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journal homepage: [www.elsevier.com/locate/devec](http://www.elsevier.com/locate/devec)Trees, tenure and conflict: Rubber in colonial Benin<sup>☆</sup>James Fenske<sup>\*</sup>

Department of Economics, University of Oxford, United Kingdom

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## ABSTRACT

Tree crops have changed land tenure in Africa. Farmers have acquired permanent, alienable rights, but have also faced disputes with competing claimants and the state. *Para* rubber had many similar effects in the Benin region of colonial Nigeria. Farmers initially obtained land by traditional methods. Mature farms could be sold, let out, and used to raise credit. Disputes over rubber involved smallholders, communities of rival users, and migrants. The impact of tree crop commercialization in Benin differed from other cases due to local context, including pre-colonial institutions, the late spread of rubber, and the relative unimportance of migrant planters.

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## 1. Introduction

Property rights over land shape investment (Goldstein and Udry, 2008), labor supply (Field, 2007), long term policy outcomes (Banerjee and Iyer, 2005), the environment (Libecap, 2007), and violence (André and Platteau, 1998). Within Africa, land tenure is gaining importance as population growth makes land more scarce, as farming systems evolve, and as markets in land have become increasingly widespread (Holden et al., 2009). It is important, then, to know how land tenure responds to new technologies.

In this paper, I explain how the introduction of Brazilian *Para* rubber transformed land rights and land disputes in the Benin region of Nigeria during the colonial period from 1897 to 1960. The spread of rubber increased farm sizes and encouraged both sale and rental markets. The commercialization of land was gradual and not universally accepted. Rubber led to conflicts within communities and between members of local communities and outsiders, including migrants and commercial planters. These disputes were embedded within local politics and social relations.

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<sup>\*</sup> Tel.: +44 1865 58 9955; fax: +44 1865 271094.

E-mail address: [james.fenske@economics.ox.ac.uk](mailto:james.fenske@economics.ox.ac.uk).

Rubber shaped land tenure through two channels. First, it is a cash crop that, if marketable, raises the value of land relative to labor. Second, as a tree crop, the returns to investment in rubber are deferred and the lifespan of the farm may exceed thirty years, making it unavailable for other uses. Together, these create pressure for division and increase the value of successfully contesting rights. The changes that occur and the disputes that arise, however, depend on local context. Individualization of land is only one possible response. Communities may tighten access to the commons, let it become open access, or divide it in one of several ways (Platteau, 2000). The outcome will depend on whether the costs of division are high, social capital is weak, adaptability is limited, the benefits are distributed unequally, or the state intervenes to aid certain interests. Rental transactions generate intra-family tensions, but their meaning is generally agreed upon (Colin and Woodhouse, 2010). The meanings of sale transactions are more contested. Kin and heirs will dispute sales if they are not consulted, and sales are later re-interpreted by the parties involved. Land markets, as a result, remain “embedded” in politics and society.

I contrast Benin with other studies of tree crops in Africa. As in these cases, rubber in colonial Benin encouraged sale and especially rental transactions, as well as sharecropping arrangements between peasant farmers and migrant rubber tappers. Sale in particular was not universally accepted, and these transactions created tensions within communities. Both types of dispute were embedded in other relationships. There are, however, several differences. Notably, since the bulk of migrants in the rubber industry was itinerant tappers, rather than settler farmers, the extent of conflict with Nigerians from outside Benin was limited. Pre-colonial institutions gave peasants greater freedom to appropriate land and chiefs less power to extract revenues from planters than in other cases, notably that of southern Ghana.

I rely on oral, archival, and printed colonial sources. While my focus is on the former Benin Kingdom, I draw on the experiences of other rubber-producing areas of the former Bendel State, especially Ishan (Esan) and Warri. My archival sources are taken from the United Kingdom and Nigeria, and consist mostly of government reports, correspondence, and court transcripts of land disputes.<sup>1</sup> I am able to rely on a handful of printed reports and other secondary sources for information and context.<sup>2</sup> Finally, I also use 57 interviews with former farmers, rubber tappers, traders, and laborers who were active in the rubber industry during the late colonial period as sources.<sup>3</sup>

In Section 2, I describe the “baseline” land tenure system of Benin. In Section 3, I outline the “treatment,” giving an overview of the introduction of rubber in colonial Benin. I describe my data and the “control groups” that I use to identify the impact of rubber. In Section 4, I outline how farmers acquired land for planting rubber, and how this changed over time. In Section 5, I show how rubber altered land rights, transactions, and disputes, and discuss the roles played by chiefs and migrants. In Section 6, I conclude.

## 2. Rural land tenure in pre-colonial Benin

In the Benin Kingdom, then, where land is plentiful, the land tenure system is very simple and such control as is exercised over the land is designed to add to the numbers of the village community rather than to secure exclusive rights over its resources (Bradbury, 1973, p. 182).

Edo-speaking Benin was conquered by Britain in 1897. It became part of the Central Province of Southern Nigeria to 1914, when the position of Oba (king) was restored and the Benin Province became part of a unified Nigeria (see Fig. 1). In this section, I outline pre-colonial land tenure in Benin. Edo land tenure reflected the abundance of land in the region (Usuanlele, 1988).

### 2.1. The state

In pre-colonial Benin, all land was said to be “owned” by the Oba. In reality he had few powers over land outside Benin City. Ward-Price (1939, p. 113) commented that the “Oba of Benin is the ‘owner’ of all the land in his district, though his powers over the plots allotted to his subjects are restricted by the principles of justice and reasonableness.” Egharevba (1949, p. 77), similarly, suggested that the king was a trustee, who could make grants on behalf of these people. At the West African Lands Committee in 1912, the chiefs who testified agreed that the Oba administered land through chiefs or community heads (Rowling, 1948, p. 3).

Higher chiefs received tribute and were to be informed of the settlement of new persons. Real ownership was at the village level, with the *odionwere* (senior elder) and *edion* (elders) exercising power over land use and allocation (Bradbury, 1973, p. 181). Blanckenburg (1963, p. 13) wrote that land “has long been controlled by the village head and the elders’ council.” The *odionwere* was responsible for handling “petty or

routine” land questions (Ward-Price, 1939, p. 114). Each year, those holding land gave a present, generally produce, to the chief.

### 2.2. Rights of community members

Any member of the community could farm new land without permission, so long as no one else was farming towards the same spot and it had not been farmed in roughly the past eight years (Rowling, 1948, p. 4). Plots were used in the first year for yams and maize inter-planted in rows, and women planted other vegetables around the stumps. In the following year, land was planted with maize and cassava before it was left to fallow (Bradbury, 1973, p. 154). So long as only food crops were grown, Blanckenburg (1963, p. 15) guessed that individual families farmed between three and seven acres of land annually. This system worked because land was abundant. Plots were used for only two years, then left to fallow for fifteen or twenty. Even as late as the 1950s, some “virgin” forest remained around two of his study villages.

The rights gained by clearing and farming were temporary. Ward-Price (1939, p. 115) wrote that most farmers cultivated for one season only and then moved to a new site. When the cultivator expressed no intention to return, this extinguished any claim. He noted that families did not retain areas permanently; land for food crops was held communally, “as if the whole of the people were one large family.” Fallow land reverted to control of the community, and was not likely to be re-cleared for some years (Bradbury, 1957, p. 45). This does not imply that *farming* was communal. This did not reflect a pre-modern communal ethic, but rather the abundance of land. In 1911, population density was estimated at only 21 per square mile.<sup>4</sup>

### 2.3. Land markets

With no permanent individual interests in land, sale markets were absent and temporary transfers such as pledging or rental were rare. Lugard (1914, p. 51) noted that “no individual rights exist or can exist for consideration, except such rights as may exist from clearing or cultivating the soil.” Ward-Price (1939, p. 115) suggested that crops could be sold in the ground, “but there is no idea of a ‘sale’ as regards the land.” In his study villages, Blanckenburg (1963, p. 15) was told that pledging and mortgaging of farms did happen before introduction of rubber in his villages, but that sale was not allowed.

### 2.4. Outsiders

Edo from outside the community required permission of the *Enogie* (the centrally-appointed head chief, if one existed) or *odionwere* to settle. Gifts given to these chiefs recognized their political supremacy. Ward-Price (1939, p. 115) suggested that the *Enogie* could deny a non-Edo permission to farm without cause. For an Edo stranger, permission of the *Enogie* was needed, but would not be denied. Bradbury (1973, p. 181–182) found in 1956 that strangers who cultivated palms temporarily, settled in the villages or in neighboring “camps,” or who wished to use land without settling were required to obtain permission from the *odionwere*. They presented him with palm wine and, in 1956, small sums of money, which he should share with the other *edion*. These gifts were only a few shillings normally, “for land [was] not a scarce commodity.” Ward-Price (1939, p. 115) wrote that, once food crops were planted by a native or stranger, the planter was secure. He could sub-let his farm, but was not permitted to sell the land if he left the community. Such land would revert to communal ownership.

<sup>4</sup> NAUK, CO 879/117/9–10: West African Lands Committee, Minutes of Evidence, p. 164.

<sup>1</sup> Specifically, I rely on records taken from the National Archives of the United Kingdom (NAUK) in Kew, the National Archives of Nigeria in Ibadan (NAI), and from the archives of the Oba’s Palace in Benin City (OPA).

<sup>2</sup> Particularly valuable are: Ansel (1965), an agricultural economics dissertation on the industry as it was in the early 1960s; Blanckenburg (1963), a report for the government on rubber farmers in three villages in 1963; Bradbury (1957) and Bradbury (1973), anthropological accounts of Benin based on fieldwork conducted in 1956; Egharevba (1949), a nationalist statement on “customary” law; Rowling (1948), a government report on land tenure in the Benin Province; Upton (1967), who surveyed eleven farmers in each of three villages in Asaba; Usuanlele (1988, 2003), dissertations on deforestation and class formation in colonial Benin, and; Ward-Price (1939), a report on Yoruba land tenure that contains a short section on Benin.

<sup>3</sup> These interviews were conducted between 2008 and 2009 by myself, Joseph Ayodokun, Monday Egharevba and Amen Uyigwe. These were conducted in Edo, English, Ibo, Kwale, Pidgin, and Urhobo, with the help of interpreters. English transcripts of these are available on request.

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