of occupancy, or any increase in the value of the land the rental of which is under consideration, due to the employment of such capital."

We have a Labour Government which, with an admirable instrument in the 1911 Ordinance for giving effect to a true and genuine social policy, stands aloof from the problem and leaves individuals to collect (for themselves) a revenue which belongs to the State (the Native Government). This is an anti-social policy. What hope is there for the future of the Colonies, if a Labour Government thus misuses its opportunity?

## WEEK-END CONFERENCE IN MAY

Arrangements are in hand for the holding of a "Henry George Week-End Conference" on Saturday and Sunday, May 22nd-23rd at Cromford Court, Matlock Bath, Derbyshire. This announcement is made well in advance with an earnest request that all readers who mean to attend will write us speedily of their intention. It is necessary to guarantee a certain minimum attendance and it will be of advantage to know as soon as possible what that may be, especially in view of the accommodation which is available—up to 96 persons.

The terms are 17s. 6d. per day for bed and four meals.

Cromford Court is one of the Guest Houses of the Friendship Holiday Association, beautifully situated and admirably suited for conferences comfortably settled for continuous session. Those who attended our two previous conferences in those delightful surroundings will remember how stimulating and intensely interesting they were, and the mutual benefit derived by thus taking counsel together.

Fuller details will be announced later. Meanwhile we invite the co-operation of all interested to make this Conference an even greater success than its predecessors.