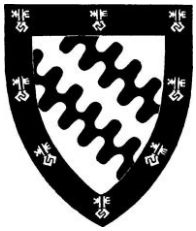
THE PORT HARCOURT QUESTION:

THE MEANING OF LAND IN A CITY IN SOUTH-EASTERN NIGERIA



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F. A. C. Rolt

Exeter College

University of Oxford

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ABSTRACT

This thesis, based on a year of ethnographic research in Nigeria, revolves around a land conflict between two ethnic groups who contest ownership of Port Harcourt, a city in the southeast of the nation. The two ethnic groups are the Ikwerre and the Okrika. The Ikwerre and the Okrika are very different peoples with their own histories and livelihoods: the former being sedentary yam farmers, the latter semi-nomadic fisherfolk and, in earlier times, slave traders. I contrast their understandings of land. I go on to examine the way the city and their conflict over its land have brought these different understandings together.

The Port Harcourt Question—who owns Port Harcourt?—is the name inhabitants of the city give to the long-standing land dispute between the Ikwerre and the Okrika. The purpose of this thesis is principally to explore this question. It is not, however, an attempt to answer the question. Rather I seek to understand the genesis of the question and why it continues to be asked. To do this I ask and answer three other questions which are formed by inserting two additional question marks into the Port Harcourt Question thus: (i) Who? (ii) Owns? (iii) Port Harcourt?

In addressing the first of these questions (Who?), I describe the Ikwerre and the Okrika and how they gain and transmit land rights. Understanding how land rights are gained and transmitted is necessary to make sense of how land disputes in the city play out.

In addressing the second question (Owns?), the verb of the Port Harcourt Question, I speak to scholarship, anthropological and otherwise, on ownership and property. I examine what 'owning' land means in this context and why it is so contentious. I also explore what land means and how this entity differs from other things which are said to be 'owned'. Particular attention is given to the law—litigation being the chief way the land disputes between the Ikwerre and the Okrika play out.

The third question (Port Harcourt?) challenges the received understanding of Port Harcourt as a non-traditional city of strangers created ex nihilo by Europeans. I argue that the city owes its contemporary form to its pre-urban history, a history which, given the notion that the city emerged from virgin swampland, is assumed not to exist.

Ultimately, I argue that it is history which perpetuates the Port Harcourt Question. Historical knowledge gives substance to the claims made by the Ikwerre and the Okrika to own the land of the city. I contend that, in this context, the historical knowledge which underlies claims to ownership is potential.

THE PORT HARCOURT QUESTION

The Meaning of Land in a City in South-eastern Nigeria

To Leonie

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Felix Rolt,
Reading, March 2025

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Note that all of the maps below do not have scales. They are primarily intended to show the relative relation of villages, or other features, to each other and not to represent absolute space. As such, they should be treated as sketch maps.

List of Abbreviations

CMS	Church Missionary Society
DO	District Officer
JAL	Journal of African Law
LGA	Local Government Area
LLR	Lagos Law Reports
NAE	Nigerian National Archives, Enugu
NLR	Nigerian Law Reports
NWLR	Nigerian Weekly Law Reports
PC	Privy Council
PHC	Port Harcourt High Court Archives
SC	Supreme Court of Nigeria
SPDC	Shell Petroleum Development Company
TNA	The National Archives, Kew
WACA	West African Court of Appeal

NOTE ON ORTHOGRAPHY

Ikwerre and Okrika, the names of the ethnic groups that inhabit Port Harcourt, are also the names of the languages they speak. As well as these languages, mention is made of Nigerian Pidgin, which is the lingua franca of Port Harcourt, being spoken by the majority of its inhabitants.

Ikwerre and Okrika words are given in italics throughout. Pidgin words are written in Roman type. A glossary of Ikwerre, Okrika and Pidgin words can be found in the end matter.

For Ikwerre, I employ the orthography described by Kay Williamson et al., *Reading and Writing Ikwerre* (1970). For Okrika, I abide by the orthography described by Isaac Ngulube in *Orthographies of Nigerian Languages: Manual X* (2011), 98-119.

Ikwerre and Okrika are tonal languages. I follow convention and mark tones on Ikwerre and Okrika words by using diacritical marks above vowels: high tones are marked by acute accents; low tones by grave accents; downsteps by macrons; falling tones by circumflexes; rising tones by carons.

Marks under vowels indicate that they belong to the open set of vowels, both languages having two sets of vowels, one being closed (or narrow) and the other open (or wide), with 'a' being neutral.

Beside these features, Okrika and Ikwerre have some specific peculiarities. Many vowels in Ikwerre are nasalised. These are written by inserting the letter 'n' in between the consonant and vowel of a syllable. E.g., in *ẹ̀kwnụ̀* ('wealth'), the vowel in the second consonant is nasalized. Some words contain a nasal which is a syllable of its own. E.g., *ńdá* ('father'). Before words pronounced with the lips it is pronounced [m] and written with an 'm'. E.g., *ḿgbú* ('compound'). These nasal syllables are tone marked accordingly.

In Okrika, a tilde symbol on the letter 'n' indicates a voiced velar nasal. For example, *dụ̃ọ́ị́ñ* ('dead persons, ghosts, ancestors'). Furthermore, 'ñ', as well as the consonants 'm' and 'n', nasalize any vowels in their proximity. E.g. the vowels in *ámányánábọ̌* ('village head') are nasalized. Marks under the letters 'b' and 'd' in Okrika words indicate implosives. E.g. *kíríḅíépùlò* ('crude oil').

In spelling Ikwerre and Okrika proper names I follow common usage and as such do not employ tone marks. For instance, I write Akpor (the name of the northwestern part of Port Harcourt and the name of an Ikwerre clan) and not *Àkpọ́*.

Ikwerre, Okrika and Pidgin words used frequently in the text are to be found in the Glossary.

NOTE ON TERMINOLOGY

This thesis discusses Nigerian law. Many of the categories of Nigerian law are inherited from colonial law. One of these inherited categories is ‘native’. The term ‘native’ has negative connotations and is, consequently, not used in contemporary anthropological scholarship. Nevertheless, the term persists in contemporary Nigeria in legal discourse. Given that Nigerian law is a subject I consider it is necessary for me to use the term ‘native’. In this context the term ought to be considered an ethnographic term, in this case the culture from which it derives is Nigerian law.

Note on Kinship Diagrams

In kinship diagrams, men are indicated by triangles and women by circles. Infants are indicated by the use of diminutive shapes. Living persons are indicated by voided shapes and deceased persons by shaded shapes. The abbreviation *d.v.p.* (*decessit vita patris*) indicates that someone died before their father.

1

INTRODUCTION: THE PORT HARCOURT QUESTION

1.1 *Description of Port Harcourt*

Port Harcourt is a city in south-eastern Nigeria in the Niger Delta, one of the largest tracts of mangrove swamp in the world. The city is forty feet above sea level and a few degrees above the equator. There are two seasons: dry and wet. In spite of the names both seasons are, in fact, wet, the dry season is just less wet.[1] The climate is oppressively humid. Back when it was believed that miasma caused disease, Port Harcourt, with its humid air, was said to lie in an intemperate zone known as the 'white man's graveyard', so called due to the prevalence of malaria.[2]

Mosquitoes, which we now know to spread malaria, are abundant in Port Harcourt where there is always standing water: puddles and potholes in the roads, overflowing drains and the shallow creeks of the Delta whose fingers reach into the city. Malaria is not a disease feared by the city's contemporary inhabitants. It is considered much like chickenpox is in the West—just something one gets, usually as a child, and is rarely fatal. My own fear of the disease was laughed at.

Much is made of the fact that Port Harcourt is a city planned and designed along European lines. For me, European cities are friendly to the pedestrian and possess centres that can be taken in entirely on foot. Port Harcourt is not like this. Here the internal combustion engine rules. Even if the foetid swamp air did not discourage long walks, pavements are rare, and what few there are are often broken up by crudely cut drains crossed via rickety planks or otherwise used by brazen motorcyclists and Piaggio tricycles, known locally as kekes, as an overflow of the highway. Brave walkers must share the road with cars, buses and smoke spewing lorries.

Consequently, Port Harcourt is a city I have come to know primarily from the back seats of cars. When walking it is easy to orient oneself: a glance at the sun and a watch is sufficient. A mental map can rapidly be constructed on foot. Trying

[1] In the dry season it rains every two or three days, rather than every day as it does in the wet season.
[2] The name of this disease simply means 'bad air'.

to orient oneself from within a careering automobile is a tricky task and one likely to cause nausea.

The difficulty of getting my bearings and expanding my knowledge of the city from the back of a car was compounded by being a passenger. When one is at the wheel, a certain amount of geographical knowledge is naturally accrued. As a passenger, one lacks agency—the swerves and the jolts of the road are to be suffered. It took me many journeys to understand the routes and roads followed by my taxi drivers and to make connections between disparate destinations. In a foreign city, new sights, sounds and smells concern one far more than the direction of travel.

Port Harcourt is also an extraordinarily flat city, lying as it does on swampland. The only vistas of the sprawling cityscape were from the tops of flyovers which were not places to dawdle, but rather to zoom over at fifty miles-per-hour.

In most modern cities, flyovers are simply pieces of infrastructure and are neither especially memorable nor salubrious. The citizens of Port Harcourt, however, are immensely proud of their flyovers. Each has a name, and taxi drivers use them as landmarks. Any good taxi driver should also be able to itemise each flyover's purported cost (as well how much they actually cost and how much the government embezzled). They are the hubs of the city, with great markets held in their noisy shadows. Where the European city has the piazza, Port Harcourt has the flyover.

The city afforded me only one advantage in trying to understand the lay of the land. Its notorious traffic jams, locally known as 'go slows', gave me the time to reflect on where I had been, where I was and where I thought my taxi driver was going, and thereby to connect routes in my mind.

My preoccupation with trying to learn the lay of the land relates to the subject of this thesis: the meaning of land in the city. In trying to map Port Harcourt, at first mentally and then later on paper, and my belief that doing so would help me to understand the city, reveals something of my skewed position on the subject of land. It is an especially European preoccupation to try to turn land into a map. As my map grew, I came to learn that that city should be appreciated relative to people as much as it should to absolute units of space.

1.1.2 *City of strangers*

The anthropologist Sylvia Leith-Ross visited Port Harcourt at the end of the 1930s when the city had existed for a little over two decades. She described it as a city of strangers:

> Port Harcourt is not, as might be expected, a melting pot where races and speeches, customs and characters will fuse and mingle and out of which a new and stable people will emerge, but rather a railway platform with people coming and going, each family partly holding closely together, contemptuous and suspicious of others, where nothing of importance to

> the real life of the family is allowed to happen. No one takes root in Port Harcourt, no one visualises his future in Port Harcourt, no one hopes to die in Port Harcourt.[3]

Howard Wolpe, a political scientist, arrived in the city in the early 1960s, three decades after Leith-Ross and just after independence from Britain had been declared, but before the outbreak of the disastrous civil war. He too saw Port Harcourt as a city of strangers. He chose to start his book, *Urban Politics in Nigeria*, which remains the most extensive scholarly study of the city, with the Leith-Ross quote above. Wolpe characterises Port Harcourt as a 'rapidly growing, crowded, culturally heterogenous community of strangers'.[4]

Wolpe considers Port Harcourt a 'non-traditional African city'. Urbanism, he notes, is not new to Africa, nor Nigeria; cities like Ibadan, Kano and Benin attest to a precolonial urbanism. Whereas Port Harcourt, he writes, belongs to a colonial period of urbanism, being 'organised and administered according to European models by European personnel'.

At the time Wolpe was conducting his research the European personnel had been more or less replaced by Nigerians. However, the Nigerian personnel were not locals, but 'strangers', coming from elsewhere in the country. These Nigerian strangers, whom the former colonial authorities dubbed 'native strangers', had formed the majority of Port Harcourt's population since the city's foundation. Leith-Ross' description informs us that these strangers never put down roots in Port Harcourt—home always remained elsewhere. Wolpe records how these stranger-inhabitants maintained links with their homes through ethnic clubs and by making return trips for marriages and burials. The most successful of these strangers built grand residences in their home villages where they hoped to pass their retirement.

When Wolpe was conducting his research, the city was already a couple of generations old, and so many of Port Harcourt's stranger-inhabitants had been born and raised in the city. Nevertheless, these strangers remained strangers, despite their natal home being Port Harcourt. The surest sign that Port Harcourt was not considered home was that almost no one was buried in the city. Strangers who died in Port Harcourt had their corpses conveyed to what they saw as their true homes, the place where their ancestors were buried. This is what Leith-Ross means when she writes 'no one hopes to die in Port Harcourt'. In Port Harcourt, among the strangers, there were no ancestors.

Port Harcourt continues to be understood as a city of strangers by scholars. Marc-Antoine Pérouse de Montclos, another political scientist who has spent many years conducting research in the city, writes in a recently published monograph that 'almost no one is buried in Port Harcourt'. For him, 'Port Harcourt is an artificial town, lacking a soul… People come here to work… Seldom to live. When someone dies here the body is usually returned to the countryside to be buried in the village.'[5]

[3] S. Leith-Ross, *African Women* (1939), 247.
[4] H. Wolpe, *Urban Politics in Nigeria* (1974), 31.
[5] M.-A. Pérouse de Montclos, *Niger Delta* (2024), 11.

Pérouse de Montclos' statement hints that there are indeed people buried in Port Harcourt. This thesis is about 'the almost no ones' who not only live and work in the city, but also consider it their home and their land and choose to be buried in its earth.[6]

Despite being considered a 'non-traditional' city, Port Harcourt displays a duality found throughout Africa and beyond which anthropologists have long analysed: the duality between indigenes, people of the land, and strangers, people from elsewhere.[7] What makes Port Harcourt fascinating is that its indigenes, the 'almost no ones' whose ancestors are buried in the city, belong to two ethnic groups and that each group claims to 'own' the land of the city.[8] The territorial contention between these two ethnic groups is referred to as the Port Harcourt Question.

1.1.3 *The Port Harcourt Question*

The Port Harcourt Question—who owns Port Harcourt?—is the name inhabitants of the city give to the long-standing dispute between the Ikwerre and the Okrika. The purpose of this thesis is to explore this question. It is not, however, an attempt to answer the question. Rather I seek to understand the genesis of the question and why it continues to be asked. To do this I ask and answer three other questions which are formed by inserting two additional question marks into the Port Harcourt Question thus: (i) Who? (ii) Owns? (iii) Port Harcourt?

In addressing the first of these questions (Who?), I describe the Ikwerre and the Okrika and how they gain and transmit land rights. Understanding how land rights are gained and transmitted is required to make sense of how land disputes in the city play out. In considering this question, it is important to realise that the identities of the Ikwerre and the Okrika, as the 'indigenes' of Port Harcourt, are in flux and in contest. To put this another way, ethnogenesis is never really complete.[9]

[6] Leith-Ross, *African Women*, 239, was aware of the 'indigenous population' of the city, but dismissed them as 'backward' and said nothing more on the matter.

[7] These two categories of person, whose status is relative to land, are also referred to in the literature as autochthons and allochthons (or allogenes); on this, see P. Geschiere *The Perils of Belonging: Autochthony, Citizenship, and Exclusion in Africa and Europe* (2009); M. Bøås and K. C. Dunn, *Politics of Origin in Africa: Autochthony, Citizenship and Conflict* (2013); B. Ceuppens and P. Geschiere, 'Autochthony', *Annual Review of Anthropology*, 34, 1 (2005). The term autochthon is problematic in this context as the Ikwerre and Okrika both maintain traditions of coming from elsewhere: neither consider themselves literally to be born of the earth. I favour the term indigene as it is a word the Ikwerre and Okrika use to describe themselves. Being an indigene in Nigeria has certain advantages as well as concomitant limitations, one of which is rights to land; see L. Fourchard, 'Bureaucrats and Indigenes', *Africa*, 85, 1 (2015); see also W. Adebanwi, 'Terror, territoriality and the struggle for indigeneity and citizenship in Northern Nigeria', *Citizenship Studies*, 13, 4 (2009). On strangers, the opposite of indigenes, see: L. Fourchard 'Dealing with "Strangers"', in F. Locatelli and P. Nugent (eds.), *African Cities: Competing Claims on Urban Spaces* (2009); see also E. P. Skinner, 'Strangers in West African Societies', *Africa*, 33, 4 (1964).

[8] Of course, other Nigerian cities have indigenes who make claims to 'own' land. On Lagos, for instance, see R. T. Akinyele, 'Contesting Space in an Urban Centre' in Locatelli and Nugent (eds.), *African Cities*; What makes Port Harcourt different to other Nigerian cities is that ownership of land and the status of indigeneity on which it rests is contested by two ethnic groups.

[9] See R. Fardon, 'African Ethnogenesis', in L. Holy (ed.) *Comparative Anthropology* (1987); Id., 'The Person, Ethnicity and the Problem of "Identity" in West Africa', in I. Fowler and D. Zeitlyn (eds.), *African Crossroads* (1996); Id., 'Crossed Destinies: The Entangled Histories of West African

In the case of the Ikwerre and the Okrika, the process of ethnogenesis is tied up with the Port Harcourt Question, which itself is an ongoing and unanswerable question.

In addressing the second question (Owns?), the verb of the Port Harcourt Question, I speak to scholarship, anthropological and otherwise, on ownership and property. I examine what 'owning' land means in this context and why it is so contentious. I also explore what land means and how this entity differs from other things which are said to be 'owned'. Particular attention is given to the law—litigation being the main manifestation of land disputes. In exploring this question I closely examine Nigerian 'customary law' and, following other scholars, particularly Channock, Moore, Roberts and Woodman, argue that 'customary law' is an invention of colonial law.[10]

The third question (Port Harcourt?) challenges the received understanding of Port Harcourt as a non-traditional city of strangers created ex nihilo by Europeans. I argue that the contemporary city owes its form to its pre-urban history, a history which, given the notion that the city emerged from virgin swampland, is assumed not to exist.

The Port Harcourt Question is principally an issue about land. There is an enormous body of literature on land and land issues in Africa and collectively this literature demonstrates that land issues are seldom just about land.[11] This is true of the Port Harcourt Question: it is a question of politics, kinship and identity as much as it a matter of land. Among the large body of literature on African land issues, let me single out the work of Sara Berry on the city of Kumasi in Ghana.[12] She illustrates that land rights are invariably grounded in the past, in history. In this regard, the situation in Port Harcourt is the same. My purpose here is not to exhaustively enumerate the many facets of land conflicts, but to focus on one, one that underlies all others and ought to be considered the essence of the Port Harcourt Question: history.

The Port Harcourt Question is ultimately a dispute over history. Both the Ikwerre and the Okrika couch their claims to the land of the city in terms of history. I consider history as knowledge of the past (which includes things like genealogical knowledge). It is through differing interpretations of this knowledge that the

Ethnic and National Identities', in L. de la Gorgendiere et al. (eds.), *Ethnicity in Africa* (1996); J. D. Y. Peel, 'The Cultural Work of Yoruba Ethnogenesis', in E. Tonkin et al. (eds.) *History and Ethnicity*, (1989).

[10] See M. Channock, *Law, Custom and Social Order* (1985); id., 'Neither Customary nor Legal', *International Journal of Law and the Family*, 3 (1989); G. R. Woodman, 'Some realism about customary law', *Wisconsin Law Review*, 1, 1 (1969); id. 'A Survey of Customary Laws in Africa in Search of Lessons for the Future' in J. Fenrich et al. (eds.), *The Future of African Customary Law*, (2011); S. F. Moore, *Social Facts and Fabrications: 'Customary Law' on Mount Kilimanjaro, 1880-1980* (1986); R. Roberts, 'Law, Crime and Punishment in Colonial Africa' in J. Parker and R. Reid (eds.), *The Oxford Handbook of Modern African History* (2013). See also K. Mann and R. Roberts (eds.), *Law in Colonial Africa* (1991).

[11] For an overview of this literature see: C. Lund and C. Boone, 'Land Politics in Africa', *Africa*, 83, 1 (2013); J.-P. Colin and P. Woodhouse, 'Interpreting land markets in Africa', *Africa*, 80, 1 (2011); see also, E. Le Roy, *La Terre de l'autre* (2011).

[12] S. S. Berry, *Chiefs Know Their Boundaries* (2001).

Ikwerre and the Okrika make claims to land. In this context, then, the meaning of land is history.

1.2 *The history of Port Harcourt*

History is what the Port Harcourt Question puts into question. It is history—knowledge of the past—which is mobilised to give substance to the various claims about the city's land.

It is customary in anthropological theses to ground one's principal subject in history, and there is usually a preliminary chapter devoted to this. Note the terrestrial metaphors used to describe history—history is described as background, a stable feature like a range of mountains. Like land, it is considered immutable. Given that history in Port Harcourt is the subject of contention, putting the Port Harcourt Question into historical context is not a straightforward undertaking. Here, history is uncertain ground; land becomes mutable.

Yet, while the Ikwerre and the Okrika challenge one another's knowledge of the past, not all history is contentious. There is some common ground, small islands in a vast morass of uncertainty. I outline these below.

1.2.1 *Slaves to palm oil*

Port Harcourt was established by Europeans in 1913.[13] To understand why Europeans, specifically the British, established Port Harcourt it is first necessary to understand how they became interested in the region. The city is situated at the head of the Niger Delta. This is the name given to the area between the sea and the great Niger river, a river which does not terminate in a wide mouth but in an intricate mesh of creeks and channels between which lies mangrove swamp. Firm land is rare here. It is on these odd patches of dry that peoples who fish the creeks in canoes dwell. These peoples are called the Ijaw.

The name Ijaw does not refer to a single people but to the many creek dwelling peoples of the Niger Delta who speak a continuum of related languages. Linguists believe that all these languages trace back to a single proto-Ijaw. The idea that the fisherfolk of the Niger Delta once spoke a single tongue is not merely the fancy of linguists. All Ijaw peoples maintain traditions of migration and most locate their original home in the very centre of the Delta.

Beyond the Delta, to the north, is the hinterland where various yam farming peoples dwell. The paucity of land in the Delta meant that the Ijaw were unable to grow crops to feed themselves. They relied on trading fish and periwinkles with the upland, farming peoples. Most of these upland peoples spoke, and continue to speak, Igboid languages which are cognate with modern Igbo.[14] The Ikwerre are one of these upland peoples.

[13] The city was named for Lewis Vernon Harcourt, Secretary of the State for the Colonies (1910-1915).

[14] Whereas contemporary speakers of Ijaw languages recognise themselves as Ijaw, not all speakers of Igboid languages identify as Igbo. Among this category of people that speak an Igboid language but do not recognize themselves as Igbo are, among others, the Ikwerre.

Not all the upland farming peoples speak Igboid languages. Among those that speak different languages are the Ogoni and the Eleme, the latter of whom earlier ethnographers called the Mbolli. They occupy the hard land to the north-east of Port Harcourt. The area to the west of Port Harcourt is occupied by the Abua who speak an altogether different language. Together, these peoples who dwell on dry land and derive their livelihood from cultivating yams are known as the upland people.

The Ijaw were, and still are, not the only inhabitants of the riverine parts of the Niger Delta. There are, among others, the Andoni who dwell along the eastern edge of the Delta and the Itsekri who live in the far west. Nevertheless, the Ijaw are the biggest and most dominant group of the riverine people—those whose livelihoods depend on fishing and trade.

The two categories, upland and riverine, play a significant role in contemporary politics where there is an unofficial belief that political offices should alternately be represented by persons from one of each group. (This ideal is rarely followed in reality, a fact rued by whichever group is underrepresented). It is worth noting that this ethnic dichotomy, which manifests principally in the political sphere, is of modern creation; nevertheless, it expresses the truth that some peoples of the Niger Delta depend on the earth for their livelihood and others on the water.

When Europeans first visited the Niger Delta, starting with the Portuguese in the fifteenth century, it was primarily Ijaw peoples they encountered. Europeans began to trade with these fisherfolk for three commodities: slaves, ivory and palm oil. The third of these commodities was at first the least valued, but with time came to be the main export of the Niger Delta. Duarte Pacheco Pereira, a Portuguese navigator, writing of his travels to the Delta at the end of the fifteenth century, describes the people in the area as 'Jos' and noticed that the 'principal trade of this country is in slaves and some ivory'.[15]

Some of the Ijaw in the eastern part of the Delta chose to make trade with Europeans their chief pursuit, relegating fishing to a subsidiary occupation. Foremost among these eastern Ijaw were the Ibani, the Kalabari and the Wakrike, whose island bases and surrounding territories were known to Europeans respectively as Bonny, New Calabar and Okrika. Europeans applied these names to the peoples as well as their territories (see map on p. 10 below). The wealth generated from trade and growing populations, primarily due to the influx of slaves from the hinterland, turned the fishing villages of these eastern Ijaw into small city states.[16]

Their existence depended on a double trade: trade with the Europeans, who in return for slaves and ivory provided firearms, gunpowder, cutlasses and distilled alcohol, and trade with the uplanders, who in return for some of these European goods gave them the slaves and ivory which the Europeans so desired. This new

[15] D. P. Pereria, *Esmeraldo de Situ Orbis* (1937), 129.

[16] For a study of this transformation among the Kalabari, see R. G. Horton, 'From Fishing Village to City-State', in M. Douglas and P. M. Kaberry (eds.), *Man in Africa* (1969).

trade also intensified the old trade of fish for farm produce as Ijaw middlemen required more and more foodstuffs to feed their burgeoning populations and provision the European traders with sufficient victuals to keep most of their living cargo alive on the voyage across the Atlantic.

After Portuguese dominance waned, French, Dutch and British merchants took their place. These European nations had little interest in the region beyond trade and their Ijaw trading partners ensured that anyone who grew too curious about where the slaves and ivory came from and designed to explore the interior never lived long enough to bring their plans to fruition. The wealth of the eastern Ijaw depended on excluding European access to the hinterland.

In 1809 the British government outlawed trade in slaves and warships were sent to patrol the coast of the Niger Delta to ensure that the ban was enforced. The trade in slaves did not stop—the labyrinthine channels of the Delta provided ample opportunities for local middlemen to covertly exchange slaves with cunning European merchants. Nonetheless, the outlawing of the trade by the British marked a turning point: palm oil, rather than slaves, became the principal commodity of the Delta. In consequence of this shift the many waterways down which cargoes of valuable palm oil were conveyed came to be known as the Oil Rivers. This period also marked the beginning of British dominance in the region, a dominance which began unofficially and culminated in the exclusion of all other European merchants. It was at this point that British dominance became British rule.

1.2.2 *British rule*

Owing to the number of British traders operating in the Niger Delta, the British government appointed a consul in 1849 who, from his base in Fernando Po, was to guard the interests of these traders and the British government. The arrival of the British Consul went hand-in-hand with the establishment of a Court of Equity in Bonny which served to settle disputes between British merchants and the local Ijaw traders. Still British power in the Niger Delta was informal.

This changed with the creation of the Oil Rivers Protectorate in 1884.[17] The Protectorate was preceded by the signing of several Treaties of Protection by the various peoples of the Niger Delta, treaties which stipulated that in return for promising not to trade with any other European nation these peoples would receive the protection of the British government.

In 1893 the Oil Rivers Protectorate was renamed the Niger Coast Protectorate and in 1900 merged with the territories acquired by the Royal Niger Company to become the Southern Nigerian Protectorate.[18] While the term colonialism is generally applied to the process by which the Protectorate emerged, it is necessary to understand that in this context the Protectorate was not a colony insofar as it was not the site of settlement—British personnel were minimal owing

[17] Its existence was ratified at the infamous Berlin conference the following year.

[18] For a more detailed history of the Niger Delta see K. O. Dike, *Trade and Politics in the Niger Delta, 1830-1885* (1956), and G. I. Jones, *Trading States of the Oil Rives* (1963); see also D. Northrup, *Trade Without Rulers* (1978).

to dangerous diseases. It was only a colony insofar as political control was exercised by Britain. The lack of an actual colonial population was why, as a political entity, it was officially a protectorate.

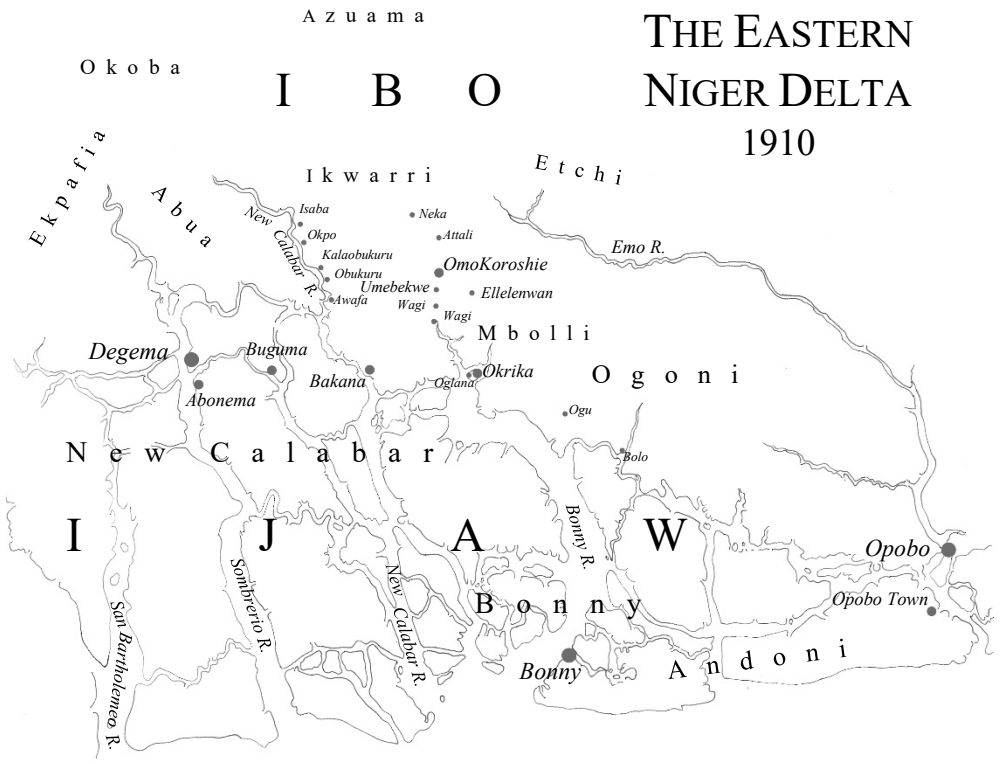
Given that the number of British officials in the Niger Delta were so few, political control was exercised primarily by institutions known as Native Courts. They were staffed by locals in receipt of written warrants by the British.[19] These institutions, which purportedly exercised the 'native laws and customs' of their locales, were the means by which the British ruled the Niger Delta. They were also the source of the English legal norms which suffused the societies over which they ruled.

The sitting members of the Native Court came to be known as 'warrant chiefs', named after the official document, or warrant, appointing them to office. The British tried to give warrants to those that had exercised authority before their arrival, but as the British often lacked the astuteness necessary to identify these figures they unwittingly, and sometimes wittingly, appointed persons who made themselves most amenable. In most instances local warrant chiefs were variously reviled and feared for abusing the power which the British gave them.[20]

In 1906 the Southern Nigerian Protectorate merged with the Colony of Lagos, which had been established in 1861, to form the Colony and Protectorate of Southern Nigeria. Southern Nigeria was divided into several Provinces, which were themselves divided into several Districts or Divisions. Each Province was governed by British officials known as a Resident and each District was overseen by a District Officer, more commonly known by the acronym DO, under whom were several Assistant DOs and Cadets. The duty of the DO was to oversee the Native Courts in his Division.

The map below, which is based on a map from 1910, shows the extent of British knowledge of the eastern Delta at that date. The names in Roman type refer to ethnic groups. The names of settlements are in italics; those in largest type indicate the sites of District Headquarters (where DOs and their staff lived) and Native Courts. The slightly smaller type indicates the locations of other Native Courts. The very smallest italic type indicates settlements. Of these small settlements, the map only shows those which are today a part of Port Harcourt or are related to the Ikwerre or Okrika.

[19] Initially they were known as Native Councils.
[20] On these figures, see A. E. Afigbo, *The Warrant Chiefs* (1972).



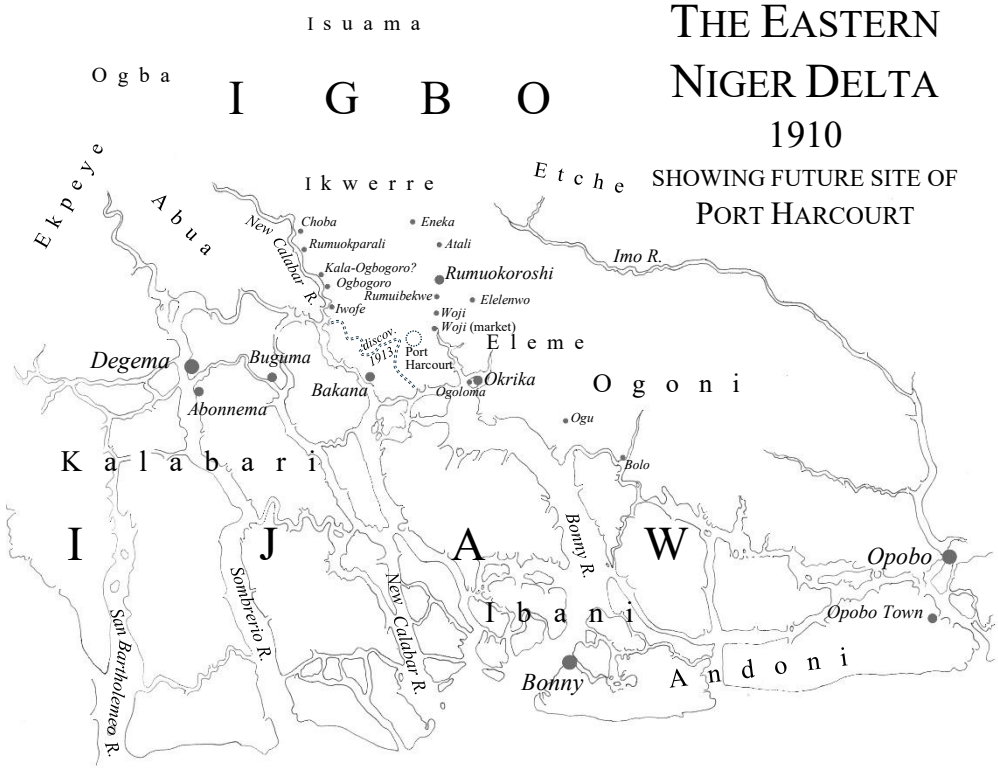
1.2.3 *Coal city*

In 1909 coal was discovered in Udi Division in the north-east of Southern Nigeria. To make use of the deposits the British required a railway to carry the coal from the mines to the coast and a port to export it. As soon as the coal deposits were discovered the search for a suitable site for a railway terminus and port began. The requirement for the site to have firm land for locomotives burdened with freight and deep water to accommodate ships proved tricky to meet in the watery expanse of the Niger Delta, one of the largest expanses of swamp in the world. After several years of searching, the area around Okrika was surveyed and dry land was discovered to the north of the island. However, so much mangrove lay in front of the dry land that the costs involved in clearing it were deemed unfeasible.[21]

On a return visit to Okrika in January 1913, Lt Hughes, the commander of the government yacht *Ivy*, 'discovered and charted a creek which is not shown on any existing map'. The creek, which early reports called the 'Isaka Creek' after a nearby Okrika village, was established to be the main channel of the Bonny River. On a bend of this channel, where the water was deep, Lt Hughes found a cliff of red earth approximately forty feet high. This proved to be the geographical coincidence the British had been searching for. The map below is the same map from 1910 with

[21] TNA: CO 583/3, Report on a Seaport and Railway Terminus for the Eastern Province of Southern Nigeria (1913).

ethnonyms and toponyms modernised and corrected and the ‘unknown creek’ and the future site of Port Harcourt indicated:



At the top of this cliff Lt Hughes and his team of surveyors saw a landscape under cultivation with few trees save the odd oil palm. Soon enough they met some locals who informed them that the farms belonged to the Ikwerre village of Diobu. These locals also said that although they had seen Europeans at Okrika, they were the first to set foot here.

In 1913, writing soon after Lt Hughes investigations, John Eaglesome, the Director of Railways and Works for Southern Nigeria, thought that the ‘land should easily be acquired by compensating the natives for such few houses as they may have to move elsewhere’ and that the cost would be small as there were ‘no vested interest in the site (though they will come as they hear of it).’[22]

[22] TNA: CO 583/3.

MAP SHOWING THE LOCATION
OF THE HIGH CLIFF SCALED BY
LIEUTENANT R. H. W. HUGHES

In March the colonial government moved to acquire the land and begin construction. A desire for expediency and frugality meant the proper procedure for acquiring the land was not followed.[23] As such, the government, represented by Reginald Hargrove, the DO of Degema Division in which the land then lay, began the process of acquiring the land by negotiation.[24]

[23] The government feared that the proper method, which involved using the Public Lands Acquisition Ordinance, would impede construction as proper title would not be acquired till compensation had been paid and because the land was wanted for a town, railway and port the price of compensation would be high.

[24] A contemporary minute by Sir Frederick Lugard, the Governor of Southern Nigeria, reveals that the hope was that by acquiring the land by negotiation, rather than by statute, the price would be

The principal parties involved in the negotiation were the Okrika and the Ikwerre of Diobu. The Okrika were to receive £3,000 for their land and the Ikwerre of Diobu £2,000.[25] As part of Diobu village and farmland occupied the centre of the area the government intended to build the port it was also necessary to purchase land from the neighbouring Ikwerre village of Rumueme for their use. For this, the people of Rumueme were to receive £500.

The agreement that was 'signed' by representatives of these peoples was referred to in contemporary government memoranda as the 'Obumotu Agreement', after the name of the principal tract of land acquired.[26] It has subsequently become known as the 'Hargrove Agreement' after the principal negotiator for the government. In this work I refer to it as the 1913 Agreement.[27]

The 1913 Agreement took the form of a written deed which was read to the Ikwerre and the Okrika by an interpreter in the employ of the government[28] and signed by the representatives of the Ikwerre and the Okrika by means of an impression of their right thumbs. The total cost of acquiring the land under the terms of the 1913 Agreement was £5,650.[29] The area acquired was approximately twenty-five square miles. The haste with which the government acted meant that 'no attempt was made to determine the boundaries conveyed by each sub-tribe or community.'[30]

Soon after the 1913 Agreement was signed, the Diobu people repudiated it by throwing their cheque for £2,000 into the bush. It was 'found accidentally by a surveyor in the locality a short time afterwards.'[31] After this act of rejection, the Diobu people steadfastly refused to accept the 1913 Agreement or to entertain any offers put forward by the government.

In the meantime, the government proceeded to build the port, railway and town. The construction of the railway and port required a large number of navvies,

kept down; after the land had been acquired the plan was for Government to retroactively apply the Public Lands Acquisition Ordinance and thereby grant them 'indefeasible title and cover any possible defect which might be thought to exist in the powers of the chiefs and people to convey the land'. In the end, however, the Public Lands Acquisition Ordinance was never applied. See TNA: CO 583/154/16, Acquisition of Port Harcourt Site (1927-1928).

[25] Several other Ikwerre villages were involved in a minor way: Rumueme received £150, Rumuomasi £100, Rumuobiakani £100 and Oginiba £300. These other Ikwerre villages were compensated necessary because they granted land because it was the policy of the government at the time to pay off surrounding villages when acquiring land in the attempt to mitigate later claims against the government's title.

[26] TNA: CO 583/5, Report on the Acquisition and Survey of a site for a New Port in the Eastern Province of Southern Nigeria (1913). The Okrika and the Ikwerre claim this toponym as their own and offer their own etymologies for it.

[27] The 1913 Agreement is reproduced in Appendix 1.

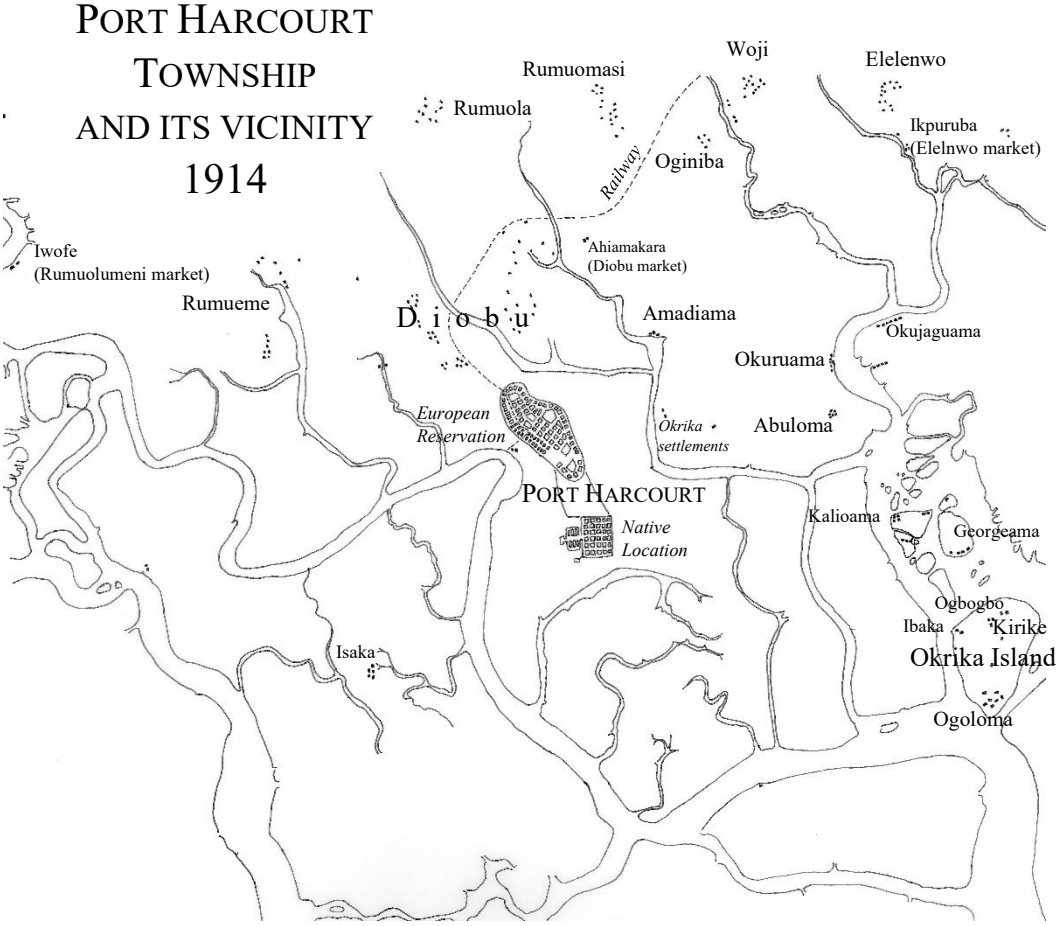
[28] He was Gabriel Amakiri Yellow, the son of a Kalabari chief. From a young age he served as cabin boy aboard several European vessels which was how a had learnt English. I learnt this from his grandson, who lives in Port Harcourt.

[29] There were other incidental costs including a 'dash' to the people of Diobu and an additional payment to the chiefs of the Kalabari village of Bakana for a patch of mangrove which was required for the construction of the port.

[30] TNA: CO 583/154/16.

[31] Ibid.

most of whom were forcibly gathered from the surrounding regions by order of the local Native Courts. The township of Port Harcourt was divided into two sections: (i) the 'European Reservation', composed of large bungalows surrounded by spacious gardens; (ii) the 'Native Location' where the labourers and other migrants keen to profit from the concentration of people—petty traders, tailors, prostitutes and so on—were housed. The two zones were separated by a stretch of no man's land on which it was forbidden to dwell.[32]



In 1914, as the new city took shape, Southern Nigeria merged with Northern Nigeria to become the Colony and Protectorate of Nigeria. The actual township, the European Reservation and the Native Location, only occupied a small part of the twenty-five or so square miles the government had acquired under the terms of the 1913 Agreement and many of the Diobu people remained in occupation of the land and continued to cultivate it. According to the 1913 Agreement, the land the Diobu people occupied belonged to the government, but as they had not accepted

[32] The grounds for this racialised division was ostensibly sanitary, which is to say the health of the European population was prioritised over that of the 'natives'. This much is clear from the construction budget: £100 was allocated for a golf course for the European Reservation and £80 was allocated the sewers the Native Area; see M.-A. Pérouse de Montclos, 'Port Harcourt', *Politique Africaine*, 2, 74 (1999): 43.

compensation, it remained ambiguous whether the government were the legal owners of the land.

In 1923 the government tried to rectify this and, in exchange for accepting the terms of the 1913 Agreement, offered the Diobu people an annual payment of £500 backdated to 1913 and the right to continue to farm the land till it was required by the British. The Diobu people agreed to the terms but asked for a payment of £1200 per annum which the government rejected.[33] The Chief Justice of Nigeria attempted to arbitrate on the matter and proposed to abrogate the 1913 Agreement, drawing up a new agreement which altered the terms with Diobu people to to be signed by the representatives of all the various peoples of the area originally acquired. Given the unlikeliness of the other peoples entering into a new agreement which benefited only the Diobu people, this proposal was abandoned. After the lengthy discussions between the Chief Justice, who had been joined by the Lieutenant-Governor of Nigeria, and the representatives of Diobu came to nothing, the government resolved to let the matter lie and leave it to the Diobu people to make the next move.

While the government's title to the land remained legally ambiguous, the city of Port Harcourt continued to grow and attracted migrants from all over the country: Hausa from the north, Yoruba from the west and Efik and Ibibio from the east. Other migrants came from further afield: Sierra Leone, Ghana, Syria and Lebanon. The largest group were the Igbo who came from the densely populated hinterlands to the north of the city.

The original Native Location was quickly overwhelmed by the stream of migrants and slums began to spring up outside the boundaries of the official Township. The largest slum was called Mile 1 Diobu, as its nucleus was the milestone which lay precisely 1 mile from the centre of the township.

The influx of migrants afforded the land a new monetary value and added to the dissatisfaction the Ikwerre of Diobu felt toward government offers of compensation. The Diobu people were hit doubly hard by the development of Port Harcourt: the 1913 Agreement deprived them of the majority of their farmland and the growth of slums outside the Township depleted the remainder.[34]

In December 1923 some of the leading inhabitants of Diobu hired a lawyer to commence proceedings against the government. They rescinded the action but it

[33] TNA: CO 583/154/16.

[34] Among official government records there are petitions from the disaffected farmers of Diobu complaining of strangers stealing or damaging their crops or of savvy land speculators obtaining their patrimony by devious schemes. The Ikwerre, and the Diobu most especially, felt the effects of the growth the city more keenly than the Okrika, being dependent on agriculture for their livelihood. Port Harcourt gobbled its surrounding farmland as its population grew. In contrast to the Ikwerre, the Okrika are traders and fisherfolk. Port Harcourt did not diminish the creeks and waterways but simply brought more traffic to their waters and therefore more trade opportunities. Another point to consider is that the change for the Ikwerre was more shocking. The Okrika had been exposed to English and European ideas for much longer than the Ikwerre. The Okrika were far more likely to be Christian and educated (which went together) than the Ikwerre and therefore better equipped to adapt to the urban life of Port Harcourt. On the spread of Christianity in the region see G. O. M. Tasie, *Christian missionary enterprise in the Niger Delta, 1864-1918* (1978).

was a sign of things to come. Three years later the then Governor of Nigeria, Sir Graeme Thompson, feared that the unresolved land situation was a 'potential source of serious controversy and litigation' and so set about making overtures to the Diobu people once more. This time an agreement was reached and the government agreed to pay the people of Diobu £500 a year, a sum of £7500 representing back payments since 1913, £300 for houses already destroyed and further compensation for any houses to be destroyed in the future.

The new agreement, which was signed in 1927 and officially ratified in 1928, was popularly known as the Penny Stamp Agreement. I refer to it as the 1928 Agreement. The 1928 Agreement did not abrogate the 1913 Agreement. It was treated as a supplement to the original, stipulating that the 1913 Agreement 'shall remain in full force and effect.'[35]

The people of Diobu collected their annual payment till 1934 when they petitioned the government stating that their 'annual rent of £500 for the lease of land within the area known as Port Harcourt Township' had become inadequate, claiming that this payment was the principal source of their income having lost their farmlands due to urbanisation. Their plea was rejected. From this date the Diobu people ceased collecting their annual payment in protest and went on demanding a higher rent till 1947 when they received notice from the government to quit the lands they occupied which had been part of the lands ceded under the terms of the 1913 Agreement. In 1949, the heads of two lineages of Diobu, who occupied these lands, sued the government and sought four reliefs: (i) a declaration that they were the 'rightful owners' of the land at Port Harcourt; (ii) £30,000 compensation and damages for trespass; (iii) £23,000 in arrears for the annual payment of £1,500 from 1934; (iv) the cancellation of all previous agreements.

In 1951 the Supreme Court of Nigeria found in the government's favour and so the Diobu litigants appealed to the West African Court of Appeal which affirmed the Supreme Court's decision. A further appeal was made to the highest authority, the Privy Council. In 1956 they also affirmed the decision of the Supreme Court of Nigeria and the validity of the 1913 Agreement, thereby upholding the government's ownership of Port Harcourt. The year of the Privy Council's decision marked the point at which Diobu became totally urban.[36]

1.2.4 *Oil city*

1956 was an important year for another reason. Oil was discovered in the region around Port Harcourt. This marked a new phase of the city's life. Port Harcourt became the oil city of Nigeria and soon became the largest producer of crude oil in Africa. In 1958 Shell-BP moved its headquarters to the Ikwerre village of Rumuokoroshi which lay at the edges of the Port Harcourt metropolis. The other major oil companies arrived soon after.

[35] See Appendix 2 for the full text of the 1928 Agreement.

[36] On the status of the land of Port Harcourt and the Port Harcourt Question in general, see O. Nduka, 'The acquisition of Port Harcourt', *Journal of Niger Delta Studies*, 1, 1 (1976).

Oilfields were discovered all around the city and nodding donkeys and flare stacks soon began to punctuate the horizon. Many remain there to this day.

Oil production was interrupted during the Civil War (1967-70) but quickly resumed after its cessation. The oil boom caused a population boom, and the city grew well beyond the bounds of the original Township to envelope most of the surrounding Ikwerre villages. The Mile 1 Diobu slum which accommodated the overspill of the Township was itself soon overwhelmed. Mile 2 and Mile 3 slums were established. The initial stages of urban growth were limited by the surrounding creeks and mangroves and so it was Ikwerre villages on the hard land to the north of the Township that were first urbanised.

Not all of the new growth was unplanned sprawl. The government became aware of the need to accommodate the new migrant population and several planned 'layouts' were constructed which saw the expansion of the administrative domain of Port Harcourt Township.[37]

The 1970s saw the beginnings of a new phase of expansion: sand dredged from the bottom of the creeks was used to reclaim the mangrove swamps which surrounded the city. The technology to do this had been introduced by the oil companies who needed firm land on which to build their infrastructure in the Delta. This ability to make dry land from mangrove swamp saw the city expand into areas which were associated with the creek dwelling Okrika. The largest of the new areas of reclaimed land, known as Borikiri, a name which means 'fishing settlement' in the Okrika language, emerged in the wetlands to the south of the original Native Location.

The 1990s saw the beginnings of the next and present stage in the life of the city. This decade saw the start of a period of widespread conflict in the Niger Delta which continues today. Many of the region's ethnic groups took up arms against the oil companies who were seen to be polluting the creeks and poisoning the land, thereby depriving many of their livelihoods. One of the methods adopted to hamper the activities of the oil companies in the region was kidnapping their expatriate workers. Armed groups would then demand exorbitant ransoms which the oil companies usually paid. The money was often used to buy more munitions and fund further kidnapping. What began as a political act transformed in time into a purely economic activity where everyone, even ordinary Nigerians, had kidnap value. The Niger Delta's oil capital transformed into the kidnap capital of the country—the city's numerous waterways providing perpetrators the means to quickly convey their victims deep into the dark maze of the Delta where no one would find them. To combat the growing insecurity, vigilante groups were established in the city, many of which mutated into criminal gangs of the sort they were meant to curb.[38]

[37] Prior to this, most of the slums were outside the administrative area of Port Harcourt and were considered a part of Ahoada Division.

[38] On the growth of vigilante groups as a national phenomenon see D. Pratten, '"Singing Thieves"' in D. Pratten and A. Send (eds.), *Global Vigilantes* (2007); see also D. J. Smith, 'Vigilantism, Violence and Political Imagination in Nigeria', *Current Anthropology*, 19, 3 (2004). There is a large body of scholarship the way oil has shaped the endemic violence in Niger Delta. The work of Watts

In 1965 the nation's first refinery was opened just outside the city, in Eleme territory, on the dry land to the north of Okrika. By the 1990s demand for fossil fuels had outstripped domestic supply. Despite having an abundance of crude oil, very little was refined in the country.[39] The demand for petrol, diesel and kerosene, and the widespread animosity towards the oil companies, opened the way for a black market in oil products. The network of oil pipelines that crisscross the Niger Delta, which eventually spew their contents into boats waiting at coastal terminals to travel to foreign refineries, began to be 'tapped' by local people. This stollen crude oil is then distilled, a very hazardous process—explosions and fatalities are common. This process of stealing and refining crude oil locally known as 'bunkering' or 'kpo fire', a process which further pollutes the already polluted environment around Port Harcourt.[40]

Large columns of dark smoke emerging from the mangroves are a regular sight in Port Harcourt, each plume signifying a single kpo fire operation. The products are sold in old water bottles and jerrycans on the streets of Port Harcourt. This illegitimately refined fuel also finds its way into official supply chains where it is mixed with legitimately refined fuel and sold to motorists from the city's innumerable gas stations. The combustion of adulterated fuel means vehicles spew far more smoke and particulates, adding to the pollution.

Demand for fossil fuels comes not just from motorists. The electricity supply in Port Harcourt, as in much of Nigeria, is very irregular. There are often only a few hours of power a day and it is not unusual for there to be no electricity for several consecutive days. As a result most households with the means to do so rely on generators for power. Domestic generators are usually petrol, while those serving offices, hospitals and other large institutions use diesel. All this means that in Port Harcourt today one is seldom out of earshot of an internal combustion engine. The ambient noise in the city is not chirping tropical birds, or insects, but purring motors and spluttering exhausts. The city's residents seem inured to the decibels that assail their ears at all hours. What concerns them is the substance these engines emit.

Port Harcourt is a city covered in soot, the source of which are the innumerable flares of gas by the legitimate oil industry, the smoke produced by

and Obi is foremost in this body of scholarship; see, for instance, M. J. Watts, 'Governmentality, Oil and Power in the Niger Delta, Nigeria', *Geopolitics*, 9, 1 (2004); C. Obi, *The Oil Paradox* (2005); see also M.-A. Pérouse de Montclos, 'De la "pétrochimie ethnique" dans le delta du Niger au Nigeria', *Journal des Africanistes*, 91, 1 (2021).

[39] Between 1985 and 1988 only 11% of oil extracted was refined in Nigeria; E. Nafziger, 'The Economy', in H. C. Metz (ed.), *Nigeria: a country study* (1992), 186.

[40] The primitive fractional distillation, carried out in the mangroves, known as kpo fire is possible because the crude oil of the Niger Delta is not the unctuous black stuff one usually associates with the term crude oil, but a less heavy liquid known to the region's oilmen as 'sweet crude' or 'Bonny light'. The process of kpo fire involves using some of the crude oil as fuel to fractionally distil the remainder. The process is dangerous and many of the operatives frequently die due to explosions at these artisanal, illegal refineries.

their illegitimate counterpart and the burning of adulterated fuel by residents. It is not unusual for adolescents in the city to develop lung cancer. After just a day one's skin is covered with a fine film of soot which adheres to the perspiration caused by the thick swamp air. The first time I wiped my brow I was stunned by the black residue on my handkerchief. The soot is so fine that one is not safe indoors. At the end of a day spent consulting documents in the air-conditioned confines of Port Harcourt's court archives, my hands were as black as if I had been tending a coalface.

Leith-Ross wrote that 'if someone had said, first to Nature and then to Man: "Do your worst", one cannot help thinking that the result would be Port Harcourt'.[41] Man has since proved himself capable of making the city far worse than she could imagine. In the city of soot I would dream of days past when Port Harcourt was called the garden city of Nigeria. I was not alone in this dream. Many contemporary residents pine for the city as it was in former times. Port Harcourt retains the epithet garden city, but today it strikes one as a cruel joke.

It is not only the city's air that is polluted—its water and earth suffer too. Clean drinking water is scarce. To be made safe water must be purified. This clean water is sold on the streets in small plastic sachets, known as 'pure', which are pierced with the teeth and squeezed into the mouth. Once consumed, the packet is discarded. When one thinks that the city is populated by several million people, each of whom consume several sachets or bottles of water a day, one realises why it is that a patch of ground without drifts of plastic is a sight never seen. Litter, most of it plastic, is collected only haphazardly. Much of it either ends up in informal tips, is burnt, or finds its way into the city's many waterways, where it accumulates on the shoreline (see Plate 3). This is the other way crude oil has cursed Port Harcourt—plastic, which cannot rot, covers the earth and fills the water.

1.3 *Demography and ethnography*

Two years after Port Harcourt had been constructed, a report of the population of labourers dwelling in the fledgling city over three months was made:[42]

	Political	*Casual*
April	1751	1507
May	2096	3439
June	1124	2785

The political category were unpaid labourers conscripted by local warrant chiefs and the casuals were voluntary labourers.[43] The report that accompanied these figures notes that the new city attracted Yoruba and Hausa traders who provided

[41] Leith-Ross, *African Women*, 238.

[42] NAE: DEGDIST 9/1/12, Report on Port Harcourt District (1915-18).

[43] The fluctuation the figures indicate desertion. Desertions among the political labourers is to be expected, those among the casuals are not, a fact hinting at the horrid conditions for workers in the early city.

for the labourers. The European population was comparatively small and mainly male. In 1914 there were 79 Europeans of which 76 were British and three German. Of these only two were women. By 1918 the European population had increased to 85.[44] These figures only account for the actual township, not the surrounding villages and suburbs.

The first detailed demographic figures date from 1921 when the first proper census of Nigeria was taken, but its results were problematic.[45] The figures for the township were divided into three categories which were in turn subdivided by ethnicity:

Natives		*Native-Foreigners*		*Non-Natives*	
Ibos	4493	Gold Coast	186	English	91
Yorubas	745	Sierra Leone	164	Scotch	32
Hausa	312	Liberia	131	Irish	17
Ijaw	262	Togoland	12	Welsh	5
Efik	237	American	5	New Zealand	1
Ibibio	207	Dahomey	5	French	8
Jekri	94	West Indian	3	Swiss	3
Kalabari	66	Sudanese	2	Italian	1
Benin	54	Mombasa	2		
Cameroon	39	Gambia	1		
Sobo	18				
Nupe	15				
Ogoja	3				
Igara	1				
Total	6554		511		158
		Total population of Port Harcourt Township	7223		

The next census, conducted in 1931, was also beset by difficulties. Gathering data proved difficult and shortcomings were covered by guesswork.[46] This census estimated that the population of Port Harcourt was 27,000.[47] No census was taken in 1941 because of the war. In 1953, when the next census was taken, the population of Port Harcourt was said to be 59,512 and ten years later 95,768.[48] These figures

[44] NAE: DEGDIST 9/1/12.
[45] On its problems, see D. van der Bersselaar, 'Establishing the Facts: P. A. Talbot and the 1921 Census of Nigeria', *History in Africa*, 31 (2004).
[46] The inaccuracies of this census were known at the time; see M. Perham, 'The Census of Nigeria, 1931', *Africa*, 6, 4 (1933).
[47] See Table 1 in Wolpe, *Urban Politics*, 25.
[48] The census taken in 1962 had its results challenged by Northern politicians and they were not published by the government.

are only for the population of the Township and Mile 1 and exclude the surrounding Diobu slums and suburbs.[49]

The 1953 census recorded the population of Mile 2 Diobu as 12,788. In 1963 the population of Mile 2 Diobu rose to 83,795. The Township figures plus those for Mile 2 Diobu give a lower estimate for the urban population. In 1953 it was 73,300 and in 1963 179,563. This demographic leap can be put down to the discovery of oil and the concomitant industries and growth resulting therefrom.[50]

A census was taken in 1973 but the results were so controversial that the government never published them. The next census did not take place until 1991, by which time the city was administratively divided between two Local Government Areas (LGAs): Port Harcourt and Obio-Akpor. The population of the former was 440,339 and the latter was 263,017 putting the population of the metropolis at 703,356. This census proved as problematic as all previous Nigerian censuses and its results were much challenged.[51]

The next census occurred in 2006 and the population of Port Harcourt LGA was 538,558 and Obio-Akpor LGA 462,350 putting the city's population at 1,000,908. As before, the figures were controversial.

There was intended to be a census in 2023 while I was living in the city but due to political reasons it did not occur. I therefore rely on estimates by the UN to give a figure for the current population: c. 3.5 million. Two things should be said about this figure. First, as should be apparent, demographic data is politically sensitive and unreliable. All the figures I have given should be taken as rough estimates. Second, considering these figures are rough estimates we can only make general claims. The only general claim I wish to make, and one I believe is not controversial, is that Port Harcourt has grown enormously during its short existence, from a coal town of several thousand to a huge oil city. Even if the demographic figures are rejected entirely, the growth of the city can be grasped spatially (see Plate 1).

1.3.1 *Ikwerre demography and ethnography*

It is difficult to establish what proportion of the figures above relate to the Ikwerre and the Okrika. Recent censuses have generally not collected ethnic data owing to the political sensitivity of such information, to say nothing of the practical difficulties, or even impossibility, of collecting such data. In the early censuses, like that of 1921, the Ikwerre and the Okrika populations were subsumed under different ethnic labels. To understand why this was, let me consider each case, beginning with the Ikwerre.

In 1921 the Ikwerre were considered by the government to be a 'sub-tribe' of the Igbo (formerly spelt Ibo). Here the government followed ethnographic writings on the region. In fact, the man behind the census, P. A. Talbot, was the

[49] Most of the Ikwerre suburbs were administratively part of Ahoada Division and their figures were therefore recorded separately.
[50] Cf. S. A. Aluko, 'How many Nigerians?', *The Journal of Modern African Studies*, 3, 3 (1965).
[51] See A. Okolo, 'The Nigerian Census', *The American Statistician*, 53, 4 (1999).

author of the definitive ethnography of the Niger Delta region and latterly appointed Government Anthropologist. Subsequent scholarship continued to consider the Ikwerre as an Igbo sub-group.[52] What makes this ethnic categorisation striking is that the majority of contemporary Ikwerre repudiate their status as Igbo and assert that they are their own distinct people.

Before the construction of Port Harcourt, knowledge of the peoples of the region was scant. The map from 1910 above illustrates the extent of European ethnological knowledge.[53] The region around what would later become Port Harcourt was occupied by three 'tribes'[54]—the 'Ibo', 'Ijaw' and 'Ogoni'—each of which was made up of subtribes.[55]

The Igbo and the Ijaw are the largest of these 'tribes', the former occupying the uplands, the latter the riverine areas.[56] The Igbo were not a single, politically unified people, but rather a collection of different peoples speaking cognate languages and possessing similar cultural practices and livelihoods. The term Igbo was originally linguistic, its ethnological sense emerging later.

Talbot was the first anthropologist to write extensively about the peoples of the Niger Delta. He gathered his data while serving as DO of Degema Division from 1914-16.[57] Talbot categorised the Ikwerre as an Igbo 'sub-tribe'[58] and this categorisation was followed by later scholars, including in the substantial ethnographic gazetteer by Forde and Jones, *The Ibo and Ibibio Speaking Peoples of South-Eastern Nigeria* (1950).[59]

Subsequent scholarship has continued to identify the Ikwerre as an Igbo sub-group in spite of the rejection of this identification by the Ikwerre themselves. The

[52] This is most often apparent in the maps of 'Igboland' included in works on the Igbo people; see, for example, V. C. Uchendu, *The Igbo of Southeastern Nigeria* (1965); E. Isichei, *The Ibo and the Europeans* (1973); N. Achebe, *Farmers, Traders, Warriors and Kings* (2005).

[53] See p. 10 above.

[54] Marked by large Roman type on the map.

[55] Marked by smaller Roman type. The Ogoni, the smallest tribe only had one subgroup, the Mbolli, who were neighbours to the Okrika. Today, Eleme is the name used by the people formerly known as Mbolli and they do not consider themselves to be a subgroup of the Ogoni but their own people.

[56] The meaning of the term Igbo is uncertain there are several hypotheses concerning the origin of the word; see A. E. Afigbo, *Ropes of Sand* (1981), chap. 1; see also C. K. Meek, *Law and Authority in a Nigerian Tribe* (1937), 1, n. 1.

[57] His research assistant and translator was G. A. Yellow, the interpreter during the negotiations and ratification of the 1913 agreement.

[58] Each sub-tribe was divided by Talbot into clans which he subdivided into 'sub-clans' or 'septs', noting that what he identified as sub-clans tended to dwell together in what, to European eyes, resembled villages and each village or sept was made up of what he called 'family groups'. Talbot was aware that his classification was etic, noting that there were 'no exact Ibo equivalents the English terms tribe, clan, sept, town, village'; P. A. Talbot, *Tribes of the Niger Delta* (1932), 272.

[59] The name of this gazetteer is misleading for there is no universal Igbo language spoken by all the supposed Igbo 'sub-tribes'. An attempt was made by missionaries to synthesise a common tongue understood by all Igbo sub-tribes and the result was the publication of the Union Igbo Bible in 1909, but this was not totally successful—when this Bible was presented to the Ikwerre it was not understood. The Ikwerre today consider this event evidence of their ethnic independence. For a sensitive discussion of Ikwerre ethnic identity and a list of scholars that discuss the matter, see Tasie, *Christian missionary enterprise in the Niger Delta,* 3-4, n. 7; on the Ikwerre and the Union Ibo, see 200, n. 93.

insistence that the Ikwerre are an Igbo sub-group is not due to ignorance. The eminent anthropologist Edwin Ardener had this to say on the matter:

> The Ibo, a West African 'tribe' of 'national' scale, whose definition was laid down in monographs and by indigenous consensus for generations, suddenly saw its Ikwerri section split off during the Biafran War, to declare itself 'not Ibo'. Some of you will know that in the nineteenth century the term 'Ibo' had been acceptable to only a handful of the many millions who later gladly bore it, even after the Ikwerri secession. Nevertheless, the Ikwerri declaration coming in the 1960s, looked rather like a stretch of southern England occurring itself 'not English'. It is, in fact, this 'arbitrary' feature that is one of the available minimal criteria of a 'tribe' or 'ethnicity'. Ethnicities demand to be viewed from the inside. They have no imperative relationship with particular 'objective' criteria. They have not 'internalised' even such objective criteria as an outsider purports to discover. They are in a sense 'named by the people'. There was much discussion in the Nigerian and even the British press, for example, over whether the Ikwerri 'spoke Ibo'. The very definition of 'speaking Ibo' (which is a continuum of dialects) made this finally a fruitless discussion, but by the Ikwerri criterion even Norway might fall apart tomorrow.[60]

Ardener is aware of the need to take a people's own classification seriously, however, his analogy is poorly chosen and his chronology is wrong. The relationship between the Ikwerre and the Igbo is more akin to that between Alsatians and Germans. The history of the word German and how it came to be applied to a swathe of different peoples occupying a contiguous territory all of whom speak cognate languages and share certain cultural features, whilst not previously being politically unified, bears resemblance to the history of the term Igbo. There are peoples, particularly those at the fringes of the territory, who speak German, and engage in associated cultural practices, but who are nonetheless not German, insofar as these peoples do not themselves abide by this ethnic label. To insist that the Ikwerre are Igbo, is like insisting that an Alsatian is German. As most contemporary Ikwerre do not consider themselves Igbo, here I will not contradict them.[61]

Linguists sensitive to the fact that the peoples occupying the loose territory called Igboland speak a continuum of related tongues refer not to the Igbo language but to Igboid languages. Ikwerre is indisputably an Igboid language. This fact does not make them Igbo.[62]

[60] E. W. Ardener, *The Voice of Prophecy and Other Essays* (1989), 111.

[61] We must also recognise the historical fluidity of ethnic classifications, particularly those that exist at a higher classificatory level like German or Igbo; there have been times when it has been politically apposite for Alsatians to identify as Germans just as there have been times when it has been apposite for the Ikwerre to identify as Igbo (and there have also been times when terms like German or Igbo were totally irrelevant).

[62] In Port Harcourt two Ikwerre dialects are spoken: Obio and Akpor. When I refer to the Ikwerre language, I am referring to these dialects, and principally the former, which predominates.

It is worth noting that alongside this linguistic diversity, a unified Igbo tongue has emerged, which while not spoken universally, is at least generally understood by most of the peoples in Igboland, especially due its use by contemporary media (such as BBC Igbo). This language is a purposeful creation, its roots lying in attempts by missionaries to translate the Bible. There is therefore a reality to Igbo being a single language spoken by the people of Igboland and as the short-lived state of Biafra attests, the Igbo can potentially achieve a degree of political as well as linguistic unity.

Most contemporary Ikwerre define themselves in opposition to the category of Igbo. The paradox of Ikwerre ethnic independence is that it reifies the category of Igbo, which it sets itself against.[63]

Ardener believes that the civil war is the reason for the strident declaration of ethnic independence among the Ikwerre. Very generally, the Nigerian civil war was an attempt by the Igbo to secede and become their own nation known as Biafra. Port Harcourt, the centre of Nigeria's oil industry, was claimed by both sides and became a key battleground. In 1968 when federal troops captured Port Harcourt the Igbo population, who till that point had formed the largest ethnic group, fled or were driven out of the city. This equated to approximately three quarters of the total population. The escaping Igbo 'native-strangers' returned to their villages. But the Ikwerre, ostensibly also an Igbo people could not flee, for their villages *were* the city. To avoid reprisals and repression at the hands of the federal troops they began to assert their ethnic independence.

Although this makes a neat story to explain the origin of Ikwerre separatism, chronologically it is wrong. Ikwerre ethnic consciousness can be clearly perceived at least a decade earlier. In 1957 the government established a commission 'to enquire into the fears of minorities and means of allowing them'. The Minorities Commission received many petitions from Ikwerre groups, some identifying with the Igbo but with the majority asserting that they were not Igbo. In 1965, a year before the start of the Civil War, prominent Ikwerre leaders signed a public document known as the Rumuomasi Declaration—named after the Ikwerre village in Port Harcourt where it was signed—which affirmed that they were their own people and not an Igbo sub-group.[64]

Given that the Ikwerre were consistently subsumed into the category of Igbo by outsiders, it is impossible to give precise Ikwerre population figures. All that can be said is that while the Ikwerre are the largest local ethnic group occupying the region immediately to the north of the city, they have never constituted a majority

[63] There is an active effort among the Ikwerre to expunge Igbo sounding words and expressions from their speech. In my efforts to learn some the language, I was sometimes castigated for using an Igbo word rather than an Ikwerre word. Today, there is properly speaking no Ikwerre language, rather a series of related dialects. In their effort to set themselves apart from the Igbo, attempts are being made to synthesise a single Ikwerre language from all the disparate dialects, a process resembling that which occurred on a bigger scale with Igbo. One of the first fruits of this project has been the translation the New Testament.

[64] Ikwerre ethnic identity continues to be discussed and debated. It is well beyond the scope of this work to go into the matter save those parts which touch upon the Port Harcourt Question.

in the metropolis. They were, and still are, a minority. To hazard a guess, I would say that the number of Ikwerre living in the city today is in the region of a few hundred thousand.

1.3.2 *Okrika ethnography and demography*

Okrika ethnographic classification is less controversial. As mentioned, the Okrika are Ijaw. Unlike the Ikwerre, they have never repudiated their status as members of this higher order ethnic category. In the earliest censuses of the city the exact Okrika population was either obscured by the term Ijaw or Kalabari.

What is odd about the 1921 census is that there is a separate category for Kalabari, one of the eastern Ijaw peoples. Why they should be afforded categorical parity with the Ijaw in this instance is unclear. It may have something to do with the anthropologist P. A. Talbot who was charged with producing the census. In his ethnographic writings he consistently identified the Kalabari as a 'sub-tribe' of the Ijaw. He made the Okrika a subgroup of the Kalabari 'sub-tribe' calling them 'Kalabari-Okrika'.[65]

Sometimes the Okrika have been categorised as a hybrid people, being a mix of Ijaw and Igbo.[66] It is true that many Okrika people descend from the Igbo peoples of the surrounding hinterlands and Igboid languages are also spoken in certain Okrika villages. Part of the reason for this is due to proximity, Okrika being the closest of the eastern Ijaw states to the hinterland, and the other part is due their role in the slave trade which meant that large numbers of people of Igbo descent settled in Okrika. There is probably no living Okrika person who cannot count an Igbo slave amongst their forebears and Igbo operates as a second language for many Okrika. Speaking Igbo and having Igbo ancestry does not, however, make an Okrika person Igbo. Being Okrika is much more about acquired traits than it is about who one's forebears were and what language they spoke.[67]

Like the Ikwerre, the Okrika constitute a demographic minority in the city. In 1953 the Ijaw constituted 7.7% of the city's population (after the Igbo this was the second largest ethnic group):

Eastern Nationalities	
Ibo	45503
Ijaw	4535
Ibibio	2022
Ogoni	1037
Abua	133
Ngenni	24

[65] See P. A. Talbot 1926, *The People of Southern Nigeria* (1926), ii, 5.

[66] NAE: DEGDIST 7/5/6, Intelligence Report on the Okrika Clan (1933).

[67] See chapters three and six below. Like Okrika, Bonny had a large slave population. The legacy of which is that Igbo has eclipsed the local Ibani language. It is presumably on linguistic grounds that C. K. Meek includes Bonny and its offshoot Opobo as exclaves of Igboland; see the map in Meek, *Law and Authority*.

Non-Eastern Nationalities	
Yoruba	1935
Edo	889
Hausa	624
Nupe	64
Tiv	10
Other Nigerian Nationalities	994
Non-Nigerians	1076
Total	58846[68]

Beside the fact that the Okrika are subsumed under the larger ethnic label of Ijaw in the demographic data, there is a further complexity to establishing their numbers in the city. Administratively, the Okrika villages which form a part of the Port Harcourt metropolis belong to Port Harcourt LGA. One would therefore anticipate that the Okrika inhabitants of these villages contribute towards the overall figure for this LGA. However, the Okrika, in common with other Ijaw peoples, maintain a degree of mobility and keep multiple homes. Most of the Okrika villages that form part of the metropolis are considered by the Okrika to be satellites of older settlements on the island of Okrika. In consequence, the residents of these satellite villages in the city consider their legal homes to be the older settlements on the island even if they do not always dwell there. The majority of the Okrika population are under Okrika LGA which incorporates the island and several outlying villages in the creeks. The population figure for Okrika LGA was 201,351 in 1991 and 222,285 in 2006. I suspect that a good proportion of the population of Okrika LGA are in fact inhabitants of Port Harcourt. I guess that the current figure for the number of Okrika living in the city is in the hundreds of thousands.[69]

1.4 *Property and Ownership*

Given the verb of the Port Harcourt Question, it is necessary to consider scholarship on ownership. The first thing to note is that the subject is routinely coupled with property. As such I will consider them together.

The classical anthropological view of property is that it is a feature of relations between persons with regard to things.[70] The ordinary view considers

[68] I am not sure for the reason behind the discrepancy between this total and the figure cited earlier for the 1953 census. Not having access to the censuses themselves, I have relied on secondary sources for this data. The data in this particular table is taken from C. N. Anyanwu, 'The Growth of Port Harcourt' in W. Ogionwo (ed.) *The City of Port Harcourt* (1979), 24.

[69] For a more detailed discussion of the demography of the city, see W. Ogionwo, 'Port Harcourt's Population Structure and the Planning of Social Services' in in W. Ogionwo (ed.) *The City of Port Harcourt* (1979).

[70] C. M. Hann 'Introduction' in C. M. Hann (ed.) *Property Relations: Renewing the Anthropological Tradition* (1998), 4.

property to be a trait, or quality, of the thing itself.[71] In this way the scholarly view recognises the misunderstanding of the common view.[72]

Because property is a relation between people with regard to an object, scholars treat land disputes, not as a dispute between a person and an acre of ground, but as a dispute between persons over that acre of ground. It may be accurate to consider property as a social relationship, but to do so is largely trite; I cannot think of a subject, which anthropologists routinely consider, which is not said to be a product of social relations.

We come closer to the nature of property and ownership when we start to describe what kinds of relationship give rise to these phenomena, specifically, what kinds of rights persons have in objects which are said to be owned and which objects are identified as property.

The general scholarly consensus is that ownership is not a single right but a bundle. Sir Henry Maine was the first to formulate property as a 'bundle of rights' in his work *Ancient Law* (1861). This formula has remained popular ever since with both anthropologists and legal scholars.[73]

Treating ownership as a bundle of rights leaves the question: which rights make up the bundle? In a much-cited work, the legal scholar Anthony Honoré enumerated eleven rights or 'incidents of ownership' which he believed characterised property, acknowledging that the presence of all eleven incidents was not necessary for something to be 'owned.[74] Other scholars have identified more rights in their bundles, others less.[75] The editors of a recent volume on the concepts of property and ownership conclude that:

> the twigs which make up the bundle may vary widely across time and place. But despite that dizzying array of forms and implications of property, it really matters… Very few humans have ever been able to conceive of themselves without referring in some way to what they own.[76]

[71] The earlier meaning of the term is 'nature' or 'quality'; it is only since the late seventeenth century that is has gained its specialised economic sense.

[72] This makes property resemble another classical anthropological subject: the fetish. Essentially, fetishism refers to mistaken views—mistaking the natural for the supernatural, mistaking exchange value for use value or mistaking another object for the proper object of sexual desire.

[73] This approach is used, for example, by the authors in F. von Benda-Beckmann et al. (eds.), *Changing Properties of Property* (2006) and by C. Lentz, *Land, Mobility and Belonging in West Africa* (2013). Of course, this approach is not without its critics; see, for instance, J. E. Penner, *Property Rights* (2020), chap. 1. For a history of this concept of property and a summary of the criticisms see J. B. Barron, 'Rescuing the Bundle-of-Rights Metaphor in Property Law', *University of Cincinnati Law Review*, 82, 1 (2014); see also M. Canfield, 'Property Regimes' in M.-C. Foblets et al. (eds.), *The Oxford Handbook of Law and Anthropology* (2020).

[74] A. M. Honoré, 'Ownership' in A. G. Guest (ed.) *Oxford Essays in Jurisprudence* (1961).

[75] P. Benson, 'Philosophy of Property Law' in J. L. Coleman et al. (eds.) *The Oxford Handbook of Jurisprudence and Philosophy of Law* (2012), for instance, puts three sticks in his bundle and considers all other incidents of ownership to be offshoots of the three fundamental sticks.

[76] Kantor et al., 'Property and Ownership' in G. Kantor et al. (eds.) *Legalism: Property and Ownership* (2017), 21.

1.4.1 *Relativity*

A perennial problem of anthropology is whether our scholarly categories are universally applicable. In his essay on ownership Honoré espoused the universalist view:

> Ownership is one of the characteristic institutions of human society. A people to whom ownership was unknown, or who accorded it a minor place in their arrangements, who meant by *meum* and *tuum* no more than 'what I (or you) presently hold' would live in a world that is not our world.[77]

Those that share this universalist outlook usually note that children everywhere learn the concept of 'mine' very early, usually around two years of age.[78]

Those that doubt the universal applicability of these concepts note that not all peoples have words which equate to property or ownership. Elizabeth Ewart writes that the Panara of the Amazon have no such term other than *soti* which she translates as 'things'. She observes that things (*soti*) among the Panara have possessors, but it remains open whether or not the possessors of things should be considered their 'owners'.[79]

The Ikwerre and the Okrika do not lack the terminology to express ideas of ownership and property. In Ikwerre *nwé* means 'to own' or 'to have' and an owner of something is called *nyé nwé*. The term *ẹ̀kwnù* is used to refer to property or wealth. In Okrika *nyàná* is 'to own' and an owner or master is a *nyánábǫ̆*. Several words can be used to capture the concept of property, but the most common is *ngǫ́* which is used in Okrika translations of the Bible to mean mammon. Of course, these terms are not exact equivalents. One of the most striking differences is that the Ikwerre and Okrika apply the terms *ẹ̀kwnù* and *ngǫ́* to children which are not usually, at least in the West, considered property.[80]

The question of whether the Ikwerre and Okrika have equivalent terms for property and ownership in their languages is moot; in Port Harcourt property and ownership are not abstruse concepts used only by foreign scholars, but widely used and understood terms, English (and its Nigerian vernacular known as Pidgin) having become the city's common language.

There is a tendency to assume that other societies understand property and ownership in ways that are radically different to how we do in the West. This tendency speaks less to realities and more to our Western assumption that the Other is always different. Ethnography often reveals remarkable similarity rather than radical alterity. For instance, the valuables known as *kitoum* exchanged in the Kula Ring are understood to be 'owned' because they represent 'congealed labour', an

[77] Honoré, 'Ownership', 107.
[78] Kantor et al., 'Property and Ownership', 28, n. 7.
[79] E. Ewart, 'Rules and Consequences in Amazonia', in P. Dresch and J. Scheele (eds.), *Legalism: Rules and Categories* (2015), 214, n. 5.
[80] Cf. K. Kapila, *Nullius: The Anthropology of Ownership, Sovereignty, and the Law in India* (2022), 3.

understanding which is astonishingly Lockean.[81] Nor is property necessarily collective in non-Western societies, as it is sometimes assumed to be.[82] *Kitoum* are considered 'personal possessions' and seen to be individually owned.[83] Max Gluckman has shown that the dichotomy between communal and individual ownership is false; all property is owned by specific entities, whether they are companies, lineages, households or individuals.[84]

The Ikwerre and the Okrika, in common with many other West African peoples, afford proprietary rights to those considered the firstcomers to land. This pervasive West African notion that rights to land derive from first occupancy bears more than a passing resemblance to the influential theory of Samuel Pufendorf on property.[85]

1.4.2 *Absence*

If any society can be said to lack ownership it is those groups of hunter-gatherers who practice what James Woodburn calls 'immediate-return systems'.[86] These groups, who range across the landscape searching for game and forage, do not store any food and consume what they find more or less immediately. Tools and other artefacts are simple and easily replaceable, and no member of the group has any particular claim above any other to use any object. This mode of living, where everything is immediately shared, prevents the elaboration of proprietary rights.

Such societies, where property and ownership are absent, reveal a key feature of the concepts of property and ownership: time. Property, as the classic anthropological formulation tells us, is a relation between persons with regard to things. What this classic formula fails to tell us is that this relation endures when the thing in question is absent and as well as when the parties involved are apart. A thing cannot really be property if the moment one puts it down, it ceases to be one's own. A proprietary claim is characterised by duration, it endures in time. Immediate-return systems prevent the crystallisation of claims to things, they prevent claims enduring. It is not that societies that practise immediate-return systems have no idea of mine and thine—one may not, for instance, tear the clothes from a neighbour's back or snatch a spear from the hands of a fellow hunter without reproach; it is rather that possession and ownership are one and the same in these societies. In delayed-return systems possession and ownership diverge.

[81] F. H. Damon, 'The Kula and generalised exchange', *Man*, 15 (1980): 285; see also the correspondence 'Alienating the Inalienable' *Man*, 17-18 (1982-1983).
[82] This is especially the case with land, which in non-Western societies is regularly believed to be held communally. Malinowski referred to communal tenure as the 'undying fallacy of anthropological work'; quoted by P. Bohannon and L. Bohannon, *Tiv Economy* (1967), 87.
[83] N. Munn, 'Spatiotemporal transformations of Gawa canoes', *Journal de la Société des Océanistes*, 33 (1974): 46.
[84] See M. Gluckman, *Politics, Law and Ritual in Tribal Society* (1965) and id., *Essays on Lozi land and royal property* (1943). See also, Bohannon and Bohannon, *Tiv Economy*, 87-8.
[85] On the significance of firstcomers to land see I. Kopytoff, 'The Internal African Frontier' in I. Kopytoff (ed.) *The African Frontier* (1987); see also D. Biebuyck, 'Introduction' in D. Biebuyck (ed.), *African Agrarian Systems* (London, 1960).
[86] J. Woodburn, 'Egalitarian Societies, *Man*, 17, 3 (1982).

To understand ownership, I suggest it is necessary to uncouple it from possession. Naturally, my suggestion seems odd given that possession is at the heart of most Western explanations of ownership. For instance, in English law (upon which contemporary Nigerian law is based) possession is generally taken to be the source of ownership.[87] It is the derivation of legal ownership from possession which affords a thief certain proprietary rights over stolen goods under English law.[88] Nevertheless, possession and property should not be conflated.

Property is something which endures when possession is lost, or even when possession was never there to begin with. For example, my ownership of a house does not cease when I move away and rent it to tenants. I may also own a house which I have never physically possessed, having inherited from a relative, who themselves may never have occupied the house. Of course, the lawyer will retort that my ownership nevertheless depends on an act of possession at some point in the past, whether this act of possession was in the recent past—perhaps my relative acquired ownership of the house by adverse possession—or in the distant past—perhaps the property has been passed by descent in my family for a thousand years. What I seek to emphasise is that this previous act of possession, which the lawyer is so keen to remind me of, is a historical fact. As a historical fact it is something absent. A historical fact is not something grasped with the senses, it cannot be 'possessed' like a house or plot of ground. The historical fact will pertain to a physical thing, but it is always separate, an incorporeal thing tethered to a corporeal thing. I suggest that it is this history, not possession in itself, which is the source of ownership.

There is no human language which lacks a means of expressing possession, but it does not follow from this that ownership is universal or necessary. The essential feature of ownership is absence. Property is a thing not there; it is separate from the actual, tangible thing to which it pertains. It is separate yet nonetheless connected. What stops property detaching from its tangible counterpart is history, which I consider to be knowledge of the past.

1.5 *The contemporary significance of the Port Harcourt Question*

I knew only a few people upon my arrival in Port Harcourt. One of these was a retired Okrika man. My connection with him was rather tenuous—his nephew having married a niece of an old friend of my family. Despite this, he graciously invited me to his home to discuss my proposed research. At the time I had intended to research traditional rulership among the Ikwerre.

As I was explaining this to him, he became visibly vexed. He told me that my proposed project would be totally hopeless unless I considered the 'Port Harcourt Question', and this, he asserted, necessitated taking account of the Okrika perspective. I had not at this point heard of the 'Port Harcourt Question' and did not truly understand what he meant by it. I also knew next to nothing of the

[87] This is the view taken by L. Rostill, *Possession, Relative Title and Ownership in English Law* (2021); see also id., 'The Pluralities of Property', *Oxford Journal of Legal Studies*, 44, 3 (2024).
[88] Rostill, *Possession, Relative Title and Ownership*, 2-3 and *passim*.

Okrika—indeed, he was the first Okrika person I had met. Although in his presence I meekly conceded to his better judgement and experience,[89] privately I resolved to continue with my plan to research Ikwerre traditional rulership.

In the ensuing weeks I stubbornly continued with my initial project, but kept coming across references to the 'Port Harcourt Question'.

For instance, I decided to begin my research by attending the Rivers State Council of Traditional Rulers and here in their little library encountered two books: *The Port Harcourt Question*, by Nwobidike Nwanodi, the first Ikwerre lawyer, and *The Status of Port Harcourt* by Alfred Abam, the king (*ámányánábọ̌*) of Okrika who had died only a short time before my arrival in the city.[90] Beside sundry biographies of local chiefs, these two books constituted the majority of the library's collection. There were dozens of copies of each, one arguing the Ikwerre case, the other, the Okrika, and I had the impression they were vying for numerical superiority. Although these books and their vituperative prose intrigued me, I initially disregarded them.

But it seemed that I could not escape the Port Harcourt Question. In interviews it kept cropping up: my Ikwerre interlocutors would invariably refer to it and often showed or gave me copies of Nwanodi's book. Local newspaper articles discussed and debated it and even my taxi drivers, often unprompted, would discourse at length on the question of 'who owns Port Harcourt?'

It did not take me long to realise that my attempts to limit my research were in vain. Understanding anything about the Ikwerre, including their institutions of traditional rulership, necessitated not just understanding the Ikwerre view of the contested history of Port Harcourt, but the same with regard to the Okrika. Specifically, it entailed engaging with the perennial question: who owns Port Harcourt?

As I came to appreciate, the 'Port Harcourt Question' is the local shorthand for the protracted dispute between the Ikwerre and the Okrika over property rights. As I have mentioned, the substance of this dispute is history, but its significance remains paramount for both the Ikwerre and the Okrika in the present.

I am confident that had I been exploring any element of the Nigerian political economy in the city—the control of local government or state-level institutions, for instance—I would have found myself confronted with the Port Harcourt Question. In the city, amongst the Ikwerre and the Okrika, all larger political and economic struggles are all underpinned by the Port Harcourt Question. What this means practically is that the various ongoing and highly localised legal struggles over land are fundamental.

I also came to appreciate that the Ikwerre and the Okrika of Port Harcourt are inextricable, as are their histories. Doubtless I would have come to the same realisation had I initially attempted to research some element of Okrika society. This complementarity is best elucidated by reference to the work of the late Marshall Sahlins.

[89] As a former journalist and the son of a late king (*ámányánábọ̌*) of Okrika, he was in fact very knowledgeable of 'the Question'.
[90] Both books were published in 1994.

In *Apologies to Thucydides*, Sahlins compares the rivalry of ancient Athens and Sparta to two nineteenth century Fijian polities called Bau and Rew. The former in each pair are incorporative societies of the sea and the latter exclusionary societies of the land. In making this comparison, Sahlins positions his work as corrective to an overreliance on what he calls 'tradition-history', which is typified by a reliance on 'self-sufficient narratives of independent cultures'.[91] Paraphrasing Lévi-Strauss, he notes that cultural differences are not so much the product of isolation as of interaction.[92]

Like the people of Athens and Sparta, or Bau and Rewa, the Ikwerre and the Okrika of Port Harcourt exist in a state of opposition and their contemporary distinctiveness emerges from this opposition.[93] And as with Athenians and Spartans, or the Bauans and Rewans, they play out their differences through conflict, specifically over the land of the city. Unlike the two pairs of peoples Sahlins discusses, however, this conflict is not a war, although it does involve occasional bursts violence. Primarily it is a legal conflict over property rights, fought with words in the courts.

1.5.1 *Significance for whom?*

Although the conflict between the Ikwerre and the Okrika over who owns the land upon which the city of Port Harcourt is built is not a war, it should be likened to one. In war, some persons are more directly involved than others, chief amongst which are combatants; but non-combatants are also affected—war is all encompassing. The Port Harcourt Question is similarly all encompassing.

That being said, the way the Port Harcourt Question manifests, as legal disputes, means that certain people take more of an interest in it than others. The chiefs and elders of the Ikwerre and the Okrika take an especial interest. What this means in actuality is that they are involved in litigation. I did not meet a single chief or elder, from either the Ikwerre or the Okrika, who was not involved in some legal suit or other that pertained to the land of Port Harcourt. Indeed, to be involved in litigation is the mark of one's seniority among both these peoples.

As chiefs and elders are involved in litigation, all, by extension, are involved, insofar as these figures are representatives for larger groups. We can see this from the form of the litigation: whether plaintiff or defendant, Chief X or elder Y will be suing or sued 'for and on behalf of' kinship group A or village B. In chapters two and three I detail how Ikwerre and Okrika villages are extended kin groups and in chapters five and six I describe their respective kinship systems in detail. In sum, then, all are implicated, whether directly or indirectly, in legal disputes over Port Harcourt's land.

Of course, not all litigation pits each ethnic group against the other. Many suits concern intra-Ikwerre or intra-Okrika land disputes. As I show in chapters seven, eight and nine, such cases are not irrelevant to the Port Harcourt Question. In speech the Port Harcourt Question is a phrase used by any Ikwerre or Okrika

[91] Sahlins, *Apologies to Thucydides* (2004), 8-9.
[92] Ibid., 74.
[93] Sahlins, after Gregory Bateson, calls this process 'complementary schismogenesis'; ibid., 69 and *passim*.

person, or any other Port Harcourt denizen for that matter, to refer to *Ikwerre v Okrika*, the grand struggle over land rights between rival ethnic groups, a case which is both interminable and indeterminable. There is of course no legal suit known as *Ikwerre v Okrika*. In actuality, the Port Harcourt Question is constituted by a multitude of specific land disputes, many of which are small-scale. Although ostensibly discrete, these many petty land squabbles, most of which end up in court, are, as I illustrate, in fact connected. Many of these constituent disputes are, moreover, intra-Ikwerre and intra-Okrika.

I show how these internal property disputes are, like all property disputes in the city, substantially historical disagreements—the claims of the disputants rest on different interpretations of the past. Historical claims deployed in these internal disputes are subsequently appropriated by other disputants in different disputes, many of which concern both ethnic groups. In this way, historical knowledge tends to cascade. The Port Harcourt Question is an agglomeration of small-scale property disputes, and the historical arguments used in the constituent disputes are recycled: old claims about history are used to commence new claims. The consequence of this recycling is the perpetuation of the Port Harcourt Question and, with this, an endless renewal of animosity between the Ikwerre and the Okrika.

1.5.2 *Gathering data on the Port Harcourt Question*

My data on the Port Harcourt Question came primarily from ethnographic research. In practice this meant several things. Once I abandoned my initial research project, I knew that I would need to develop a knowledge of the Okrika parts of the city as well as the Ikwerre.

Thus, I visited all the villages, Ikwerre and Okrika, that constituted the Port Harcourt metropolis. Initially these visits involved speaking with village heads and elders about my research. Most of these first meetings were formal affairs, but as a rapport developed in subsequent visits I was able to arrange more informal meetings and even begin turning up unannounced.[94]

It is worth noting that I never explained that my research concerned land disputes—my research, as I would explain, was about the history of Port Harcourt. Land disputes are, obviously, contentious—it would have been imprudent, and likely fruitless, to arrive at a village and ask about ongoing disagreements and litigation. History served as an oblique means by which to glean information.

It never took long, however, for the Port Harcourt Question or the 1913 Agreement to be mentioned by the people I was speaking to. Indeed, my interlocutors frequently displayed excitement that I was researching the history of Port Harcourt because, according to them, it would dispel the 'false history' of the Ikwerre/Okrika (delete as appropriate) and make the 'truth' clear.

In addition to these meetings, to get a grasp of property relations on the very smallest scale, I conducted surveys in several villages. This involved walking a

[94] While I tried to know, to a degree, every village, some were known to me more than others. This was principally a consequence of relationships—those villages in which I established friendships and had the best informants I came to know best. Among the Ikwerre villages this was Choba and among the Okrika it was Amadiama. The examples in the thesis are testament to this.

chosen street and endeavouring to find out the occupant and the owner of every single property, whether a shop, a bungalow or batcher house.

In my research, I have made especial use of textual data, particularly from archival sources, which I indicate in the references: the National Archives, Kew (TNA); the Nigerian National Archives, Enugu (NAE); and the Port Harcourt High Court Archives (PHC).

I have also made use of indigenous historical and ethnographic literature.[95] The authors of these works are Ikwerre and Okrika. I would like to highlight *Groundwork of Okrika History* (2011) by B. A. Obuoforibo. The author, an Okrika Anglican priest, tells us that the work is based on over thirty years of ethnographic research. The book is replete with genealogies and historical accounts and Obuoforibo is fastidious enough to note his sources and the persons from whom he collected genealogies.

My use of textual data was not simply because of the legal and historical nature of much of the research, it was also because of my interactions with informants. It was often the case that the people I was speaking to would refer to written documents, sometimes books or pamphlets they had written themselves. In part this was a rhetorical device—information was widely considered more credible if written, even if the writer was the same person as the speaker. Other times my Ikwerre and Okrika informants had personal archives composed of photocopies of deeds, colonial memoranda, court proceedings and the like which they produced for me to look at. It should be noted here that in Port Harcourt a distinction between primary and secondary data does not exist.

In the city, all Ikwerre and Okrika are historians in the sense that all take an interest in knowledge of the past. Many are also historians in the more ordinary sense that they are authors of written historical works: almost every Ikwerre and Okrika village in Port Harcourt has someone who has written its history.

In this work I rarely mention my informants by name. This is intentional, as to do so would create the impression that I am pitting their words, whether written or spoken, against each other. I also do not want to give the impression that I am casting doubt on the veracity of certain statements, and therefore the legitimacy of particular claims to the land of Port Harcourt in a direct way. To identify my informants would be to engender strife.

Additionally, in the course of this work I discuss the fact that some lineages are descended from slaves and strangers. Naming the current members of these lineages, or the names of members of other lineages who identify them as such, would risk creating a misunderstanding. It needs to be added it is not that such persons are actually descended from slaves or strangers, but that others, in certain situations consider them as such. Histories in the city are not simply plural, but contextual. My reluctance to identify certain informants stems from my desire to accommodate this fact without causing or perpetuating dissension.

[95] On the phenomenon of indigenous historical and ethnographic literature in Nigeria, see R. Blench, 'The Uses of the Past: Indigenous Ethnography, Archaeology, and Ethnicity in Nigeria' (2015).

1.6 *History and anthropology*

My aim is to show how the Port Harcourt Question is essentially historical. And to examine the Port Harcourt Question is to dwell on the relationship between anthropology and history. Before discussing this relationship, a topic I return to in the last chapter, it is necessary to distinguish between two senses of history.

First, there is history as the Ikwerre and Okrika understand it. These two peoples make claims to property rights in the land of the city by making claims about the past—i.e. about history. It is perhaps, therefore, somewhat misleading to speak of history in the singular in this regard, for not only do the Ikwerre and the Okrika as peoples have their own histories, but within these ethnic groups every village and even every lineage has their own understanding of the past. This sense of history, which we might call ethnographic history or ethnohistory, is referred to by Peel in his monumental work of historical anthropology, *Ijeshas and Nigerians*, as 'the past in the present'. Peel's work, which concerns the Yoruba-speaking Ijesha, is not, however, merely an anthropological analysis of a particular people's understanding of 'the past in the present'; he is equally interested in how the Ijesha have become Yoruba and Nigerian, labels which the Ijesha of the past would not recognise. Peel's work is consequently not simply a work which considers Ijesha history as it is understood by the Ijseha (an approach which tends, he notes, to represent history to a 'mythical charter'), but an attempt to represent a certain history in and of itself. [96]

The present work, which analyses the Port Harcourt Question, considers (i) Ikwerre and Okrika understandings of the past in addition to (ii) the past itself and how the Port Harcourt Question came into being. This is why the analysis of the Port Harcourt Question, like Peel's treatment of the Ijesha, can be said to be historical in two aspects.

The present work is like Peel's in another regard, specifically, regarding the unit of analysis. The unit of analysis of Peel's work on the Ijesha is their town, Ilesha. To justify this unit, Peel notes that the Yoruba word *ilu,* which is usually rendered as 'town' can also be translated as 'community' or even 'society'; and so, Ilesha, the *ilu* of the Ijesha, presents a 'discrete and bounded entity' ready for sociological analysis.

The unit of analysis of this work is the city, Port Harcourt. Is this a valid unit of analysis? Can it be analysed as its own entity like Ilesha? Peel thinks not, although he does not explicitly state why. It is possible, however, to read between the lines of the little he does say. In the conclusion to his work, Peel notes that his treatment of Ijesha history (in both regards) 'rested on the assumption that Ijesha has still been enough of a "society" for its history to be largely presented as arising from internal determinations.'[97] In contrast he argues that building a history of Port Harcourt necessitates considering only external determinations, which would mean writing 'a history of a local segment of a national experience or of the working-out of wider forces in a local context'.[98] What Peel is saying is that Port Harcourt (unlike Ilesha) has no inherent history.

[96] J. D. Y. Peel, *Ijeshas and Nigerians* (1983), 7.
[97] Ibid., 255.
[98] Ibid.

When he identifies Port Harcourt as the antithesis to Ilesha, a town with its own specific history and society, I detect the same prejudice that writers like Wolpe have had towards this 'colonial town'—i.e. it is a city of strangers with no intrinsic society and therefore no history of its own.[99] The current work shows that it possible to not only consider the way two peoples, both of whom call the city home, understand the history of the city, but also to describe the history of the city itself, on its own terms, without the need to see it simply as an instantiation of 'wider forces'. It is also to show the significance of this history, how it relates to land rights as well as ideas of kinship and place.

Of course, the question of 'who owns Port Harcourt' is clearly central to wider forces like the Nigerian political economy in that the notion of city ownership is associated with the control of local government and other state-level institutions. Nevertheless, the Port Harcourt Question should first and foremost be understood in and of itself; any consideration of such higher-level concerns or other 'wider forces' must be preceded by such an understanding.

More than any discipline, I think that anthropology is known for its capacity to analyse social facts on the smallest and most basic of levels. And when anthropologists do attempt to analyse higher levels and speak to wider forces they always move from the grass-roots up, and never the other way around. It is my contention that an understanding of the Port Harcourt Question is a prior condition to making and analysing connections between the social life of the city and 'wider forces'. This is not just my contention—it is the contention of the many Ikwerre and Okrika inhabitants of the city, like the Okrika man I met soon after my arrival. For them the Port Harcourt Question is fundamental.

Examining the Port Harcourt Question is important not just because it is seen to be fundamental. Examining it encourages us to dwell on the mutual relationship between history and anthropology.

In *Apologies to Thucydides*, which we mentioned above, Sahlins' aim is to craft an anthropological history. That is to say that he tries to write a history that employs an anthropological sensibility. What this means, for him, is that the writer of such a history must carefully consider culture, something which, he argues, many historians, and even certain anthropologists, are loathe to do. This kind of history stands in contrast to the dominant school of Western historiography, the school of which Thucydides is considered the founder.

The history of Thucydides is history with the fabulous and the mythical stripped out. It stands in complete contrast to that of the other 'father of history', Herodotus, and was borne out of an effort to universalise its subject: 'to understand clearly the events which happened in the past and which (human nature being what it is) will, at some time or other and in much the same ways, be repeated in the

[99] Peel, ibid., 2, n. 5, 264, sees Wolpe's study of Port Harcourt as an example of a work which analyses 'national politics as seen from the grass-roots'. I would not assign this terrestrial adjective to Wolpe's study. In the Port Harcourt I know, any understanding grass-roots politics, whether national or local, needs to be preceded by a firm grasp of the ground itself and the way that rights to it are disputed. To abide by the methodological principle of proceeding from the ground up requires, in this case, taking the metaphor literally.

future.'[100] Yet, as Sahlins observes, the consequence of Thucydides' excision of the marvellous in the name of universality, was that it necessitated the total devaluing of culture and eliminated anthropology: it took the human out of history.[101]

History must emphasise the relevance of human culture rather than human nature. For Sahlins, this means attending to kinship structures, gods and ancestors, and to categories of all types, whether legal, moral, scientific or whatever. In contrast, then, to the school of hard-nosed historiography which traces its lineage to Thucydides and which is characterised by its emphasis on 'real' historical factors (chiefly those which go by labels economic and political), anthropological history considers subjects usually sidelined, subjects which Sahlins says are, usually disparagingly, called cultural.

In emphasising cultural subjects**,** Sahlins is not making the argument that culture is the determiner of history, rather it is that which organises history.[102] This points to another reason why these subjects have been neglected by much of Western historiography. When cultural subjects are scrutinised, attention is often shifted away from change (what history is ordinarily understood to concern) to considerations of continuity and systematicity.[103] This tendency is to be expected given that culture is, in Sahlin's succinct distillation, the 'organization of the current situation in terms of the past'.[104] To put this another way, organisation is typically characterised by synchrony (rather diachrony). Here, then, a challenge confronts the anthropological historian: in promoting culture one risks diminishing change. More broadly: where one school of history risks removing the human from history, the other risks removing change, which is commonly understood to be history itself.

Peel, whom we have just mentioned, also considers the tricky relationship between anthropology and history and their connection to continuity and change.[105] One of his enduring interests was the fact that most human societies understand and justify the present in terms of the past. And concomitant to the cultural reception of the past and its use as means to organise, understand and justify the present, is the fact that the past is never completely assimilated and understood. In Peel's felicitous phrase, 'the wilderness of history will always tend to overgrow the garden of culture'.[106]

My aim in examining the Port Harcourt Question is to demonstrate that a present concern (ownership of land) is made *of* the past, but also that the past which constitutes this concern is ever changeable and never totally understandable or manageable; in a word, it remains potential. At the risk of oversimplification, my thesis is that the substance of ownership is history. I show how property relations

[100] Quoted in Sahlins, *Apologies*, 119.
[101] Ibid.
[102] Ibid., 11.
[103] Cf. S. Hornblower and C. Stewart 'No History Without Culture' (2005), 276.
[104] Sahlins, *Islands of History* (1985), 155.
[105] Peel developed his thoughts on the making of history in several publications, most notably: J. D. Y. Peel, 'Making history', *Man*, 19, 1 (1984); id., *Ijeshas*, chap. 13; see also D. Pratten, 'Narrating History and Anthropology', *Religion and Society*, 8 (2017).
[106] Peel, 'Review Essay', *History and Theory*, 32, 2 (1993), 178.

are formed and challenged by making and manipulating historical knowledge.[107] And at the risk of tautology, I argue that the past is potent precisely because it is potential.

In examining the Port Harcourt Question I heed the wisdom of Sahlins and consider those elements of Ikwerre and Okrika society that structure and organise land disputes in Port Harcourt: kinship groups, gods and spirits, toponyms and legal categories. At the same time, I take Peel's thought seriously and acknowledge that change always occurs, despite efforts to culturally assimilate, understand and instrumentalise the past.

1.7 *Overview of the thesis*

In an attempt to understand, rather than answer, the Port Harcourt Question (who owns Port Harcourt?) I address three questions throughout the thesis: (i) Who? (ii) Owns? (iii) Port Harcourt? Each of the subsequent chapters speaks to one or more of these questions.

The next two chapters are devoted to describing the land of Port Harcourt from the perspective of the Ikwerre and the Okrika. Given the subject of the Port Harcourt Question this is essential. I have entitled these chapters chorographies, a seldom used word referring to the practice of describing a place. I have chosen this word, rather than topography or geography, because I attend more to the human structures of the city than to any physical features.

Consequently, these two chapters address the third of the three questions. The Port Harcourt described is not the place that was 'discovered' in 1913 by Europeans. I try to understand the city from the perspective of the Ikwerre and the Okrika and describe the villages whose existence predates 1913 that have been absorbed (but not eradicated) by the spreading metropolis.

In the first of these chapters I consider the Okrika perspective of the city. I describe all of the Okrika villages that make up the city and explain how Okrika villages are divided into two categories, old and new, and that the old villages are considered the parents of the new. I note that the process by which new villages are formed is not a process consigned to history, but one which is alive in the contemporary city.

The following chapter is devoted to the Ikwerre city. I examine the relationship of Ikwerre villages to one another. Their relationships are considered genealogical. The names of the villages derive from original founders and the contemporary inhabitants of the villages consider themselves their patrilineal descendants. Certain villages consider others as brothers and these groups of

[107] By connecting ownership, history and absence I do not mean to suggest that history is essentially a lack of something; quite the opposite, I mean to say that the faculty for knowledge of the past, for history, is essentially and always potential. Potentiality should neither be considered pure absence, nor actuality; it is rather the 'presence of an absence'. As for ownership, whereas possession is an actuality, ownership should be grasped as the faculty for, inter alia, possession, that is, a potentiality; cf. G. Agamben, *Potentialities* (1999), chap. 11.

brother villages constitute village groups. What seems like the presentation of genealogical data in this chapter emerges as a description of place.

As these chapters introduce the Ikwerre and the Okrika and their history as it relates to the city, they speak to the first question. Chorography, the description of place, was originally opposed to chronicle, the description of the past. To understand the Port Harcourt of the Ikwerre and the Okrika without understanding history is impossible and, as such, here chorography describes the inseparability of place and time.

Chapter four continues to explore the first question (Who?) in interrogating Ikwerre and Okrika understandings of land. The manner in which the land is deified by the Ikwerre and the Okrika is discussed and contrasted. I argue that land for the Okrika, people whose livelihood depends on the water, is valued in a different way to the Ikwerre, a farming people.

Chapters five and six explain how rights to land are gained and transmitted. In chapter five I focus on the Ikwerre and explain how rights to land are gained by belonging to a patrilineage. I discuss the complexities of the patrilineage and explain how there are degrees of belonging.

Chapter six is the counterpart to the previous chapter: it discusses how the Okrika gain rights to land by belonging to an institution known as the war canoe house. The Okrika war canoe house is contrasted to the Ikwerre patrilineage. I also explore how the Okrika practice of posthumous marriage relates to land rights. Chapters four, five and six are about drawing out the differences between the Ikwerre and the Okrika.

The next three chapters look at how Ikwerre and Okrika understandings of land have coalesced and how their particularities have, in some instances, been reduced or abolished. Specifically, I examine Nigerian land law as the force behind this conceptual flattening.

Chapter seven seeks to be as attentive to Nigerian legal concepts (which are derived from English law) as previous chapters have been to indigenous Ikwerre and Okrika concepts. Not only do I look at how these legal concepts have changed Ikwerre and Okrika understandings of land and shaped their disputes, I also explore how persisting indigenous Ikwerre and Okrika understandings have altered Nigerian legal concepts.

Chapters eight and nine present detailed ethnographic case studies of land disputes to address the second question (Owns?). They describe the duality of Nigerian law—how it is made up of both English law and customary law. I argue that customary law should not be taken for indigenous law (as it often is). Instead I argue that customary law, as one of the systems that makes up Nigerian law, is a creation of English law, albeit one that selectively partakes of indigenous legal systems. I suggest that the duality of Nigerian law creates irresolvable ambiguities which perpetuate land conflicts and is the reason why the Port Harcourt Question is unanswerable.

In the last chapter I consider the notion of ownership generally and how the Port Harcourt Question challenges conventional understandings of this concept.

Specifically, I argue that contrary to received interpretations which link ownership to possession, ownership, at least in this context, relates to absence. I go on to relate the idea of absence to history and potentiality.

THE PRINCIPAL PORT HARCOURT DEVELOPMENTS (1913-2023)

1. Town (formerly the Native Location)
2. Old G.R.A. (Government Reserved Area, formerly the European Reservation)
3. Port Authority
4. D-Line (commercial and residential estate)
5. New G.R.A.
6. Diobu (Mile 1, 2 and 3)
7. Amadi and Orije Layouts (residential estates)
8. Trans-Amadi Industrial Layout
9. Rainbow Town (residential estate)
10. Federal Government School
11. Coronation and Creek Road Layouts (commercial and residential estates)
12. Borikiri Layout (residential estate)
13. Nestoil (oil company)
14. Eagle Island (residential estate)
15. Rivers State University
16. Agip (oil company)
17. Saipem (oil company)
18. Nigerian Navy Base
19. Aveon (oil company)
20. Shell Residential Area
21. Shell Industrial Area
22. Elekahia Housing Estate and Total (oil company)
23. Port Harcourt Stadium
24. Nigerian Air force Base
25. Bori Camp (Nigerian Army Garrison)
26. Rumuigbo Psychiatric Hospital
27. University of Port Harcourt
28. Indomie noodle factory (formerly Wills Bros)
29. Ignatius Ajuru University
30. Slaughter (abattoir and meat market)

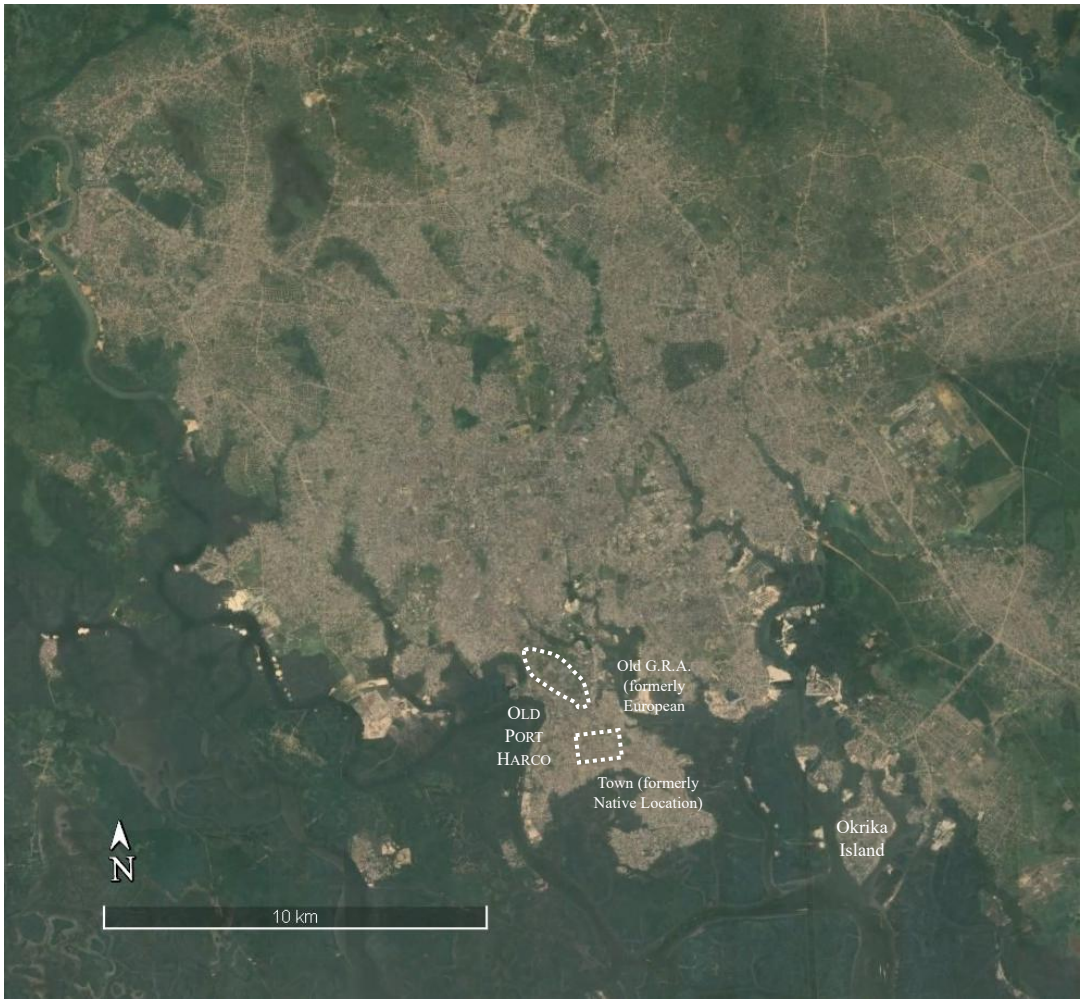


Plate 1: Port Harcourt metropolis, 2023

Plate 2: Port Harcourt metropolis, 2023

Plate 4: Port Harcourt shoreline

Plate 3: Mile 1 Diobu flyover

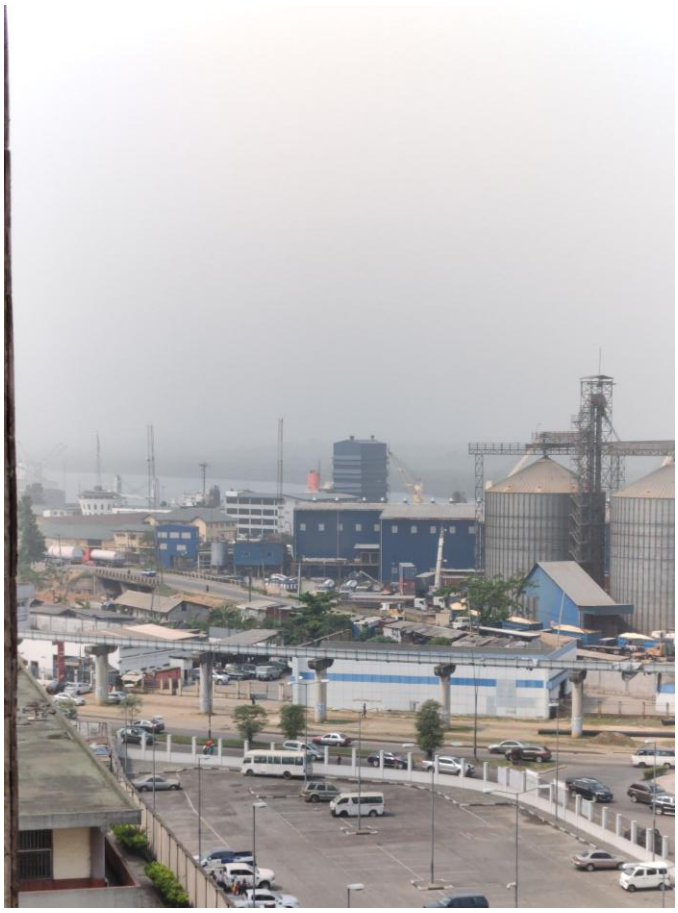


Plate 5: View of the port of Port Harcourt

Plate 6: Southern Port Harcourt, the site of the original Township, 2023

Plate 7: A ubiquitous sight in Port Harcourt

2

A Chorography of Port Harcourt, part I: the Okrika villages

2.1 *The Okrika villages of Port Harcourt*

Port Harcourt is a single city. Its inhabitants, whether Ikwerre, Okrika or other ethnic group, recognize themselves as its citizens. Yet there is multiplicity underlying this unity. This chapter and the next are concerned with the parts that together constitute the contemporary metropolis, the many villages that form its basis. In this chapter I focus on Okrika villages. In describing them, I give some account of their history. This history is not given merely for its own sake but because, as I show, land rights are distributed (and challenged) on the basis of a logic of who is, and who is not, a first comer (or a descendant of a first comer) to a particular area.[1] What this means in practice is that land rights, and disputes over land rights, are grounded in history.

Okrika is the name of the people and the name of their territory. The territory is made up of several villages some of which have been absorbed into the urban sprawl of Port Harcourt. Owing to their chief occupations of trading and fishing, all Okrika villages are located close to water.

Okrika villages are divided into two categories: old villages (*ólómúámá*) and new villages (*íwọ́ámá*). There are nine old villages: Abuloma, Bolo, Ele, Ibaka, Isaka, Ogoloma, Ogu, Ogbogbo and Kirike. Of these, only Abuloma, Ogoloma and Kirike play a significant role in the history of Port Harcourt and Abuloma is the only old village to be an actual part of the city.

New villages were founded by groups of settlers from one of the nine old villages. These new villages are often described as having been 'begotten' by the old villages and all inhabitants of new villages know which old village is their 'parent'. The inhabitants of new villages usually continue to describe themselves as of one of the old villages even if they do not actually live in the old village. According to oral history, the first new villages seem to have appeared sometime in the latter half of the nineteenth century as rural resorts for wealthy chiefs who

[1] For an example of this logic in use elsewhere in West Africa, see Lentz, *Land, Mobility and Belonging*; more generally, see Kopytoff, 'The Internal African Frontier'.

sought respite from the overcrowded old villages. It is hard to give a figure for how many new villages there are because they continue to be founded, while others are abandoned. It is also difficult to say exactly when a group of houses on a new patch of land becomes a village (*ámá*).[2]

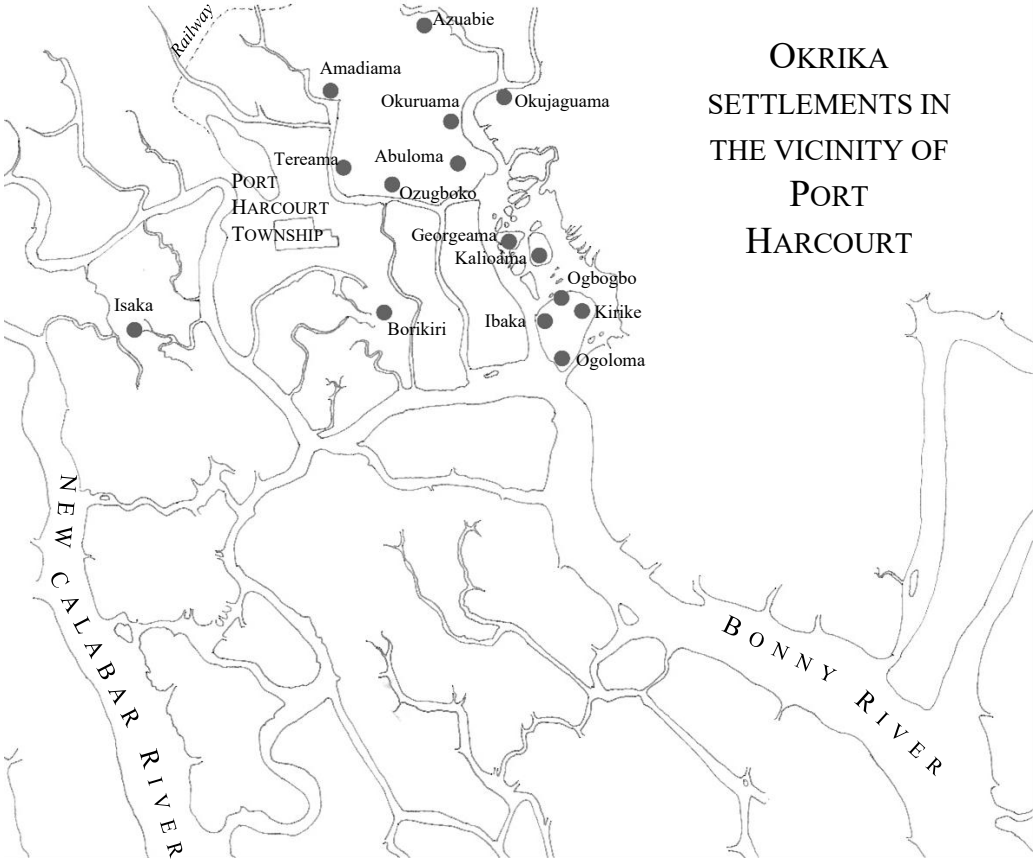
Residents of new villages maintain links with the old village from which they sprang. It is, for instance, common for residents of new villages to return to their old villages for burials, marriages and other periodic meetings with kin. Many inhabitants of new villages own property in their old village, having inherited it from forebears.

Some of the new villages have grown bigger than the nine old villages. This is true of the new villages that constitute Port Harcourt. Several of the older new villages have even begotten their own new villages, although there are very few of these third-generation settlements. There are two examples of this in Port Harcourt: Okuruama and Azuabie; both were 'begotten' by Okujaguama, a village across the creek from the Port Harcourt sprawl.

Besides Okuruama and Azuabie, the new villages which make up contemporary Port Harcourt are Amadiama, Ozuboko, Fimie, Somiari, Ukukalama and Borikiri. All of these new villages, with the possible exception of Borikiri, were established prior to the founding of the city in 1913. In addition to these new villages, one old village (Abuloma) exists within the contemporary city, as well as another type of Okrika settlement.These are the watersides—floating slums that protrude from the city's dryland conurbations into the creeks (see Plate 23). Some watersides lay claim to the status of village (*ámá*), but such claims are controversial, not least because, unlike the new settlements established before 1913, the watersides were not necessarily established by Okrika settlers. Nevertheless, riverine peoples are generally dominant in the watersides and of the riverine peoples, the Okrika are the most numerous owing to the proximity of the city to their old villages and new villages.

Below is a map of the Okrika villages of Port Harcourt and its vicinity mentioned in this chapter:

[2] See chap. 4.



OKRIKA SETTLEMENTS IN THE VICINITY OF PORT HARCOURT

2.1.1 *The meaning of Okrika*

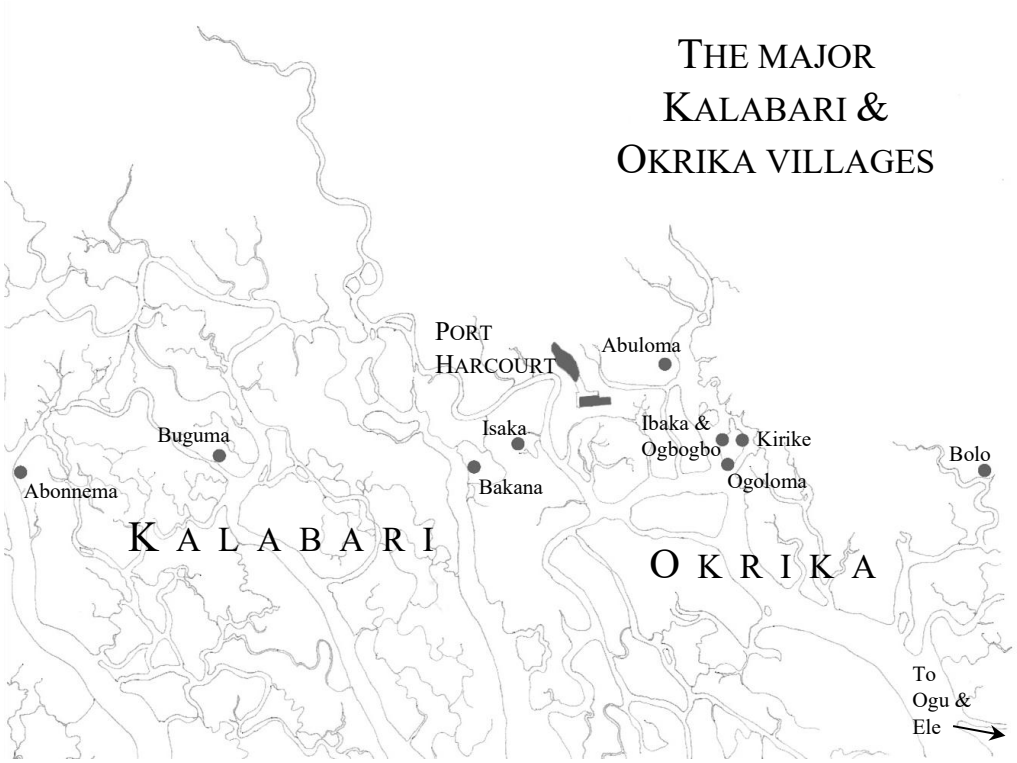
The first of the old villages to be established was Kirike, which is also known as Okrika. Given that Okrika also refers to the island on which Kirike is located, the people and the language they speak, to avoid confusion, I refer to this village as Kirike, which is how its inhabitants often refer to it. The name Okrika is a corruption of the phrase *wá kịrị kẹ*, 'we are not different'. According to the tradition of the founding of Kirike, this was the phrase said after two parties of early settlers to the island discovered they spoke the same language. This language was Ijaw and Okrika was often considered as a dialect of Ijaw. However, in line with recent scholarship, I consider Okrika its own (Ijoid) language.[3]

Okrika Island, where the first settlers arrived, is home to four of the old villages: Ibaka, Ogbogbo, Ogoloma and Kirike. Kirike, which is situated on the east of the island, is the largest of the villages on the island and has grown so large as to

[3] See O. Ndimele et al. 'Language: some historical implications' in E. J. Alagoa et al. (eds.), *The Izon of the Niger Delta* (2009).

more or less encompass Ibaka and Ogbogbo. With the growth of Ogoloma, situated on the south-eastern part, Okrika Island is more or less urban.

The map below shows the old Okrika villages with the three main Kalabari villages:



2.2 *The history of Okrika*

The earliest mention of Okrika in writing is in Olfert Dapper's *Description de l'Afrique* which was compiled from the accounts of travellers and merchants at the end of the seventeenth century. Okrika, which is called 'Kriké' and is noted as being about twenty miles from the coast, is described alongside 'Calbarie' and 'Bani' as being places where European merchants exchange their merchandise for slaves.[4] 'Calbarie' and 'Bani' refer to the Kalabari and Ibani of the present, which, alongside Okrika, were then the three eastern Ijaw peoples who had formed themselves into trading states.[5] As with Okrika, the names refer to the people and to their dwelling place, although the principal town of the Kalabari was sometimes called New Calabar to distinguish it from its inhabitants, and the principal Ibani settlement was called Grand Bonny, or simply Bonny.

All three peoples spoke, and continue to speak, mutually intelligible Ijoid languages. The three trading states owed their foundation and prominence to the exchange of slaves, palm oil and ivory with Europeans for distilled alcohol, textiles,

[4] O. Dapper, *Description de l'Afrique* (1686), 315.
[5] See Dike, *Trade and Politics*, and Jones, *Trading States*.

firearms, gunpowder and brass and copper bracelets called manillas. Of the three trading states, Bonny was pre-eminent. It owed this fact to geography. The town of Bonny was situated on an island very close to the open ocean which allowed large European vessels to anchor nearby. New Calabar was situated a few miles up a river of the same name to the east of Bonny. Okrika was situated the furthest from the ocean and was very difficult for European vessels to access. Records tell us that Okrika consequently enjoyed little direct trade with European merchants.

Okrika, which lay between the hinterland and Bonny, acted as a middleman, acquiring slaves, palm oil and ivory from hinterland markets and then trading them with Bonny merchants who passed them on to Europeans. Consequently, some historians have tended to view Okrika as a vassal of Bonny. Whether this was the case or not, no contemporary Okrika accept such a description. Much of their history concerns resistance to Bonny. Each of the three trading states were fiercely independent. And it was this fierce independence which regularly became belligerence. The frequent wars these states fought with each other concerned independence and the control of trade.

War and trade were closely aligned in this region of the Niger Delta. The institution which waged wars and traded in all three of these states was the war canoe house (*ọ́mụ́árụ́wárị*). War canoes (*ọ́mụ́árụ́*) were huge vessels propelled by several dozen paddlers and were large enough to hold cargoes of slaves and palm oil in addition to their contingent of warriors. Jean Barbot, a slave trader operating in the region in the 1690s, described them:

> arm'd for war, [they] commonly carry seventy or eighty men with all the necessary provisions to subsist them, being generally yams, bananas, chickens and hogs, goats or sheep, palm-wine and palm-oil…with such canoes, thus equipp'd, they carry on their traffick very far on rivers, or their wars, as occasion requires.[6]

In 1820, William Owens, a captain in the Royal Navy, described the same vessels:

> [They] exceed seventy feet in length, mounted with guns of small calibre, and carrying when on a war expedition, upwards of eighty men, the greater number armed with muskets.[7]

War canoes were commanded by *álápụ̀* ('wealthy men') whom European merchants called chiefs or captains. Each of the three trading states were made up of a dozen or so war canoe houses, with the chiefs forming ruling councils. Figures known as *ámányánápụ̀* (sing. *ámányánábǫ̌*), whom Europeans called kings, presided over these councils and were generally acknowledged as the rulers of the trading states.[8]

[6] J. Barbot, *A Description of the Coasts of North and South-Guinea* (1732), 382.
[7] W. F. N. Owens, *Narrative of Voyages to Explore the Shores of Africa, Arabia, and Madagascar* (1833), ii, 346; cf. R. F. Burton, *Wanderings in West Africa* (1863), ii, 277-78.
[8] Cf. Jones, *Trading States*, 177ff.

The three states owed their rise to European trade and the war canoe house was the institution adapted to conduct, as the situation demanded, trade or war. Nevertheless, acquiring slaves and palm oil for trade was a difficult business. Due to the length of time it took for war canoe houses to source these commodities, European trading firms established permanent agents who dwelt in hulks, old vessels, often no longer seaworthy, which had had their masts taken down, a thatched roof constructed over the deck and were whitewashed all over. From the start of the nineteenth century most of the European traders in the region were British. And, of these, most belonged to firms trading out of Liverpool.

The abolition of the slave trade by the British in 1834 cemented their commercial dominance. The legal abolition of the slave trade, backed up by Royal Navy squadrons did not, however, eliminate the practice. European slave traders continued to visit the region to buy slaves but avoided the chief ports of Bonny and New Calabar.[9] The internal trade within the Niger Delta continued too. In fact, the abolition, which resulted in the reduction of European demand, led to the price of slaves collapsing, allowing local potentates and wealthy traders and chiefs to increase their holdings; slaves even became affordable to families of middling wealth.

The three eastern Ijaw states of Bonny, New Calabar and Okrika therefore remained slave societies. Yet, despite their core similarities, each of these states dealt with their large slave populations, the majority of whom spoke Igboid languages, in different ways.

The Kalabari forcibly integrated slaves. A club called Ekine prowled the streets and interrogated the newly arrived in Kalabari language—failure to reply to their satisfaction resulted in a beating or a fine. Slaves were forbidden from speaking their own languages in the presence of their masters who were addressed as father or mother.[10] The legacy of this forcible integration lives on. Today it is very common for Kalabari men to marry women from upland peoples as the bride price is considerably cheaper than that of local women. Their brides are forbidden from speaking their language, especially in front of their children. I met several Kalabari whose mothers were from a different ethnic group but who had no knowledge of their mother's mother tongue.

In Bonny the situation was different. The Ibani were protective of their culture and language and refrained from speaking it in front of slaves. As such most enslaved persons never acculturated to the degree that slaves did among the Kalabari. The distinction between freeborn (*fúrōtụ́wọ́*) and slave (*ómóníḅọ̀*) was emphasised by the division of war canoe houses into those established long ago by freeborn Ibani (*dụ́áwárī*) and those established by slaves (*òpùwárī*).[11] The consequence of jealously guarding their language has meant that today Ibani is a moribund tongue, having been eclipsed by Riverine Igbo.

[9] C. N. de Cardi, 'A Short Description of the Natives of the Niger Coast Protectorate' in M. Kingsley, *West African Studies* (1899), 492-3.
[10] W. E. Wariboko, *Elem Kalabari of the Niger Delta* (2014), 55.
[11] Cf. Jones, *Trading States*, 56, 61-2.

The Okrika, in contrast to the Kalabari and Ibani, interfered little with their slave population. They allowed acculturation to happen in an organic manner. They did not rely on violence to forcibly acculturate slaves nor were they especially protective of their own language. As a consequence, of the three eastern Ijoid languages, Okrika has the highest incidence of Igbo loan words. It is also common for Okrika to be fluent in an Igboid language. In some Okrika villages Igboid languages are dominant and are used for everyday communication.[12]

2.2.1 *From slaves to palm oil*: *the growth of British influence*

Over the course of the nineteenth century, palm oil replaced slaves as the principal commodity of the region, which came to be known as the Oil Rivers. This had begun before the abolition of the trade by the British.[13] The nineteenth century saw two other, not entirely unrelated, transformations: a decline in Bonny's fortunes and the growth of British interference in the Delta.

The wealth of Bonny depended on their status as middlemen, purchasing hinterland products and selling them on to European supercargoes. The event that marked Bonny's loss of pre-eminence was a civil war in the 1860s. The result of this was that a group of war canoe houses, led by an enterprising slave who had risen to become a chief, left Bonny and established a new settlement on the Imo River several miles to the east. The name of the chief was Jaja and the name of the settlement was Opobo. Before his flight, Jaja had conspired with the British to secure their trade. The situation of Opobo meant it cut off Bonny's access to many of its most lucrative hinterland oil markets (see map on p. 11 above). Jaja signalled the independence of this new town by proclaiming himself *ámányánábọ̌* and was thenceforth known as King Jaja by the British.

The increasing presence of British merchants in the Delta in the nineteenth century led to two developments. The first was the establishment of the Court of Equity in the middle of the century at Bonny. The court's purpose was to settle disputes between British merchants and local chiefs.[14] The second development was the installation of a Consul of the Bights of Benin and Biafra as the British government's representative in 1849. While there was no intention at the time to establish a colony, these two developments were the first steps towards this.

The Consul's role was to look after British subjects and their interests. This remit saw them meddle in local politics. For instance, in 1871 the Consul brokered a peace treaty between the Okrika and the Kalabari who had been fighting a long, low-intensity war over the trade in palm oil.

The 1870s saw the abandonment of the old town of New Calabar which would come to be known as Elem Kalabari ('Old Kalabari') by the Kalabari and Old Shipping by the British. The cause of the abandonment was a dispute over succession to the position of *ámányánábọ̌* which divided the Kalabari into several

[12] Cf. Dike, *Trade and Politics*, 30; this is the case in the village of Amadiama.
[13] Lovejoy and Richardson 'From slaves to palm oil', in D. Killingray et al. (eds.), *Maritime Empires: British imperial maritime trade in the nineteenth century* (2004).
[14] Dike, *Trade and Politics*, 126.; Jones, *Trading States*, 74ff.

factions, which went to war with each other.[15] After Elem Kalabari was abandoned the Kalabari split into three groups and established three villages which still exist today: Abonnema, Buguma and Bakana (see map on p. 44 above).

In 1884 the Oil Rivers Protectorate was established which covered the whole of the eastern Niger Delta. This formalised the informal control the British had been exercising in the area for the best part of a century. Making the region a protectorate was principally motivated by external rather than internal affairs; the British were concerned over growing French influence in West Africa and this was a way to curb it.

As well as allowing the British to exclude other European commercial interests, the Protectorate created a mandate for increased meddling in local affairs. By agreeing to British protection, local polities ceded their rights to relations with other powers. Okrika was formally incorporated into the Oil Rivers Protectorate by a treaty between the Consul and the king and chiefs of Okrika, signed in 1888.[16]

As there were minimal personnel, the British asserted their influence through fines. In 1889 the British Consul fined the Okrika people £500 for a 'wanton raid' on their Kalabari neighbours which breached the terms of the earlier peace treaty. The British government had great difficulty in collecting this fine, however and seven years later £250 was still owed.

After the Okrika were officially incorporated, the government launched periodic expeditions to Okrika, usually on the pretence of suppressing abominable acts they had allegedly committed. In 1892 the British imposed another fine on the Okrika for a 'disgraceful act of cannibalism'. In the same year the Consul tried to establish a permanent 'political agent' in Okrika and brought the materials to construct a dwelling house for their use. On its completion, the locals tore it down and cast the materials into the creek.[17]

In 1893 the Oil Rivers Protectorate was renamed the Niger Coast Protectorate. Visits were made by the Protectorate government to Okrika in 1893, 1894 and 1895, but were received with hostility. After being repeatedly frustrated in their attempts to collect fines and establish more permanent control over Okrika, the British threatened to 'destroy them… as they still persisted in their evil practice of human sacrifice and cannibalism'. On 4 June 1896, the Consul, Sir Ralph Moor, accompanied by the Vice-Consul, Henry Gallwey, and the District Commissioner, Algernon Harcourt, travelled to Okrika with a contingent of one hundred and five soldiers and officers. On arrival, they were met by eighty chiefs and around fourteen hundred of their 'boys' in large canoes, and a 'palaver' ensued which continued till nightfall.

Moor reported that the *ámányánábǫ̀* was the 'principal obstruction to the requirements of government', these being, at least ostensibly, to desist from cannibalism and human sacrifice. The real requirements of government, however,

[15] Wariboko, *Elem Kalabari*, 143-55.
[16] For the treaty see Herslet and Herslet (eds.), *British and Foreign State Papers* (1888), lxxxiv, 617-19.
[17] NAE: DESPATCHES 1896/51/117(21), Ralph Moor to Foreign Office (1896).

were direct access to the hinterland oil markets and political annexation. To guarantee that the Okrika complied, Moor demanded that the Okrika *ámányánábǫ̆*, Ibanichuka, be placed in British custody as a surety, 'to be confined till such time as the country was settled' and that the shrine of Fenibeso, the Okrika god of war, be destroyed. After initially trying to pass off a slave as the *ámányánábǫ̆*, the chiefs of Okrika agreed to Moor's terms so long as Ibanichuka would not be taken beyond Degema, a town in the creeks to the west and the local administrative centre. The Okrika agreed to pay £50 to defray the government's expense in bringing troops and a Native Court[18] was established to govern Okrika. The Court was staffed by chiefs of war canoe houses deemed amenable by the British and these were given a warrant signed by the Consul recognising their new status. As the members of the Native Court needed a warrant to sit, the government exercised indirect control over the institution. Native Courts were the key institution of the policy of Indirect Rule and its members came to be known as warrant chiefs.[19]

Ibanichuka, the *ámányánábǫ̆* of Okrika, did not return from captivity. British records are conspicuously silent regarding his fate. In the absence of the *ámányánábǫ̆*, the most prominent chief was one Daniel Kalio. He was especially favoured by the British owing to the fact that he could speak English and was literate. Kalio had been educated at Bonny in the first school of the region.[20] Kalio, unlike Ibanichuka, was a Christian, and he alongside other Christian chiefs encouraged not just the spread of the new religion in Okrika, but foreign influence in general. For instance, Kalio encouraged the African Traders Company, a European firm which operated out of Bonny, to open a depot in Okrika and granted them land for this purpose, which they did in 1909.[21]

An old imperial adage was that trade followed the flag. In the Niger Delta trade followed the cross and the flag followed trade. Christianity had been introduced to Okrika by three chiefs (Atorudibo, Ogan and George) in about the year 1877. They themselves had picked up the religion in Bonny where it had been introduced in the previous decade. In 1881 an agreement was signed between several Okrika chiefs and Bishop Crowther to formally establish Christianity.[22] Missionaries soon arrived, and it was these missionaries who sent reports of anthropophagy and other abominable acts to the Consul in the 1890s which were used as a pretext for interference. Before Ibanichuka was deposed by the British, Okrika was already divided, with the modernising Christian faction on one side, and the old order, headed by Ibanichuka, on the other.[23]

[18] These institutions were also known as 'Native Councils'.
[19] NAE: DESPTACHES 1896/51/117(21); cf. Afigbo, *Warrant Chiefs*.
[20] The school at Bonny was established in 1865.
[21] T. N. Tamuno, 'Chief Daniel Oju Kalio of Okrika' in T. N. Tamuno and E. J. Alagoa (eds.) *Eminent Nigerians* (1980), 148.
[22] D. C. Crowther 'An Indigenous African Mission: notes on the rise and progress of Christianity at Okrika' (1883).
[23] Tamuno, 'Daniel Oju Kalio', 150-1.

2.2.2 *The foundation of Port Harcourt*

When the British came to purchase the land to build Port Harcourt in 1913 it was Daniel Kalio who acted as facilitator. The British vessel surveying the area was said to have birthed at Okrika Island at Kalio's behest. He even acted as one of the signatories despite seemingly having himself no proprietary interest in the lands being given. Of all the vendors, Okrika and Ikwerre, Kalio was the only one actually able to sign his name, the others marking their consent with their right thumb impression.

The 1913 Agreement gives the names of all the Okrika lands and villages which were ceded. However, of twenty-four names given, only Amadiama, Okuruama and Abuloma were villages. The twenty-one other toponyms in the list seem to refer to temporary fishing or trading camps. A give away is that some of these other toponyms have the word for land, *kírí*, as part of their names, which is only ever used for small temporary settlements (e.g. Biekiri and Abokiri).[24] A few can be matched to contemporary places, which have since grown to become villages. The rest have disappeared between 1913 and now. The names of the signatories are also given but they are jumbled and not easily matched to the toponyms listed.

2.3 *Amadiama village*

Amadiama was the Okrika village I spent the most time in, and consequently the village I know the best. Here I describe the village of Amadiama in some detail, not simply because I know it the best, but because it serves as an exemplar of an Okrika village in Port Harcourt.

The Okrika villages of Port Harcourt are, with one exception, new villages (*íwọ́ámá*) which were founded by groups of merchants who trace their origin to either Ogoloma or Kirike. All are divided into compounds (*póló*) and the hierarchy of these relates to the order of settlement.

Amadiama, referred to as 'Amadi Town' in the 1913 Agreement and on early maps, exemplifies this: it was established by a group of palm oil traders from Ogoloma, one of the nine ancient villages. The village was founded to facilitate trade to the Ikwerre market of Ahiamakara in Diobu—not wanting to have to paddle their canoes to and from the market with their wares each market day, a journey of several miles, some merchants of Ogoloma decided to establish a trading post situated on a nearby creek.[25] These Ogoloma merchants gained permission to settle on the side of the creek from the Diobu lineages that farmed in the area. The merchants paid the Diobu farmers a sum of manillas and several bottles of gin and promised not to cultivate yams. According to all the accounts I received, the bargain also included a sacrifice to the goddess of the land—in some cases this was said to

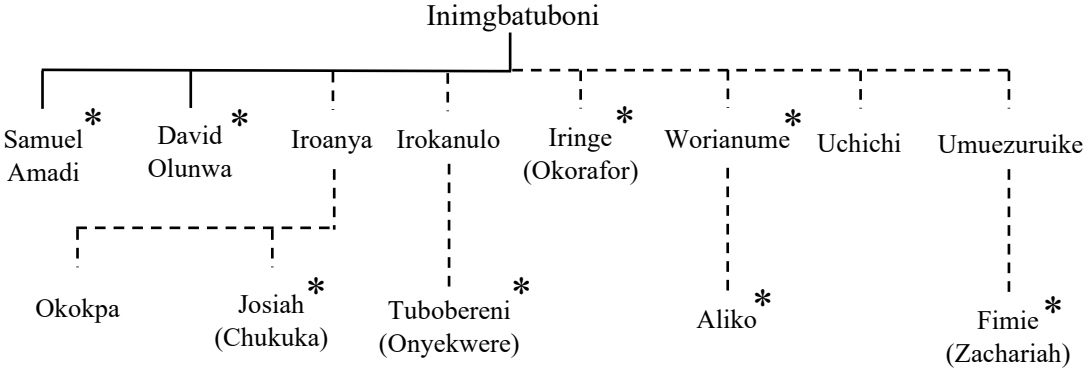
[24] See Appendix 1.

[25] It takes approximately two hours with the tide to paddle from Okrika to Port Harcourt and three and half against the tide; J. Goodchild, *Dennis and the Ibo bible* (2003), 260.

be a few goats, in others it was said to be a daughter of one of the Ogoloma merchants.[26]

The current inhabitants aver that their village was established sometime in the last few decades of the nineteenth century and there seems to be no reason to doubt this. Some elders today are the grandchildren or great-grandchildren of the founders of the community.

The history of Amadiama starts with Inimgbatuboni, a trader from Ogoloma associated with Koko, an even wealthier trader from Ogoloma who is sometimes said to be his father or grandfather. Inimgbatuboni used the wealth acquired from his trade to marry two wives, and had two sons, one by each. He named his first son Amadi.[27] His second son he named Olunwa.[28] His sons converted to Christianity and received the baptismal names by which they are known to posterity: Samuel Amadi and David Olunwa. In addition to his two sons, Inimgbatuboni had several sons that were purchased, and many of these sons, in turn, purchased their own sons. The founders of the settlement that would become known as Amadiama were a mixture of Inimgbatuboni's sons and grandsons. Inimgbatuboni had died by the time the settlement was established. Those that took part in the settlement are marked on the following diagram with an asterisk:



The names in parentheses are aliases. Some of these aliases are the original Igboid names of a purchased son owing to the fact they were purchased from hinterland dwelling peoples who spoke Igboid languages. This is the case with Okorafor and Onyekwere. Their descendants continue to call their ancestors by both their Okrika names and their Igboid aliases. The alias of Fimie is a baptismal name; however, unlike his brothers Samuel Amadi and David Olunwa, he is usually referred to mononymously by his Okrika name. In contrast, Josiah alias Chukuka is almost

[26] In one account I was told the girl was buried alive and in another the girl drowned in the creek in a spot now known as Nwo Aja (*nwò àjà*, lit. 'child of sacrifice').
[27] This is a common name among Ikwerre and other peoples that speak Igboid languages meaning something like 'freeborn'.
[28] *Ọlụ́ nwá*, 'younger child'.

never known by the latter, his descendants refer to him exclusively by his baptismal name.

Purchased sons and daughters are known to the Okrika as *ómóníàpụ̀* or simply *ómóní*. The usual gloss for these words is 'slaves', which is a word I have been trying to avoid in this context. I have done this due to the negative connotations the word carries in English and because I do not want to suggest that purchased children are any less one's 'children' than children one begets.[29] A slave bought by a European trader was treated very differently from a 'slave' incorporated by any of the Ijaw peoples. In this particular context, Iringe, for instance, is as much a son of Inimgbatuboni as Amadi or Olunwa. Inimgbatuboni himself is said to have been purchased.

Among the Okrika, being an adopted or purchased person, or being descended from such a person, entails no disability. A slave or their descendant can become the chief of a war canoe house and instances of such are not unusual. Even though the purchasers refer to purchased persons as their children and purchased persons refer to their buyer as a parent, the Okrika remain aware of who is, and who is not, begotten. Although the founders of Amadiama, the descendants of Inimgbatuboni, are conventionally said to be brothers, it is also acknowledged that only Amadi and Olunwa can claim to be his actual progeny. An outcome of applying filial terminology to purchased children is that it is common to hear of marriages that initially seem incestuous as they are said to be between brothers and sisters or uncles and nieces.

One of Inimgbatuboni's wives was a daughter of Koko, who was variously said to be Inimgbatuboni's own father or grandfather, and several of Samuel Amadi and Iringe's children married one another. Such unions are not, however, incestuous because, as the Okrika acknowledge, although purchased persons are understood as kin and referred to as such, they are not the same as begotten persons; only to the latter do the rules of incest apply.[30]

A consequence of the fact that most of the population of Amadiama are descended from *ómóní* is that Igbo is the majority language; most of the slaves traded to the Riverine peoples came from the Igbo speaking uplands.

2.3.1 *The seven compounds*

There are seven compounds or wards which make up contemporary Amadiama: (1) Iringe, (2) Amadi, (3) Olunwa, (4) Josiah, (5) Worianume-Aliko, (6) Tubobereni, (7) Ogbanga. In Okrika these compounds are called *póló*, although in Amadiama they are more usually called *èzí*, the Igbo equivalent. It is usually assumed that those who dwell together in a *póló* will share some kind of kinship. However, this

[29] On the problems of the term 'slave' and the African institution in general see S. Miers and I. Kopytoff, 'African "Slavery" as an Institution of Marginality' in S. Miers and I. Kopytoff (eds.) *Slavery in Africa* (1977), and C. Meillassoux, *The Anthropology of Slavery* (1991).

[30] It used to be common for chiefs and wealthy traders to marry their daughters to a purchased son as way to consolidate wealth within their house avoiding the transfer of wealth to another rival war canoe house.

assumption is only very general; there are many wards in Okrika villages whose groups have disparate origins and acknowledge no relationship with their near neighbours. Nevertheless, in such cases there is always a principal group, invariably the descendants of the founder of the *póló*, who are pre-eminent and understand themselves as the hosts of the other groups.

In some of the larger old villages, namely Kirike and Ogoloma, there is a village division above the level of *póló*. This larger division is the *ẹ̀rì*, which is constituted of several *póló*. Thus, the *ámá* (village) is divided into *ẹ̀rì*, which are in turn divided into *póló*.

In situations which involve the entire village of Amadiama, such as when something must be shared or distributed amongst the community, the order of the seven compounds mentioned above is the order of precedence, an order which reflects the supposed order of settlement.[31] Iringe was the oldest of the children of Inimgbatuboni and the first settler and leader of the community. As a prominent and wealthy trader he was selected as one of the first warrant chiefs following the establishment of Okrika Native Court in 1896. After his death, Samuel Amadi was selected as warrant chief and village head. When Samuel Amadi died in 1907 his brother, David Olunwa, became warrant chief. David Olunwa was a signatory of the 1913 Agreement.[32]

All of the seven compounds, except Ogbanga, are descended from Inigmbatuboni. Ogbanga compound are the descendants of four other merchants from Ogoloma, who are not descendants of Inigmbatuboni; they are the descendants of Agbaka, the brother of Koko.

The discrepancy between the twelve original settlers (the eight descendants of Inigmbatuboni plus the four descendants of Agbaka) and the fact that there are only seven compounds today is due to three facts: (i) Worianume and his son Aliko formed a single compound known by the joint name of Worianume-Aliko;[33] (ii) Fimie originally constituted the eighth compound of Amadiama but his descendants have broken away and become their own village; (iii) the four descendants of Agbaka constitu**t**ed a single compound called Ogbanga.

The village's compounds are made up of the descendants of their founders, both begotten and bought. Amadi and Olunwa are the largest compounds by population owing to the wealth of their founders. Amadi, for instance, had three wives and at least fourteen children. Membership of the compounds is by descent, which is by default traced in the female line (although if a certain type of marriage has been performed then it is traced in the male line).[34] Each of the compounds have an *òpùwárị́* (lit. 'big house') where the members of the compound gather to discuss important matters and resolve any disputes within the compound. Membership of

[31] There is, for instance, a committee trusted with receiving rents from businesses around the village and the head of this committee changes every two years to a representative of a different compound according to the order of precedence.
[32] Under the name 'David Aluwa Koko'.
[33] Aliko, the son of Worianume, became very wealthy and wanted his name to be preserved for posterity so added it the name of his father.
[34] See chap. 5.

one compound does not preclude membership of another and due to intermarriage between compounds it is not altogether unusual for villagers to have the right to belong to several compounds, but there will usually be one compound which they more strongly identify with and to which people say they 'belong'.

Not all members of compounds are descended from the founders. In Josiah compound today several members trace their descent from Okokpa, Josiah's brother (see the diagram above) who remained in Ogoloma during the founding of the village. Some descendants of Okokpa later moved from Ogoloma to Amadiama and attached themselves to Josiah compound.

Indeed, members of compounds need not be related at all but simply resident in the village. For instance, an Ogoni man who dwells in Iringe compound is considered a full member and attends the weekly compound meetings in their *òpùwárị́*. Compounds in Amadiama are therefore descent groups and residential groups and while it is more common to qualify by descent it is possible to qualify purely on the grounds of occupancy.

The village's land is divided between the seven compounds. While the boundaries were initially imperceptible to me, they would be pointed out as I perambulated the village with a local. Usually a particular house or a little gutter marked the boundaries of one compound's territory.

I should add here that the term 'compound' is somewhat misleading as each of the seven compounds (*póló*) of Amadiama (or indeed any compound in an Okrika village) are not compounds in the sense of being single, contiguous living quarters. No doubt all *póló* begin as such, but today most are clusters of buildings. In Amadiama, each compound is made up of several dozen bungalows and storey houses. I use the term compound as it is the translation of *póló* used by the people of Amadiama and other Okrika villages of Port Harcourt.

2.3.2 *The name of the village*

For the Okrika, the founder of a place, and their descendants, possess privileges and, more often than not, the place so established bears the name of its founder. But, as the case of Amadiama illustrates, the facts are not always so straightforward.[35]

The village was not always called Amadiama and this newer name has caused some controversy among the village's inhabitants. The original name of the village was Moniama due the fact the village and its inhabitants were said to be very wealthy and because other Okrika merchants grew jealous—*mọ́nị́* means 'to covet'. The name is said to have been changed in 1911 by Samuel Amadi's eldest son who was a pupil of Rev. Cole.[36] The story goes that Cole believed that all satellite Okrika villages bore the name of their founder (e.g. Kalioama, Georgeama, Okujaguama) and that as Moniama was an anomaly it should be changed.[37]

[35] The suffixes of Okrika toponyms can also be the subject of violent disagreement; see chap. 4.
[36] Rev. J. M. A. Cole of the CMS.
[37] K. Iringe *History of Amadi Village, Ogoloma* (n.d. [c. 1950]), 15-16.

This change did not go down well with the other compounds, most especially Ogbanga, whose members felt, and continue to feel, isolated from the other compounds due to the fact that they do not descend from Inigmbatuboni. Ogbanga, from time to time, publish notices in the local newspapers disclaiming the name of the village (which are always swiftly countered by notices from the other compounds). This conflict over the name is tied up with a dispute which started in the 1950s and is still ongoing (despite a ruling of the Supreme Court) between Amadi compound and Ogbanga compound over a small area of village land.[38]

I have mentioned this disagreement over the name of the village because toponyms are not trivial matters. Conflicts over rights in land in Port Harcourt centre on placenames. Toponyms often encapsulate the history of a place; and given that the substance of disputes over land ownership is history, we can begin to understand why toponyms are frequently contentious.

2.4 *Abuloma village*

Abuloma is one of the nine ancient villages and has in the last twenty years been absorbed by the city of Port Harcourt (see Plates 9-10). It, therefore, does not adhere to the model exemplified by Amadiama. Abuloma is located in the far south-east of the city, close to where the Amadi Creek meets the Woji Creek. It is where one travels to if one wants to take a boat to the island of Okrika.

The people of Abuloma are unique among the old villages in that they speak their own language (Obulom), which is distinct from Okrika. Obulom belongs to a group of languages called Central Delta by linguists, whose languages are neither Igboid nor Ijoid. The name of their language is also the name of the founder of the village, Obulom. Abuloma is a corruption of this (Obulom *ámá*, 'Obulom's village').

Abuloma is unique among Okrika villages for another reason. The people of Abuloma cultivate yams, or, more accurately, they used to when there was still rural land, which was until about twenty years ago. It seems to me that this fact explains why the Abuloma have had the greatest number of land disputes with the Ikwerre, and there are accounts of such disputes almost as soon as colonial records begin. And whereas recent land disputes between the Ikwerre and other Okrika villages seem broadly related to urbanisation and the new value land has obtained because of this, the conflicts between the Abuloma and the Ikwerre villages precede urbanisation by many decades.

The inhabitants of Abuloma claim that when their ancestors first arrived in the area that is now Port Harcourt they dwelt where the original Township was. They say this area was called Obumotu. They then moved again to a place they called Okeinodo, where Rainbow Town, a government-built housing estate, is presently located. At this spot there was a dispute which resulted in a splinter group leaving the community and travelling north-eastwards where they eventually settled

[38] I discuss this dispute in chap. 9.

at Ikwerengwo beside the Imo River in present day Etche LGA. There is still to this day a very small group of people who speak a language called Ochichi, which is intelligible to speakers of Obulom.[39] Some elders of Abuloma told me that their kin from Ikwerengwo used to travel to Abuloma for festivities and vice-versa. However, the link between this small diasporic population and Abuloma seems to be fading—the visits have stopped and most young people do not speak Ochichi and identify as Etche, the ethnicity of their hosts.[40]

2.5 *Okuruama and Azuabie villages*

Okuruama is a new village established at the start of the twentieth century. It was founded by Okuru who belonged to a respected group of war canoe houses from Kirike village collectively called Egweme who were responsible for the installation rites of *ámányánápụ̀*. Okuru initially settled at Okujaguama, a village on the other side of Woji Creek founded by Okujagu, another Egweme. Feeling cramped at Okujaguama, Okuru decided to build a new settlement.

Okuruama is the closest neighbour of Abuloma and the two villages are always in litigation with one another over land. The people of Abuloma assert that they granted land to the founder of Okuruama, the eponymous Okuru, and that his descendants, the current villagers, are therefore their tenants. The villagers of Okuruama vigorously deny this. While this conflict has mostly been fought in the courts, in recent decades it has become bloody. The violence culminated in 2004 when Okuruama was completely razed (see Plates 24-25). It has since been rebuilt, although relations between Okuruama and Abuloma continue to be strained.

Azuabie is north of Okuruama on the Woji Creek and, like Okuruama, traces its origin to Okujaguama. The settlement is old (it is listed on the 1913 Agreement) but was for a long time only a trading post used by the inhabitants of Okujaguama. In 1913 it was under the auspices of Kurosiediema, a purchased son of Okujagu (the founder of Okujaguama), who was one of the signatories of the 1913 Agreement. Azuabie remained a temporary settlement until the 1980s when some inhabitants of Okujaguama made it their permanent home. The real shift came when people started to be buried there and not back in Okujaguama which was till then considered their true home.

2.6 *Ozuboko, Ukukalama, Somiariama and Fimieama villages*

I have grouped these villages together because they form a cluster among the mangroves beside the shore of the Amadi Creek between Amadiama and Abuloma and because all were founded by merchants from Ogoloma, beginning as trading posts before growing into villages. The first of these villages, Ozuboko, is absent from the 1913 Agreement because at that time the area was still a series of small

[39] O. Ndimele and K. Williams 'Languages' in E. J. Alagoa and A. A. Derefaka, *The Land and People of Rivers State* (2002), 157.
[40] Cf. R. Blench 'A note on Ọchịchị', *Ogmios,* 23 (2003).

trading settlements which had yet to coalesce. The toponyms given to these trading settlements in the 1913 Agreement are identical to the merchants to whom they then belonged: Igbisikikalama, Iyoyo, Atubokiki, Toipirima and Idango.

The current inhabitants of Ozuboko are the descendants of the merchants Igbisikikalama, Iyoyo, Atubokiki and Idango.[41] The village has only existed for three or four generations—the current head of the lineage of Igbisikalama (who was born in 1962) is his grandson. Five lineages comprise the village—four representing the descendants of the four merchants from Ogoloma and one from a purchased son of Igbisikalama who broke away and established his own lineage.

The villages of Ukukalama, Somiariama and Fimieama are so close together that they are collectively called Tereama, 'the Three Villages' (*tẹ́rẹ́ ámá*). The earliest settled of the three is Ukukalama, being founded by Uku from Ogoloma.

Somiariama, the next to be settled, has been embroiled in an internal dispute over land rights for nearly thirty years. This dispute has taken the form of disagreements over the history of the settlement and for this reason it is difficult to discern a clear picture of the history, or at least one with which most of its inhabitants concur. With this in mind the basic facts are the following: Amiejubodiema, a signatory of the 1913 Agreement, is said to be the founder of the settlement. He was the slave of Somiari, a prominent Christian chief of Ogoloma.[42] Amiejubodiema was subsequently joined by his siblings and the village which grew was named after their father, Somiari. The dispute, which has been before the council of Ogoloma chiefs and the courts, is between the descendants of Amiejubodiema, who claim that as representatives of the first settler they 'own' the village and the descendants of Amiejubodiema's siblings who claim that they all own the village collectively as the descendants of Somiari.[43]

The most recently settled of these villages is Fimieama, which was founded by Fimie, a descendant of Inimgbatuboni. Until quite recently, Fimieama was treated as an annexe of Amadiama, constituting its eighth *póló*. In 2001 the heads of Fimieama declared their independence. This newfound independence resulted in a change in the genealogy: when I visited Fimieama and met with various elders I was told that Fimie was a son of Koko and not a son or grandson of Inimgbatuboni as he is described by the residents of Amadiama. According to the residents of Amadiama, the secession of the descendants of Fimie occurred after they got wind of a plan by an oil company to construct a base of operations in the mangroves near Fimieama and, not wanting to share the lucre that would surely follow with the other seven compounds, declared themselves an independent village. Nothing came of the rumour. Most of the inhabitants of Fimieama rue this act of independence, for only a few years after the declaration was made, Nigerian Liquefied Natural Gas

[41] Toipirima is said to have abandoned his settlement and returned to Ogoloma.
[42] Somiari was one of the signatories of the agreement made in 1881 permitting Bishop Crowther to establish a mission station on the island; Crowther, 'Indigenous African Mission', 23.
[43] Anon., 'Somiariama Community in Celebration Over Ruling on Ancestral Land', *National Network*, 5 December 2019; PHC: WHC/19/2020, *Fienemika v Somiari* (2020)

announced that it was going to construct its regional headquarters on some reclaimed mangrove adjacent to Amadiama. Were the inhabitants of Fimieama still counted as one of the compounds of Amadiama, they would be entitled to a share of the annuity the company pay to Amadiama and be considered for employment at the company as part of a quota, alongside other perquisites enjoyed by Amadiama as the 'host community'. Most of the mangroves around Fimieama have been cleared and filled with sand (a process known locally as 'sandfilling'), creating acres of new land, but to the detriment of fishing activities (see Plates 12-13). The inhabitants of Fimieama live in the hope of a prosperous company setting up shop on their new land.

2.7 *Kala-Ogoloma*

In 2018 the villages of Amadiama, Ozuboko, Ukukalama, Somiariama and Fimieama confederated. They called themselves Kala-Ogoloma, 'Little Ogoloma', after the fact that they all trace their origin to Ogoloma village. This epithet is somewhat misleading as it refers not to the size of Kala-Ogoloma (the population of any one of these villages well exceeds that of Ogoloma), but to the genealogical relationship between progenitor and progeny. The epithet *kálá* in this context means 'junior' or 'younger'.

The five villages also decided that they should have an *ámányánábǫ̆*, to befit their new status, and it was agreed that the position should rotate among the villages, following the order of settlement. Consequently, it fell to Amadiama to elect the first *ámányánábǫ̆* of Kala-Ogoloma.

The reasons behind the genesis of Kala-Ogoloma, as explained to me by some of the persons behind its creation, relate to political representation. The five villages are administratively within Port Harcourt LGA but feel neglected by their Local Government which, as I was often told, is Ikwerre controlled, and regularly rebuffs them, stating that these Okrika villages should seek redress with Okrika Local Government, who in turn rebuff them again by stating that the villages are not within their administrative area.[44] Their hope is that the creation of Kala-Ogoloma will allow the inhabitants of these five villages to more effectively lobby the government. It is also hoped that the State will afford official recognition to the *ámányánábǫ̆*.[45]

The creation of Kala-Ogoloma has not been without difficulty or detractors. Its genesis precipitated several conflicts within the five villages which constitute it.

[44] A letter to *The Tide* newspaper from the 'Rebisi Committee of Friends' on the topic of Okrika villages in PHALGA is demonstrative of the Ikwerre view: it states that 'there has never been a time when Okrika people belonged to Port Harcourt both in history, politically and in administrative matters'; C. Chijoke, 'Letter re: Wakrike personality extravaganza kicks off', *The Tide*, 27 January 1990.

[45] Officially recognized 'traditional rulers' are entitled to draw considerable stipends from their Local Government which are then expected to be disbursed among their people. Of the Okrika villages in Port Harcourt only Abuloma has an officially recognized 'traditional ruler' (*ámányánábǫ̆*) but the Governor has yet to recognise the current incumbent and consequently they are unable to draw on the stipend or attend the Rivers State Council of Traditional Rulers.

In Amadiama, for instance, there is a faction which denies the legitimacy of Kala-Ogoloma (in spite of it being sanctioned by the *ámányánábọ̌* of Ogoloma) and has appointed one of its number as *ámányánábọ̌* of Amadiama.[46]

2.8 *Borikiri*

Borikiri is not a village; rather it is an area of the city which is generally understood to be Okrika territory. Its name derives from the Okrika word for a temporary fishing camp, which speaks to the origin of the place. It is located on the spit of firm land to the south of the part of the Township formerly known as the 'Native Location' (see Plate 22). Its population is composed of a hodgepodge of Okrika from all the nine old villages as well as persons belonging to the many different ethnic groups who have come to seek their fortune in the city.

Borikiri is where most of the city's floating slums called 'watersides' are to be found. Before the government cleared the majority of these settlements in the 1990s and 2000s, there used to be watersides all over the metropolis, springing up wherever mangrove or shallow water was to be found. Those that remain are in the Borikiri area.[47] The watersides are heterogeneous places where desperate migrants from all across the Niger Delta live alongside the city's poor in crowded and crude dwellings. Despite this heterogeneity, the Okrika are paramount, not necessarily in terms of numbers but in terms of control and 'ownership'.[48]

The first waterside settlements appeared in the 1970s. There had long been dwellings in the mangroves around the Township but these had only ever been the temporary habitations of Okrika fishermen. The first permanent resident of Afikpo, the oldest waterside, was said to have built their home in October 1969.[49] By the 1980s the watersides had a collective population of c.30,000.[50] Bundu, the largest waterside, had, according to the BBC, more than 200,000 people living there in 2020 and only one drop toilet serving the entire community.[51] This figure is certainly an exaggeration—I would guess that Bundu's population is in the tens of thousands rather than hundreds. Nevertheless, the fact about the single drop toilet is, to my knowledge, true and gives an indication of the insanitary nature of the watersides which are increasingly suspended not above water but effluent.

Recent history has seen the Okrika consolidate their control of the watersides, with more and more strident assertions that they, and not any other ethnic group, are the 'owners' of these floating slums. Control has been achieved

[46] The *ámányánábọ̌* of Amadiama has been recently ordered by court to cease parading himself as such.
[47] S. Ambakederemo, 'The transformation of waterfronts in Rivers', *The Tide*, 3 January 1990; O. B. Ossai, 'In the heart of the city slums', *The Tide*, 9 April 2000.
[48] The residents of the watersides belong to many ethnic groups, but according to data gathered in 1988, 78% of their inhabitants were born and bred in Port Harcourt; W. Fadare and R. Mills-Tettey, 'Squatter Settlements in Port Harcourt', *Habitat International*, 16, 1 (1992).
[49] K.-L. Dantojo, 'Marginal Settlements in Port Harcourt', *World Environment*, 3, 3 (2013): 78.
[50] C. V. Izeogu, 'Urban development and the environment in Port Harcourt', *Environment and Urbanization*, 1, 1 (1989): 60.
[51] K. Igonikan, 'Bundu Ama: Di community wey get only "one" toilet', *BBC News Pidgin*, 30 July 2020.

in several ways. The first way is through language. The watersides have been renamed and the new names are emphatically Okrika—all are suffixed with the Okrika word for 'village': *ámá*.[52] Several of the new toponyms are derived from the names of the Okrika signatories to the 1913 Agreement. The Okrika allege that these new toponyms are the original names of what they say are long established settlements which predate the establishment of the Township. This is not actually the case. These Okrika toponyms are recent coinages and the watersides themselves all postdate 1970. The use of the names of some of the Okrika signatories of the 1913 Agreement as the basis of the new toponyms evinces the desire to historicise the watersides. Inventing histories, which reach back before 1913, is important for the Okrika to assert customary title to the land.[53]

The process of historicization occurs at smaller scales. Most of the watersides have been divided into named *póló*, the traditional subdivision of Okrika villages. Furthermore, many of the watersides and their subdivisions have their own chiefs installed according to Okrika custom.[54]

Where linguistic change and historicization has failed to consolidate their control, the Okrika have turned to violence. There have been many reports of Okrika gangs killing persons of different ethnic groups and intimidating others dwelling in watersides. The beginning of Okrika command of the watersides seems, as some have noted, to coincide with the tenure of Rufus Ada George, the first Okrika Governor of Rivers State (i.e. 1992).[55] The earliest violence, when Okrika groups attacked Ogoni waterside communities, was in 1993 when more than 90 persons were reported killed and many more injured.[56] In the 2000s the Okrika attacked and drove out many Ibibio and Annang dwelling in the watersides, especially those in Bundu.

The government has on many occasions tried to demolish the watersides, arguing that not only are the settlements illegal, but that they are harbours for criminals. At times they have succeeded: Agip waterside, an Ogoni settlement which grew up around the headquarters of Agip, an Italian oil company, was destroyed in 2004-5 (see Plates 16-17). The government has however, in general, found it very difficult to demolish the watersides. An organisation called the Port Harcourt Wakirike Aborigines has been resisting government demolition efforts. It is also one of the forces spreading Okrika influence in Borikiri and the watersides. Its longtime leader, an Okrika man called Darrick Acheseomie, has become the

[52] Cemetery and Okrika watersides as well part of Marine Base waterside became Toinpirima-ama and the other part of Marine Base became Idango-ama; Enugu, Baptist and Aggrey watersides became Igbisikikalama-ama; Rex Lawson and Egbema waterfronts became Iyoyo-ama; Abonnema, Njemanze and Elechi watersides became Gbelabo-ama; NPA and Witt & Bush and part of Bundu became Amango-ama; Abuja, Bille, Bonny and Nembe watersides became Kurosiediema-ama; and Bundu, the largest waterside, is now commonly referred to as Bundu-ama; J. Onoyume, 'PH Water-Front Saga', *Vanguard*, 30 November 2009.
[53] See chaps. 7, 8 and 9.
[54] Anon., 'Community gets new chief', *The Tide*, 24 December 2000.
[55] Nnanna et al., 'The Port Harcourt Waterfront: Confronting the curse of an oil city', *Vanguard*, 9 and 10 December 2009.
[56] R. Boele, *Report of the UNPO Mission to Investigate the Situation of the Ogoni* (1995).

ámányánábǫ̀ of Obumutonchiri, a name he and his supporters claim is the original Okrika name for the area usually called Borikiri. When I met with him, he explained that he became an *ámányánábǫ̀* by divine intervention: on a visit to Government House in 2017 to present a petition from the Port Harcourt Wakirike Aborigines, a mysterious voice audibly proclaimed him *ámányánábǫ̀*, following which, his companions began a unanimous chant of assent.

Acheseomie is an affable man who, from a large two storey building in the centre of Borikiri (his 'palace'), spends his days sorting out the problems of local people and arbitrating petty disputes, in the same manner as any of the other 'traditional rulers' of Port Harcourt. Despite acknowledging that he has only recently become an *ámányánábǫ̀*, there has been a clear effort to historicise the position and the territory over which he rules. Acheseomie refers to himself as Obumuton IX, the regal number implying that he belongs to a lineage of *ámányánápụ̀*.[57] The title derives from Obumutonchiri, which is said to be the original Okrika name for the land.

2.8.1 *The creation of land*

In the late 1970s the government began a policy of dredging sand from the creeks and dumping it in areas of mangrove. The process, known colloquially as sandfilling, is a means of reclaiming land, turning wet, unproductive swamp, into valuable dry ground.[58]

Many of these areas of mangrove in Port Harcourt became the sites of new developments. Such places are, more often than not, adjacent to the Okrika villages of the city for whom hard land has always been in short supply. Plate 11 shows a satellite photo of southern Port Harcourt in 1984. The white blotches are areas of sandfilled mangrove. The patch in the southeastern (bottom right) portion of the photo is the island of Okrika—the mangrove which surrounded the firm land at its core having been felled and sandfilled which has considerably expanded the habitable area of Okrika island (see Plates 14-15). Almost all the Okrika villages of Port Harcourt have sandfilled their surrounding mangroves. This has been especially extensive in Abuloma (Plates 18-19), Fimieama (Plates 12-13) and in the stretch between Okuruama and Azuabie (Plates 9-10). It also happened on a smaller scale at Amadiama. But by far the most extensively sandfilled area is Borikiri. The sandfilled area at the heart of Borikiri has been christened Bie-ama

Tradition (even if invented) has been used by the Okrika to claim control of not just the watersides but of the sandfilled areas all across Port Harcourt. This is most apparent in Borikiri. By control I do not mean to say that in the case of Borikiri the *ámányánábǫ̀* of Obumutonchiri and his supporters seek to exclude all others from the settlement, but rather that they aim to assert 'ownership'.

The periodic attempts by the government to clear the watersides have been backed by promises that compensation for destroyed property will be paid; but

[57] When I asked who him who his eight antecedents were, he was unable to give me a clear answer.
[58] Anon., 'Reclamation in Rivers', *The Tide*, 4 July 1981.

crucially they have said that this compensation will not be for the tenants of the slums but the landlords.[59] The Okrika in many cases acquired their proprietary interest through force, but violence alone was never sufficient. Crystallising their control, making it durable and legal, necessitated framing their interest in terms of history. This history asserts that these settlements have always been there and that they have always been Okrika even when only a few decades before, and well within living memory, there was only mangrove.[60]

2.9 *Conclusion*

Okrika villages fall under two categories: old and new. Of the Okrika villages of Port Harcourt only Abuloma belongs to the former category. The villages of Kala-Ogoloma, as well as Okuruama and Azuabie, all belong to the latter. Borikiri is not a single village per se, but an area with several more or less contiguous settlements. Were one to agree with its Okrika toponymy, it is a place composed of several villages (*ámá*). These settlements cannot, however, be understood in quite the same way as any of the other Okrika villages of Port Harcourt; they cannot be placed into the category of new village. Yet, the category of new village is not entirely unhelpful in understanding the settlements of Borikiri.

The new villages of Port Harcourt, Borikiri excepted, belong to the first phase of the new villages, which started with the establishment of Georgeama on the little island to the north of Okrika island in the nineteenth century and ended with the foundation of Port Harcourt. Each new village was founded by a group of settlers from one of the nine old villages, with the settlers and their descendants maintaining a close relationship with their 'parent' village. The settlements of Borikiri belong to a newer phase which breaks with this pattern. Its Okrika settlers do not come from a single village but from all across the *sẹ́*, the entire Okrika area. No village, whether old or new, can claim to be the 'parent' of the Borikiri settlements. Moreover, many of the Borikiri settlements were founded by settlers from other ethnic groups—Ogoni, Kalabari, Ibibio, Annang, Andoni, etc. But through the changes, continuities are discernible.

It is still the case that rights to land depend on being the first comer. This explains the preoccupation of the Okrika of Borikiri with tradition and history. All Okrika new villages begin life as trading or fishing camps. These settlements are temporary, having not yet acquired the status of villages (*ámá*). Because of their impermanent nature it is usually tricky to qualify precisely when such settlements were established and by whom. More of these temporary settlements rot and are swallowed by the mangrove than develop into villages. Most of the settlements of Borikiri, including many of the watersides, started life as temporary camps belonging to fishermen or dealers of mangrove wood. They became permanent only later as their owners and their families relocated to be closer to the city, where more

[59] UN-Habitat, 'Evictions and Demolitions in Port' (2009), 66-68.

[60] Of course, Okrika control is not uncontested. They are not the only 'landlords' of the watersides of Borikiri and beyond. The situation is complex, but emerging complexity is the simple fact that the Okrika are the most dominant.

customers and higher prices were to be found.[61] It is apposite that Borikiri should be the name for this area of Port Harcourt for the Okrika call these temporary settlements *ẹ̀òrìkìrì*.

[61] This seems to bear out in the many curious potted histories of the Borikiri settlements found in the database of Slum Dwellers International.

Plate 8: Southern Port Harcourt, 2023

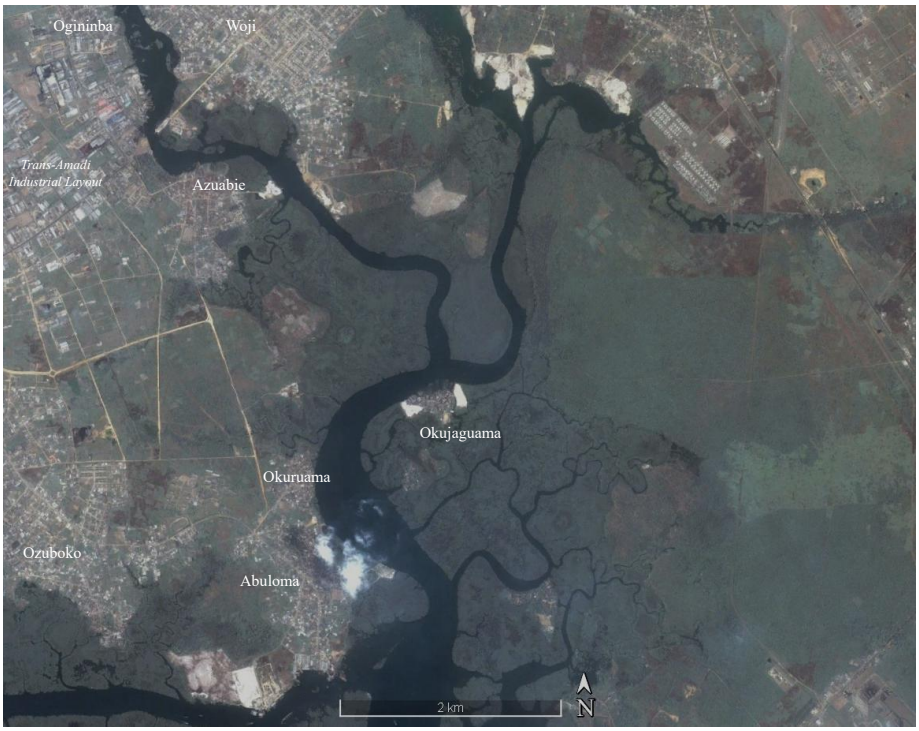


Plate 9: Okrika villages of eastern Port Harcourt, 2000

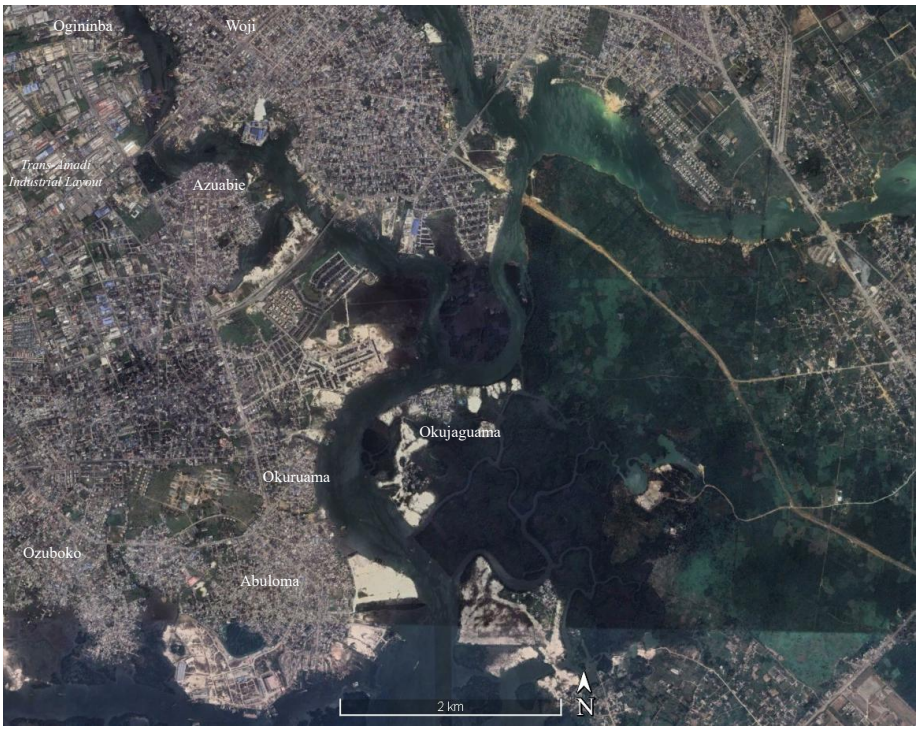


Plate 10: Okrika villages of eastern Port Harcourt, 2023

Plate 11: Port Harcourt, 1984; white areas, which are sandfilled mangrove, can be seen around Okrika Island (cf. plates 13-14), Georgeama, Borikiri (cf. plate 21) and to the south of Abuloma

Plate 12: The mangroves of Tereama and Ozuboko, 2008

Plate 13: Sandfilled areas around Tereama and Ozuboko, 2022

Plate 14: Okrika Island, 2000

Plate 15: Okrika Island, 2022

Plate 16: Ogoni Waterside, 2005

Plate 17: Site of Ogoni Waterside, 2019

Plate 18: Abuloma and its mangroves, 2010

Plate 19: Abuloma and its new land, 2022

Plate 20: Abuloma's sandfilled mangroves from the ground

Plate 21: Door of an *òpùwárị́* in Amadiama.

Plate 22: Borikiri and Town, 2023

Plate 23: Watersides surrounding Town (formerly the Native Location), 2021

Plate 24: Okuruama, 2000

Plate 25: Okuruama after being razed, 2005

3

A Chorography of Port Harcourt, part II: the Ikwerre villages

3.1 *The Ikwerre villages*

This chapter continues the project of describing the villages which constitute contemporary Port Harcourt. As with the Okrika villages of Port Harcourt, the Ikwerre villages of Port Harcourt do not exist today as separate settlements. They are contiguous parts of the metropolis. Nevertheless, they are still referred to as villages and many retain a distinct air in the same way that one can still perceive the character of the villages that have been absorbed by the London metropolis. In the previous chapter, we examined how rights to land are distributed and disputed according to the logic of first comers. Among the Ikwerre, land rights are distributed and disputed according to the logic of first sons. Both these systems depend on firsts, but as will be explained, the logic of first sons is somewhat different.

The Ikwerre villages that constitute the present city belong to three villages groups: (i) Obio (which is split into two smaller village groups, Apara and Evo), (ii) Diobu (which was originally part of Apara) and (iii) Akpor (which is the most recent village group to have been absorbed into the metropolis, having only become urban in the last two decades). The following map shows the locations of the villages relative to each other and depicts a time when they were separated by stretches of farmland (rather than being parts of the continuous urban expanse). The map imagines the landscape before Port Harcourt was established. I also indicate the presumed site of the Diobu village which was demolished preceding the construction of the Township.

THE IKWERRE VILLAGES OF PORT HARCOURT

3.1.1 *The Ikwerre and their name*

To understand the Ikwerre village groups that constitute Port Harcourt, it is worth beginning with the history of their earliest encounters with the British. Let me start, however, by saying something about the name Ikwerre.

I was often told by my Ikwerre interlocutors that the name derived from the phrase *à kwérílém*, 'we have agreed', which was uttered when the British negotiated to purchase the land that would become Port Harcourt. While it is true that the ethnic identity of the Ikwerre is linked to the establishment and growth of Port Harcourt, the name (and perhaps some degree of ethnic awareness) is older than the city.

In the Nigerian National Archives in Enugu, I came across a volume entitled *Niger Coast Protectorate Intelligence Book*, evidently compiled before the Niger

Coast Protectorate became the Southern Nigeria Protectorate in 1900.[1] It contains descriptions of the principal villages of the Protectorate and records the 'type or race' of villages' inhabitants. An entry for Woji, an Ikwerre village which is now a part of Port Harcourt, records its inhabitants as 'Ikweri'. Neighbouring Rumuokoroshi, another Port Harcourt Ikwerre village, also had its population recorded as 'Ikweri'.[2]

The origins of the name are further mystified by the fact that it is an exonym—the Ikwerre call themselves Iwhuruohna. This endonym is seldom used and the ubiquity of the exonym Ikwerre has more or less supplanted it. Consequently, I use Ikwerre to refer to this ethnic group throughout.

3.1.2 *First encounters: the Ikwerre and the British*

Two years after introducing 'government' under threat of violence to the Okrika, the British entered the hinterland inhabited by the Ikwerre. This British expedition consisted of 135 troops (equipped with a seven pounder and a Maxim gun) led by three officers and a Political Officer. Their purpose was to establish Native Courts and thereby bring 'government' to the dry uplands to the north of Okrika, and to suppress the activities of a man called Wagu, who, according to reports from Okrika merchants, had been hindering trade by imposing tolls from his base in the village of Rumuokoroshi.

The expeditionary force landed at Woji on the mainland to the north of Okrika Island. After Wagu refused to negotiate, the British forces attacked Rumuokoroshi on 23 April 1898. It is possible that the inhabitants of the village may have suspected an attack, as when the troops arrived they discovered stockades and trenches. The expeditionary force destroyed these fortifications and the village they were meant to protect, but due to their low stock of ammunition (owing to the flight of their Okrika porters) retreated to Woji. From there they then travelled to Degema by water to rearm, and to send for reinforcements, so that 'Wagu's punishment' could properly be carried out.

As the Political Officer had been wounded in the attack on Rumuokoroshi, he was replaced by A. B. Harcourt, who was responsible for establishing the Native Court in Okrika two years earlier; he travelled from Bonny with reinforcements. Replenished, the British landed at Woji on 19 May and advanced the next morning to the Ikwerre village of Rumuibekwe situated near to Wagu's headquarters at Rumuokoroshi. The report of the attack, communicated by Henry Gallwey, the Vice-Consul, to the Foreign Office, is sinisterly laconic:

> I do not consider it necessary to go into full details of the manner in which my orders were carried out but I would mention that by the evening of the 24th May the punishment inflicted on Wagu was most severe and complete. The town and surrounding farms of Omokoroshi [Rumuokoroshi] were

[1] NAE: DEGDIST 7/5/2, Niger Coast Protectorate Intelligence Book (c. 1899).
[2] The name 'Ikwarri' also appears as one of the Igbo 'sub-tribes' marked on the 1910 map on p. 10 above.

> devastated, the homes all being raised to the ground and palm and plantation trees cut down.

When Gallwey's report speaks of Wagu's punishment he really means the killing of the local population and the destruction of their property; the report goes on to say that 'unfortunately chief Wagu himself escaped', adding that 'the fact his town has been destroyed is quite sufficient to break his Ju-Ju, and he is now no more than an outcast in the forest.' Gallwey notes that the expeditionary force was accompanied by a contingent from Okrika and that they 'made up for the cowardice their porters had shown in the earlier attack, wholeheartedly involving themselves in the attack and ensuing plunder'.

Disturbingly, Gallwey wrote 'as usual in bush warfare, unless the enemy themselves volunteer a statement of their losses, it is impossible to calculate what these losses are,' and, as if adopting a remorseful tone excuses the expedition's actions, concludes by noting that 'I fully recognise that the burning of towns and destroying foodstuffs is a very unsatisfactory manner of carrying out punishment and yet it is really the only way that severe punishment can be inflicted.'[3] On 12 July, representatives of Rumuokoroshi tendered their formal submission to Harcourt, the Political Officer, promising to 'comply with all Government demands in future' and a Native Court was duly established.[4]

I have recounted this episode, which is usually considered a footnote in the history of imperialism in West Africa, in full because it was the first proper encounter between the Ikwerre and the *gbèké*, 'the Whiteman'. Given the extraordinary violence of this encounter, it is not surprising that the Ikwerre treated the British with such suspicion when they came to purchase their land in 1913.

I also mentioned the name of the Political Officer, A. B. Harcourt, because he later played a role in the establishment of the city of Port Harcourt which, by coincidence, would bear his name. The city was in fact named for Lewis Vernon Harcourt, the then Secretary of State for the Colonies. When I was collecting oral histories relating to the foundation of Port Harcourt, Ikwerre and Okrika interlocutors often mentioned a Mr Harcourt and said that their forebears had met him. I knew that Lewis Vernon Harcourt never visited Nigeria and so I (wrongly) put this down to a tendency to personify historical events. Only when I later came across A. B. Harcourt in archival records did I realize that these accounts of meeting a Mr Harcourt were true.[5]

[3] NAE: DESPATCHES 1896/92(148), Henry Gallwey to Foreign Office (1898).
[4] NAE: DESPATCHES 1898/116/199(41), Henry Gallwey to Foreign Office (1898).
[5] A. B. Harcourt was Algernon Bernard Harcourt, sixth son of George Simon Harcourt MP and a distant cousin of Lewis, Viscount Harcourt, both descending from Sir Philip Harcourt of Stanton Harcourt (d. 1688).

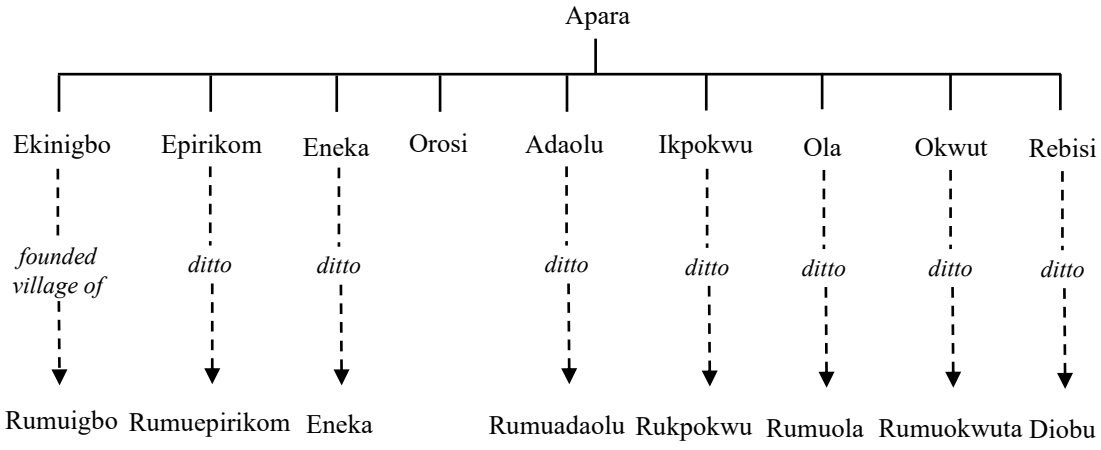
3.2 *Apara village group*

Rumuokoroshi, the site of the first Ikwerre Native Court, was part of Obio,[6] a group of villages known in Ikwerre as a *m̀bàm*. Colonial records do not use this Ikwerre term and identify *m̀bàm* as 'clans'.

Obio village group is split into two sections: Evo and Apara. Obio is conceived by the Ikwerre not just as a village group, but as the common ancestor of all the Ikwerre that dwell there. Evo and Apara are understood as the two sons of Obio.

Evo and Apara constitute their own village groups under the broader Obio group. Apara, the second son of Obio, is said to have been a great hunter, while Evo, the first son, was a farmer. The death of a relative (in some accounts their father, in others, their mother) while Apara was away hunting precipitated a conflict between the brothers. Evo accused his brother of neglecting his filial duties and complained that he had to perform the onerous burial rites alone. Apara accused his brother of seizing all of his inheritance while he was absent.[7] The outcome of the dispute was that Apara left his original home and moved a few miles to the west where he and his family settled.

Apara is understood to have had nine children: Ekinigbo, Epirikom, Eneka, Orosi, Adaolu, Ikpokwu, Ola, Okwuta and Rebisi. Eight of Apara's nine children established their own eponymous village. These villages bear the prefix *rụ́mụ̀*, 'descendants of':



Observe that Orosi did not found the village of Rumuorosi. The descendants of Orosi call themselves Rumuorosi, but there is no village of that name. Demographic decline meant that by 1930 there were only seven adult members of Rumuorosi, too few to form their own recognisable village.[8] Their numbers have since increased but not enough to form their own discrete village. The current descendants of Orosi

[6] Obia in early records.
[7] Cf. C. Akani, *Okwuta* (2022), 4-5.
[8] NAE: AHODIST 9/3/4, Intelligence Report on the Obio Clan (1930).

dwell in the southwestern part of Rumuigbo village along with another group called Rumuomoi who, like Rumuorosi, are not descendants of Ekinigbo.[9]

3.2.1 *The first son and the first village*

Ikwerre afford special status to the first son who is believed to assume the role of their father when he dies. Ekinigbo is the first son of Apara and, consequently, Rumuigbo has precedence over all the other Apara villages.

Each village is made up of lineages who trace their descent from the children of the village's founder—in this case, one of the children of Apara. Within a village, the lineage established by the first son of the founder is the most important, and it is from this premier lineage that the head of the village is selected. The head of Rumuigbo is a descendant of the first son of Ekinigbo, the head of Rumuepirikom is a descendant of the first son of Epirikom, and so on. Village heads usually bear the title *nyénwé ẹ̀lị̀*, 'person that owns the land'. Originally this office was a priestly one, however, nowadays the office, at least as it exists among the villages of Obio, is predominately political, its priestly functions being delegated to another individual.

Membership of a village and one of its lineages is transmitted in the male line. Ikwerre lineages, and villages, are therefore patrilineages. All the founders of the villages are normally considered to be sons of Apara. However, not all of Apara's children were actually sons. Rumuadaolu trace their descent from a daughter of Apara. The clue is in the name of their ancestor—*àdná*, the first part of Adaolu's name, means 'first daughter'. This does not break the rule of patrilineal descent—the Ikwerre practice a rite whereby a daughter is turned into a son such that her own children may claim any inheritance or rights which would ordinarily only pass through the male line.[10] Rumuadalou acknowledge the female identity of their ancestress, yet they nevertheless count themselves among the 'sons' of Apara.

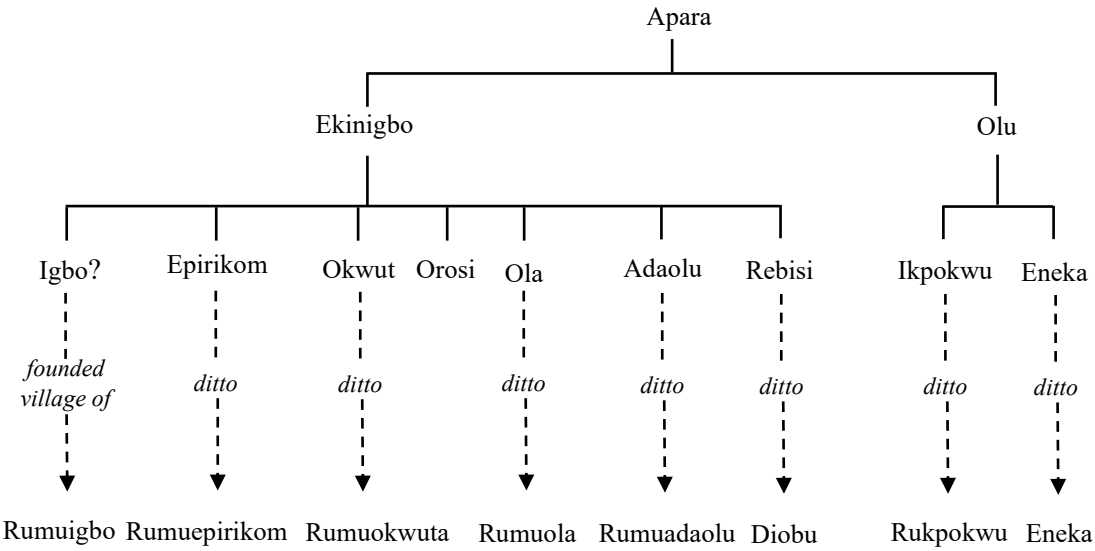
Not all Ikwerre inhabitants of villages are descendants of the settlement's founder. Most villages have several lineages established by strangers. Whether these strangers were originally Ikwerre from a different village, or from a different ethnic group entirely, their descendants have been incorporated by their hosts. These stranger lineages are usually considered descendants (*rụ́mụ̀*) of whomever first gave them sanctuary and incorporated them. Consequently, it is oftentimes difficult to distinguish those lineages in villages actually descended from the children of the founder, from those descended from incorporated strangers.

The inhabitants of villages have a keen knowledge of which lineages can claim actual descent and which cannot, but decorum prevents this knowledge being publicly shared. Knowledge of who is and who is not a stranger is supressed most of the time, due to the fact that those descended from strangers do not enjoy equal status, and is only revealed publicly in certain disputes (usually those relating to land rights).

[9] Rumuomoi claim to be the descendants of warriors from Isiokpo; see §3.4 below.
[10] See §5.4 below.

3.2.2 *Structural amnesia*

It must be borne in mind that genealogical relationships between villages can change. The members of the villages of Apara I spoke with all affirmed that the villages were established by the children of Apara. However, a tradition recorded c.1930 makes the founders of the villages Apara's grandchildren.[11] According to this older tradition, Apara had two children: Ekinigbo and Olu. Ekinigbo had seven children and Olu two:



While I never heard this account, it is still the case that Ikpokwu and Eneka, the villages founded by Olu's children are collectively referred to as Rumuolu.[12] This earlier tradition also makes sense geographically—Ikpoku and Eneka are distant from the rest of the Apara villages (see map on p. 75 above).

3.3 *Diobu village group*

Understanding the genealogies of villages and village groups is essential to understand how land rights are shared. Every village and village group, and every patrilineage within them, practice a logic of sharing. To understand these logics it is necessary to not only know the genealogy, but to know the order of precedence, which is determined by order of birth (or adoption). Let us examine the logic of Diobu village group as an example.

Rebisi, the youngest of Apara's children, founded Diobu, whose population received the second largest part of the purchase price under the terms of the 1913 Agreement after the Okrika. Diobu is the nucleus of the city of Port Harcourt. Why this community should bear this name which does not follow the general pattern is

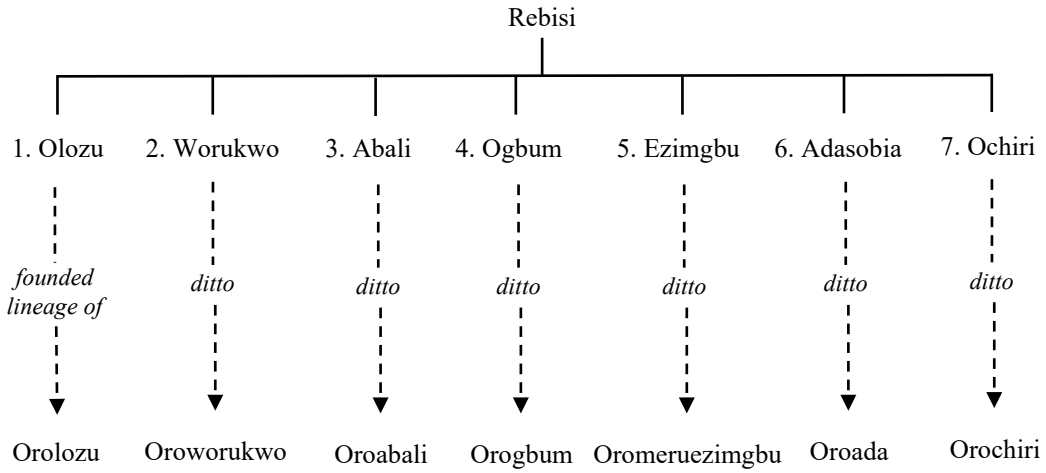
[11] NAE: AHODIST 9/3/4.
[12] *Ọ̀lụ́* means 'younger son'.

unclear, its origin and meaning being uncertain. The Ikwerre inhabitants of Diobu refer to themselves as Rebisi or Rumurebisi, however the toponym Diobu is more common.

In the past Diobu was sometimes referred to as a sprawling village. Today it has grown to the status of a *mbàm*, a village group. In fact, Diobu is as large as the rest of Apara. Following genealogical logic, all village groups began as villages. In the case of Diobu, this splitting into several villages seems to have occurred prior to the arrival of the British and the construction of Port Harcourt. The children of Rebisi, rather than remaining in the settlement of their father, branched out and established their own villages. Consequently, Diobu (i.e. Rumurebisi), occupies a territory as large as the rest of Apara. Diobu's geographical and demographic size, which is equal to, if not greater than Apara, has given its inhabitants a separatist streak. Diobu is genealogically the child of Apara, but structurally equivalent to a sibling of Apara.

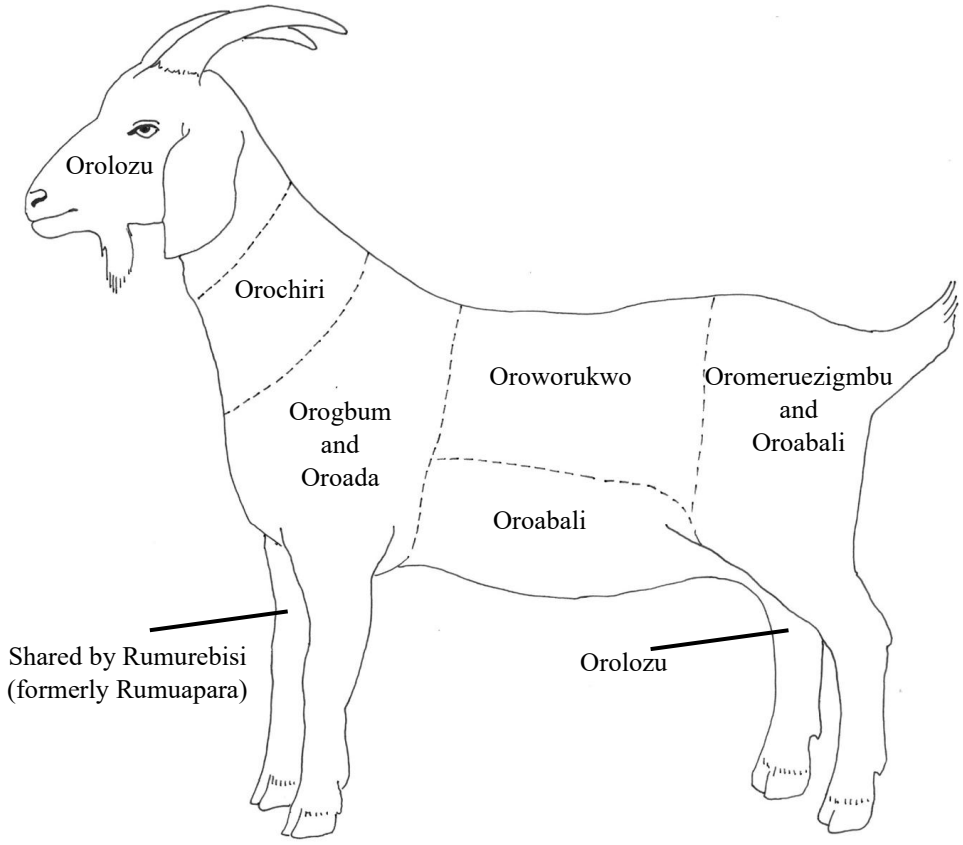
The separatist streak of Diobu is also explained by their history. According to the accounts told to me by his current descendants, Rebisi inspired jealously in his siblings and this jealousy eventually grew so great that they conspired to kill him. Fortunately, one of Rebisi's wives discovered the plot and informed her husband, so he gathered his family and fled south. This relocation resulted in his children settling a very large tract of land.

Rebisi, by several wives, had seven children whose descendants make up Diobu (Rumurebisi):



While descendants of Rebisi acknowledge their kinship with the villages of Apara, their plot against his life has meant that their association disintegrated. By custom, when a goat is sacrificed, the right foreleg should be given to one's elders—accordingly, when a goat is sacrificed in Diobu the leg should go to the descendants of Apara (Rumuapara). However, owing to the attempted murder, when something

is sacrificed the portion due to Rumuapara is instead shared amongst the descendants of all the children of Rebisi:[13]



As the first lineage, Orolozu takes the first share: the right hindleg; the second share, the back, is taken by Oroworukwo; the next share, half of the left hindleg is taken by Oroabali; and so forth. Some of the shares are symbolic: Orochiri takes the neck (the thing which supports the head) because Ochiri the was said to have been Rebisi's principal supporter; Ochiri is admitted not to actually be Rebisi's son but an adult stranger whom Rebisi met when he fled south and whom he later adopted. Orolozu, as the descendants of Rebisi's first son and therefore representatives of Rebisi, take an additional share and one indicative of their position: the head.

This logic of sharing applies not just to sacrificed goats but to any sharable entity, including government subsidies, monetary gifts and land rights. Every village group has a similar logic of sharing. These sharing logics are reproduced at smaller scales, and each system looks to genealogy.

[13] Diobu's separate identity has been cemented by contemporary political arrangements. Diobu is part of Port Harcourt LGA and the villages of Apara belong to Obio-Akpor LGA. In fact, administrative separation between Diobu and Apara goes back further: most of Diobu was under the authority of Port Harcourt township, while the other Apara villages (and the outlying parts of Diobu) were under Ahoada District.

3.3.1 *Toponyms and ethnonyms*

The collective names for the descendants of children of Rebisi are formed by prefixing the word *óròˋ*, 'house', to the name of their progenitor. For instance, Oroworukwo is 'house of Woruwko'. Observe that on the genealogical diagram displaying Rebisi's sons I have not indicated, as on previous diagrams of this kind, that these sons established eponymous villages. This is because not all his children's descendants constitute recognisable villages that exist today.

Among the Ikwerre there is no real distinction between ethnonyms and toponyms. A village, or a section of a village, bears the name of the group of people that dwell there. Occasionally such a group may abandon their site of habitation and scatter, becoming assimilated into other neighbourhoods and villages. On these occasions, the toponym disappears but the ethnonym endures.

Ideally, all of the sons of Rebisi would establish a village. However, owing to the vagaries of history, this did not occur. Today only Oroworukwo, Oroabali, Orogbum and Oromeruezigmbu are readily identifiable places, although the descendants of Ogbum and Abali dwell so close together they have merged into one village called Ogbunabali, a syncopation of the phrase *Ogbum nụ̀* ('and') *Abali*.

There are, however, areas associated with descendants of the other children of Rebisi. For instance there is a neighbourhood in Diobu called Rumukalagbor—Kalagbor being the second son of Ochiri. There is also an area in the heart of Diobu, adjacent to busy the Aba Road, which is associated with Orolozu, at the centre of which lies the shrine to the goddess of the earth for all Diobu, whose custodian is always a member of Orolozu, by virtue of Olozu being Rebisi's first son. But to ask a taxi driver, even if they are Ikwerre, to take one to Orolozu or Orochiri village will be met with confusion—these names now refer only to lineages.

Much of the territory claimed by the descendants of Rebisi is known to the inhabitants of Port Harcourt simply as Diobu. Different areas within Diobu are distinguished from one another by prefixing or suffixing the closest mile post.

However, the Diobu people themselves have more precise toponyms. Nkpolu Oroworukwo village is coterminous with Mile 3 Diobu. This village was said to have been established by some of the descendants of Worukwo as a kind of garrison or outpost, separate from Oroworuwko village proper, in order to prevent incursions by neighbouring peoples. I was told that when Rebisi and his descendants separated from the other children of Apara and moved south, the area was already occupied by several Ikwerre villages. The descendants of Rebisi fought with these villages and ultimately conquered them, acquiring their lands and establishing garrison settlements at the borders of Diobu territory to repel future incursions.

While there is no trace of these earlier villages today, most curiously, the descendants of the inhabitants of these eradicated villages remain—the survivors were incorporated into Diobu villages and some of the neighbouring Apara villages. On many occasions I tried to meet the current representatives of the earlier inhabitants of the territory, but was rebuffed every time. I was usually told that such

a meeting was impossible because it would threaten village harmony. All I was able to ascertain was that most of the descendants of these earlier inhabitants are now putative members of Oroabali and Oroworukwo, with other small contingents elsewhere in Apara (one of the segments of a lineage within Rumuokwuta claim descent from these earlier inhabitants, for instance).

Elekahia and Nkporgu, two other villages which form a part of contemporary Diobu, were also originally frontier outposts. Whereas Nkpolu Oroworukwo guards the northwestern frontier of Diobu territory, Elekahia and Nkpogu guard the northeastern frontier. These settlements were established after chasing out the original inhabitants, who were said to be called Rumuezo and Rumuchineke. Both Elekahia and Nkporgu are separated from the rest of Diobu by the Waja Creek which is traditionally said to mark the boundary between Evo and Apara.[14] The inhabitants of these two frontier villages belong to Orolozu, Oroada and Orochiri lineages.

One of the villages of Diobu was demolished preceding the construction of Port Harcourt. The inhabitants of the area that became the Township were members of Oroabali and Orogbum. This can be deduced from the fact that only members of these two lineages were signatories to the 1913 Agreement and the annuity of £500 paid to Diobu under the terms of 1928 Agreement was only distributed among Orabali and Orogbum, not Diobu as a whole.[15]

3.3.2 *Village to village group*

The transformation of Diobu from a village into a village group seems to have been helped by the establishment of Port Harcourt. The demographic and geographical growth necessary for this transformation was not, however, as a direct consequence of its foundation. Expansion can be discerned prior to 1913.

The first mention of Diobu I was able to discover in the colonial records dates to 1912 when it is described as a 'large town' with a population of about 3,000.[16] If this estimate is even roughly accurate, it would have made Diobu one of the largest of villages in all Obio. Another piece of evidence, which is more reliable, is that Diobu occupied the largest territory of all the Apara villages.[17] The traditional history, which has Rebisi fleeing from his murderous siblings to settle new territory, makes the emergence of Diobu as its own *m̀bàm* seem inevitable. While it is entirely possible that this account is of recent vintage, made to validate Diobu's independence from Apara, I believe there is truth in it. A remarkably similar story

[14] Disputes between Apara and Evo were formerly settled by swearing oaths at one of the shrines situated near these villages; NAE: AHODIST 9/3/4.
[15] NAE: AHODIST 13/28/23 Ofo Kpaluku Osu of Oroabali, Diobu, petition from (1932); AHODIST 14/1/599, Obia Native Court, petitions to D.O. (1938-1944); AHODIST 14/1/594, Payment of Diobu rent, Port Harcourt land (1936).
[16] NAE: DEGDIST 10/6/2, Intelligence Book: Degema Division (1907-17).
[17] Another indication of Diobu's influence is in a list of the warrant chiefs of Rumuokoroshi Native Court in 1913; of the seventeen warrant chiefs, three were from Diobu, the largest number from any one village; NAE: RIVPROF 3/7/32, Principal Chiefs: Degema District (1913). One of these Diobu chiefs was a representative of the Aro living there; see Appendix 3.

is told by Rumuolumeni, the youngest village in Akpor village group: Olumeni, from whom the villagers claim descent, fled from his fellow siblings and settled an expansive territory to the south closer to the creeks.[18] Rumuolumeni, despite being the youngest village of Akpor has grown to be the largest in terms of population and size. Like Diobu, Rumuolumeni's ample surrounding territory has permitted demographic and spatial growth, something not available to the cluster of villages that constitute the rest of Akpor group.

The structural growth of Diobu, from village to village group, has much to do with the establishment of Port Harcourt, but its foundations appear to have been laid before 1913.

Nonetheless, the fact Diobu only has a single shrine to the goddess of the land testifies to the recentness of the transformation from village to village group. Ideally, all Ikwerre villages possess such a shrine. As discussed, Ikwerre villages are patrilineages, which is why most Ikwerre village names are prefixed with the word *rụ́mụ̀.* Some patrilineages do not, however, exist as villages: their populations are too small, or too dispersed, to constitute discrete and identifiable places. Other Ikwerre villages are an amalgam of different lineages. Therefore, the Ikwerre village cannot merely be defined as a large patrilineage dwelling together. An alternative is to conceive of the ideal Ikwerre village as a discrete settlement that possesses a shrine to the goddess of the land. All the Ikwerre villages of Obio and Akpor have, or once had,[19] such shrines and the head of a village is the priest of the land.[20] The deviation from the ideal (i.e. that each village should have a land shrine) suggests that the status of Diobu as a *m̀bàm* is recent.

3.4 *Rumueme village*

In some cases, it is necessary to consider how genealogical relationships have been severed to make sense of present relations. Rumueme village is situated on the western side of Diobu's northern boundary. The village has a reputation as being the most belligerent and litigious of the Ikwerre villages in Port Harcourt with regard to land rights.

Rumueme belongs neither to Diobu nor Apara, although in the past it was associated with Apara and shared a close relationship with its near neighbour, Rumuepirikom. Rumueme claim to be descended from warriors from Isiokpo, an Ikwerre village thirty miles to the north of Port Harcourt. These warriors are said to have settled in the region after they were invited by one of Epirikom's sons to help in a conflict he was having with some of the other Apara villages. The warriors of Isiokpo heeded the call for aid because Epirikom's son's wife was from Isiokpo.

The warriors brought their families and settled on land next to Rumuepirikom. They went on to help Apara and Diobu in further wars against the earlier inhabitants of the land. Some lineages in present day Rumueme trace their

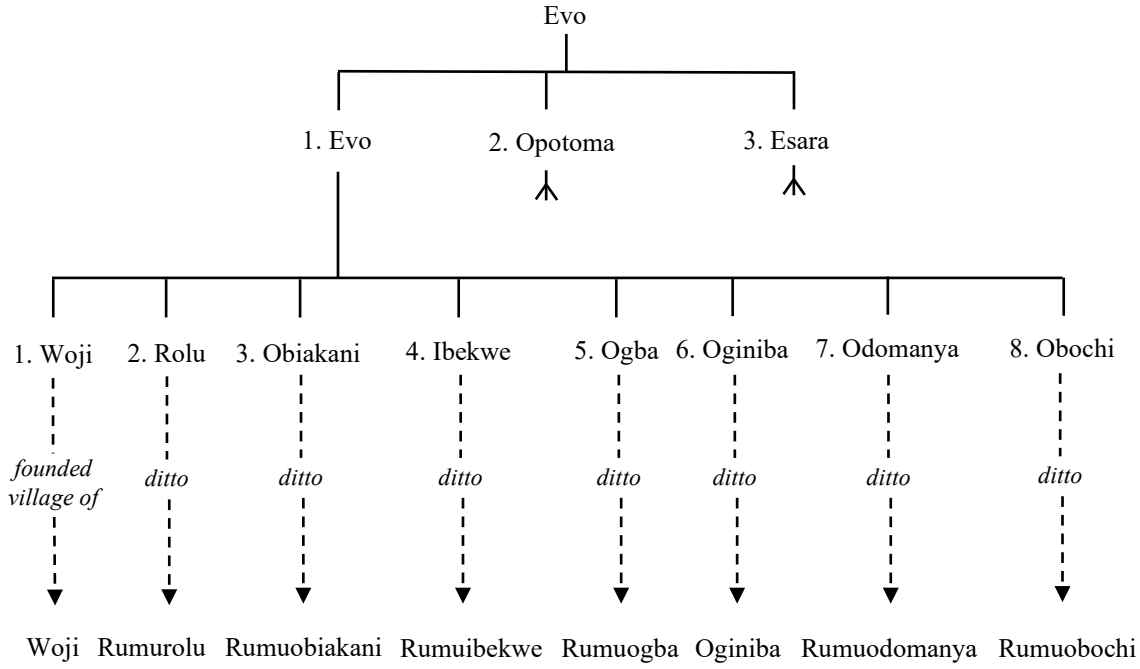
[18] See §3.7 below.
[19] Some of the villages of Obio have destroyed their land shrines; in Akpor they remain intact.
[20] I discuss these shrines and the goddess of the land in detail in the next chapter.

descent from these conquered earlier inhabitants. Another group of warriors from Isiokpo settled in Rumuigbo and go by the name Rumuomoi.

In the 1950s Rumueme began to assert its autonomy. Before then, the village had been considered an adjunct of its close neighbour, Rumuepirikom.[21] Even though the inhabitants of Rumueme were not actual descendants of Apara, they were considered a part of Rumuapara and permitted to attend the assemblies of the *m̀bàm*. Today Rumueme has eclipsed its neighbouring village and former host in wealth, size and extent. Rumueme's strong headed attitude is perhaps necessary given that it has repudiated kinship with all neighbouring villages and, therefore, has no allies.

3.5 *Evo village group*

The structure of Evo is more complex than Apara. Evo, the man, had three sons: Evo the younger, Opotoma and Esara. The three sons correspond with three lesser village groups: Oroevo, Oropotoma, Oroesara. Oroevo is the most senior of the three village groups and is composed of villages established by the sons of Evo the younger:



The inhabitants of Woji, the senior village in all of Evo, are the descendants of Woji, the first son of Evo the younger, eldest son of Evo the elder. Because of this genealogical primacy, meetings which concern all of Evo (i.e. Oroevo, Oropotoma

[21] When population figures were taken of the Apara villages in 1929 the figure for Rumueme was grouped with Rumuepirikom indicating this close relationship.

and Oroesara) take place in Woji. Its seniority is also the reason it was chosen as the site of the new Obio Native Court in 1930 after the original court in Rumuokoroshi was dissolved following the Women's War of 1929.[22]

3.5.1 *Oropotoma*

Among the Ikwerre, genealogical relations determine rights to land. However, these genealogical relations are never fixed. The case of Oropotoma, the smallest of the three lesser village groups that make up Evo, is exemplary.

Oropotoma is made up of two large villages: Rumuomasi and Elelenwo. It is not possible to confidently state how many children Opotoma had due to a long running dispute between different factions within Oropotoma. One faction, which calls itself the 'Council of Traditional Rulers and Chiefs of Oropotoma', is led by the lineage called Rumuolokwu. They contend that Olokwu, from whom Rumuolokwu descend, is the first son of Opotoma and, consequently, the headship of Oropotoma is the prerogative of Rumuolokwu. Furthermore, they state that the proper name of the senior village in Oropotoma is Rumuolokwu and not Rumuomasi.

The other faction, who currently call themselves the 'Direct Descendants of Oropotoma', repudiate this. They affirm that Omasi is the first son of Opotoma and that the senior village and lineage is Rumuomasi, alleging that the opposing faction are in fact strangers, being descended from a rainmaker from Ogbogoro, a village in Akpor group.

The two factions have been litigating against each other since the 1970s and continue to publish a stream of invective in the local newspapers. In the 1980s the government launched an inquiry but it failed to resolve the conflict. The authorities have switched from affording recognition to one faction to the other several times.

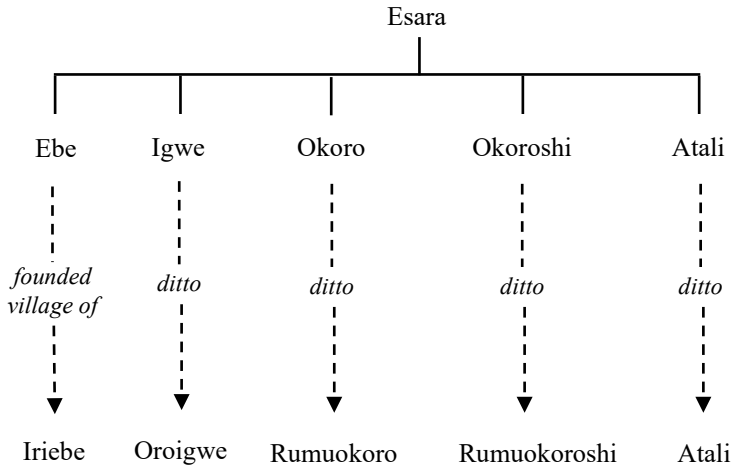
The influence of the two factions seems to ebb and flow. When the 1913 Agreement was drawn up, the senior village in this group was identified as Rumuomasi. However, the 1930 'Obio Intelligence Report' names the village as Rumuolokwu and records that Olokwu was the first son of Opotoma.[23] Whatever the actual genealogical facts may be, at present, Rumuomasi and Elelenwo are the widely recognized toponyms for the two villages of Oropotoma.

3.5.2 *Oroesara*

In the past, disputes between villages and lineages were occasionally resolved by movement: a lineage would leave its village and settle elsewhere, or if the dispute were between villages, an entire village would relocate. On occasions such as these, the former dwelling location is never forgotten and rights in the old land are never truly relinquished. Oroesara, the third lesser village group in Evo, demonstrates this. It also illustrates how the spread of the city has frozen Ikwerre villages and lineages, in that movement is now impossible, a fact which worsens conflicts.

[22] On this conflict generally, see T. Falola and A. Paddock, *The Women's War* (2011).
[23] NAE: AHODIST 9/3/4.

Esara, the third son of Evo is said to have had five children, Ebe, Igwe, Okoro, Okoroshi and Atali, each of whom founded a village which forms part of the Oroesara village group:



Iriebe and Rumuokoroshi claim to be the senior village, both alleging that their ancestor was the first son of Esara. Iriebe is, however, considerably smaller than Rumuokoroshi. In 1948 there were only five adult male descendants of Ebe. The reason for their diminutive size seems to have been a war which was fought between Iriebe and Rumuokoroshi sometime before the arrival of the British at the end of the nineteenth century; Iriebe lost and, driven from their home, fled east to settle close to the Imo River beyond Oyigbo. Due to the insanitary conditions of their settlement, in around 1916 they moved to land to the east of Elelenwo where they remain today, having grown into a village of some size.[24]

Rumuokoroshi is the largest of Oroesara's villages. It is not a single nucleated settlement but two. The first and smaller is called Okporo (*ókpōrò*, 'old settlement') and is known as the original site of Okoroshi's dwelling. Nowadays it is principally known as the host of the Shell Residential Area, four hundred or so acres where Shell employees live behind huge walls, isolated from the squalor and insecurity of the metropolis (see Plate 29). The second and more populous area is called Nvuike (*nvúíkē*, 'new area') and was where the Native Court which oversaw all of Obio was located.

Rumuokoroshi is not unusual in having an older site. Whether deserted or still partly occupied, the inhabitants of a village usually maintain some proprietary interest in the former site (or sites) on which their ancestors dwelt. These old settlements are called *ókpōrò* and are the cause of much litigation.

Before the city grew, the area was sparsely populated, which permitted villages to move about the landscape. When the inhabitants of a village upped sticks, they carried the name of their village with them—recall that Ikwerre toponyms are also ethnonyms. The location of former settlements were remembered and would usually become a part of the village's farmland.

[24] NAE: AHODIST 14/1/71, Obia Native Court, petitions to D.O. (1946-48).

The same phenomenon occurs on a smaller scale. Lineages within a village can move location within a village and yet maintain rights in their former site. Some lineages move to an entirely new village without forsaking all their rights in their original village. Many times I learnt that one of the patrilineages dwelling in a particular village were in fact originally members of another village. In such cases, a lineage will be treated as strangers—they will enjoy many rights in the village, such as land use, sending their elders to the village council (*òhnà*) and be entitled to a share of anything that comes to the village as a whole. However, in common with all stranger-lineages, some rights will be denied, most significantly the right to be head of the village and to worship the village's land deity. But unlike stranger-lineages descended from slaves or different ethnic groups, those lineages which trace their descent to neighbouring Ikwerre villages should be considered as quasi-strangers because they keep rights in their original village.

In most cases, one of the village lineages will be considered the host of quasi-stranger lineage. The host lineage is usually the lineage which granted land to the incomers. This host-guest relationship is periodically reaffirmed, particularly when the guests overreach themselves in terms of land rights: their hosts will remind them that they were the original grantees and that the grant was not absolute and that they retain the right to take it back. Intra-village land disputes often occur between such hosts and guests.

For example, members of Rumukpakani, one of the lineages of Rumuokoroshi, fled their original site and settled with another lineage in Rumuokoroshi after one of their number committed murder. Their hosts, Rumudara, granted them some lands to farm and settle. However when Shell BP arrived in 1960 and sought to lease land in the area in which Rumukpakani had formerly dwelt, current members of Rumukpakani dwelling in Rumudara returned to their original settlement to assert their proprietary rights with a view to collect rent from Shell BP. After Rumukpakani returned to its earlier home, members of Rumudara entered the land they had granted to the former several generations ago. Therein ensued the dispute: Rumukpakani sued Rumudara for trespass and sought a declaration of title to the land which they had long inhabited, arguing that the land in question had been absolutely granted to them. Members of Rumudara told the court of how Rumukpakani had been granted refuge following their ancestor's crime and how a conditional grant of land had been made, which could be revoked at will.[25]

3.6 *The pattern of settlement*

The ideal pattern of settlement holds that a village group's apical ancestor settled in an open region and subsequently their sons spread out, each establishing eponymous villages whose current inhabitants are made up of their descendants. The headship of the village is the right of the descendants of the first son and the

[25] PHC: P/104/1963, *Amadi v Nwagwuagwu* (1963).

headship of the village group is the right of a descendant of the first son of the first son of the group's apical ancestor.

However, the movement of villages, intra-lineage conflict and the presence of earlier settlements mean that this ideal is rarely actualised. Deviation from the ideal is most apparent in Diobu, whose villages have been subject not just to the usual vicissitudes, but to the consequences of being the nucleus of Port Harcourt. Although an Ikwerre village is principally a descent group that dwells together, in Diobu the majority of the descendants of Rebisi, the village group's apical ancestor, are scattered and have ceased to exist as places.

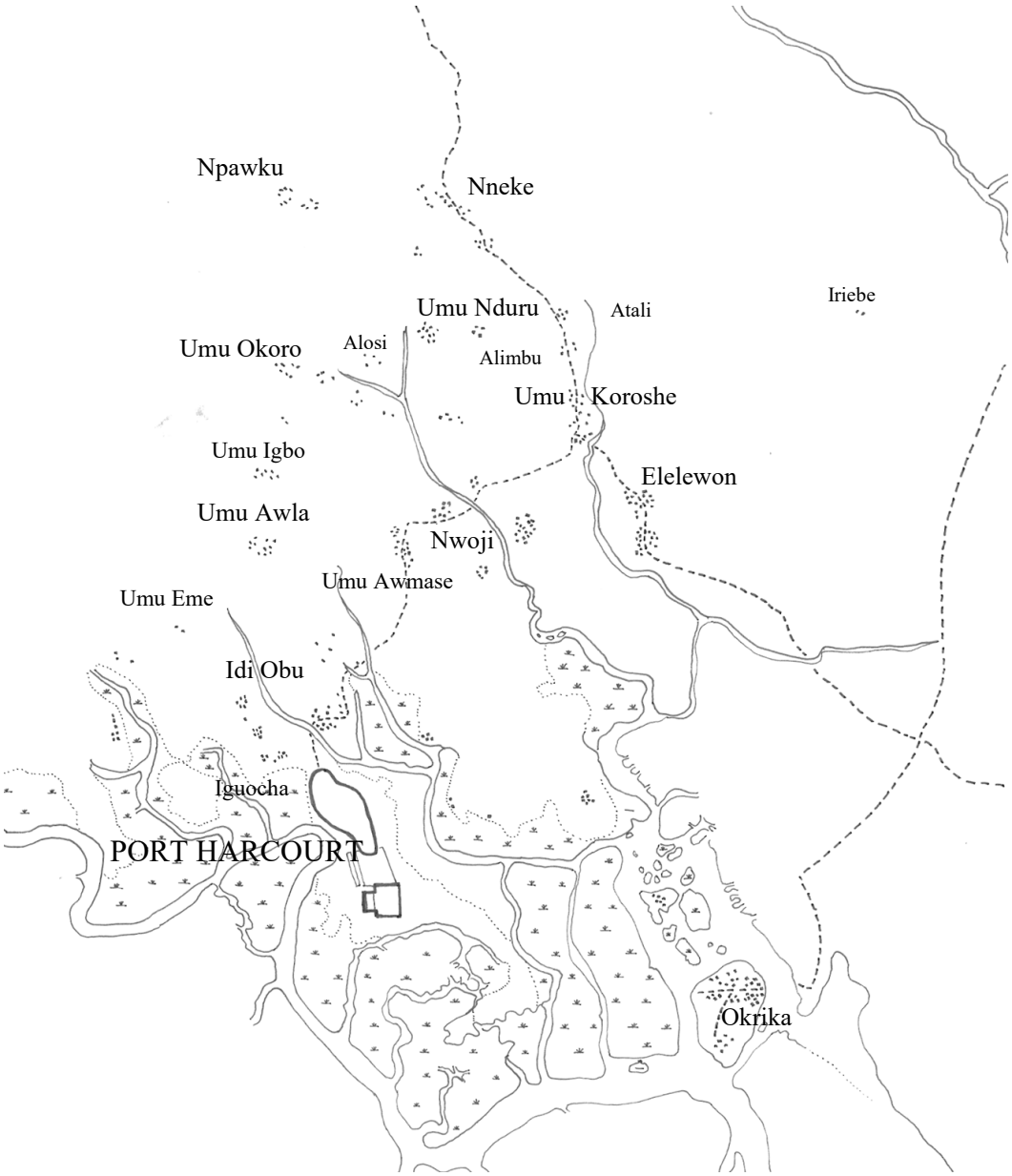
This is why I felt a great deal of confusion when Ikwerre informants referred to lineages as places even when they do not exist as identifiable places. I eventually learnt of the tendency to blur ethnic and spatial expressions.[26] A group of descendants (*rụ́mụ̀*) usually dwell together and give their name to the place in which they do so. Confusion arises when genealogical and spatial proximity diverge (as in the case of Diobu). Of course, this is not a unique tendency—the English word 'house', like the Ikwerre word *óròˋ*, refers to both a family and a place. Yet, the phenomenon of semantic overlap between spatial and genealogical terms is more acute among the Ikwerre.[27] Without firsthand knowledge of the Ikwerre regions Port Harcourt, it is very difficult to ascertain by testimony alone whether the villages and houses are physical entities or simply descent groups.

3.4.1 *The Ikwerre villages of Obio in 1915*

Below is a detail of a map from 1915 showing the Ikwerre villages of Obio which surrounded Port Harcourt at the time:

[26] Cf. E. W. Ardener 'Lineage and Locality', *Africa*, 29, 2 (1959).

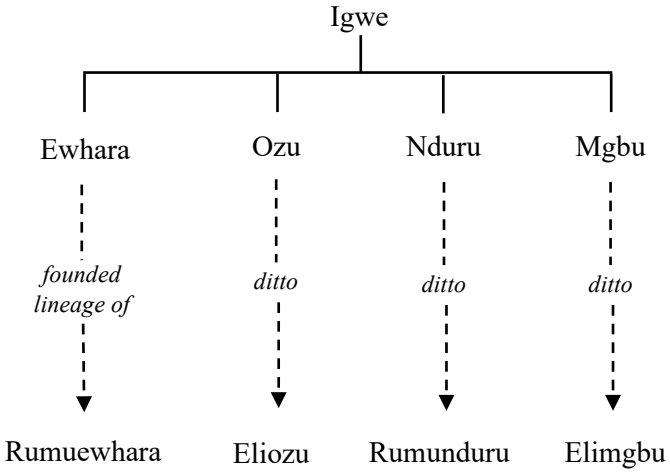
[27] This tendency is even present when the Ikwerre speak English or Pidgin: when asking about genealogical relations one is commonly met with spatial terms ('villages', 'compounds', 'houses' etc.).



The map marks villages as conglomerations of huts. While certainly not accurate, the number of marks presumably indicate the approximate sizes of the villages. Observe that Diobu ('Idi Obu') is sprawling and made up of several clusters indicating that it was already on its way to become a village group.[28] The villages of Oroevo are collectively grouped under Woji ('Nwoji'). Iriebe, which sits within the Oroesara group, can be seen as a tiny settlement distant from the rest of Evo, which corresponds with their oral history. Most of the other toponyms should be familiar from the discussion above: Rumueme ('Umu Eme'), Rumuola ('Umu Awla'), Rumuigbo ('Umu Igbo'), Rumuokoro ('Umu Okoro'), Rupokwu ('Nkpawk'), Eneka ('Nneka'), Elelenwo ('Elelewon') and Atali. Some of these

[28] Curiously the Diobu villages of Nkporgu and Elekahia, on the other side of the Amadi Creek from the chief part of Diobu, are not marked on the map. Amadiama and Abuloma and some of the other smaller Okrika settlments between the two are indicated on the map despite not being named. However, the absence of Okuruama, which certainly existed by the date of the map's creation, is also not marked, suggesting the cartographer had several lacunae.

names are not familiar: ‘Alosi’, ‘Umu Nduru’ and ‘Alimbu’. These toponyms are not lost Ikwerre villages. Rather they refer to sections of Oroigwe, one of the five villages which constitutes Oroesara. These communities relate to the descendants of Igwe, the progenitor of Oroigwe. According to his descendants he was said to have four sons:

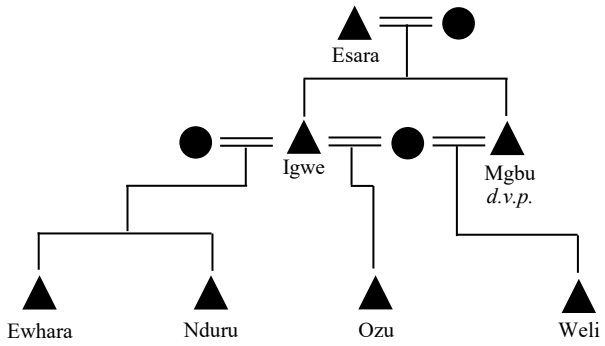


‘Alosi’ refers to Eliozu, i.e. ‘the land (*ẹ̀lị̀*) of Ozu’. ‘Umu Nduru’ is Rumunduru, i.e. ‘the descendants of Nduru’. ‘Alimbu’ is Elimgbu, i.e. ‘the land of Mgbu’. The cartographer of the map has therefore identified the lineages which constitute Oroigwe, save Rumuewhara, which was perhaps too small, as villages. We should not treat this as a mistake on the part of the cartographer. This feature of the map demonstrates the arbitrariness in distinguishing a lineage from a village. All villages are lineages, but not all lineages are villages. Usually it is the descendants of the children, or grandchildren, of the progenitor of the village group that form villages. Of course, it is entirely possible for the descendants of more junior generations to establish their own villages; just as it is equally possible that the descendants of senior generations are too few in number to constitute their own village, and necessarily dwell in the village of one of their siblings, enjoying the same topological status as the lineages established by the children of their sibling, in being wards or compounds of the village, while maintaining a higher genealogical status, as their progenitor belongs to the generation above.

In the contemporary city I found it difficult to disentangle one hierarchy from another, not least because, unlike the cartographer, I was met not with rural settlements separated from one another by stretches of bush or farmland, but continuous conurbation. The solution to my difficulties lay in how the Ikwerre understand villages as groups of related descendants: the topography of the Ikwerre parts of Port Harcourt is necessarily a genealogy.

In trying to follow how the Ikwerre connect one lineage to another, one often uncovers conflicting accounts. In this instance, some of the descendants of Mgbu, the progenitor of Elimgbu (‘Alimbu’), claim that their forebear was not a

son of Igwe, but a brother. Mgbu was the elder brother of Igwe by the same mother who was one of the wives of Esara:



As Mgbu died in the lifetime of his father, Esara, he lost his inheritance (which is why it is conventionally said Esara had five sons, not six). Mgbu's only son, Weli, was adopted by Igwe, and Mgbu's wife was inherited by Igwe such that she became the mother of Ozu, one of Igwe's sons. It was thus that descendants of Mgbu became assimilated into Oroigwe, one of the five villages of Oroesara. Some of the descendants of Mgbu's son, Weli, claim that, as the most senior lineage in Oroigwe, the headship of Oroigwe is their prerogative. Rumuewhara, the descendants of Igwe's first son, strongly contest this and say that this genealogy has been concocted by Elimgbu in an attempt to overturn their current status as the most junior lineage in Oroigwe.

It is neither possible, nor worthwhile, to try to establish the truth in such matters. What is worth knowing is that disputes over genealogical relationships are commonplace. Many versions of the past exist, with their own account of births, marriages and deaths. However, not all relationships are the subject of dispute. To dispute and doubt all relationships removes the ground on which to socially exist. Relations between living persons are (usually) beyond reproach. It is unlikely (although not impossible) to repudiate a sibling, parent, or grandparent. Most disputes over relations occur once the threshold of living memory is crossed.

Yet, there is another category of relationship, beyond this threshold, which is also seldom questioned: those ancestors of the most distant past, those whom anthropologists tend to call apical because they lie at the pinnacle of historical knowledge. Nobody questions that Obio had two sons named Evo and Apara and that the villages of Obio trace their descent from these two sons; nobody denies the existence of their apical forebear. The recent past and the distant past are therefore more similar than the intermediary and indeterminate period that connects them. Regarding the recent and distant past there is general consensus.

3.7 *Akpor village group*

Akpor, or Akpor Mgbu Tolu to give its full name, is the other Ikwerre village group over which the metropolis has spread. It gives its name to one half of Obio-Akpor LGA, whose jurisdiction, alongside Port Harcourt LGA, encompasses the contemporary metropolis. Like the majority of Obio, Akpor was formerly in Ahoada Division, but its inhabitants belonged to a different Native Court Area, doing suit at the Native Court in Choba, one of the villages in the group.[29] Besides Choba, there are nine other villages that make up Akpor: Ozuoba, Rumuokparali, Rumualogu, Rumuosi, Rumuokwachi, Alakahia, Rumuekini and Rumuolumeni.

Akpor is bordered on the south and west by the meandering New Calabar River and to the east by Apara village group and Rumueme. It is the northern edge of Akpor where the city fades from urbanity into farmland and bush. The great highway known as the East-West Road strikes a perpendicular line through the territory of Akpor, cutting through several of its villages. At the northeastern corner of Akpor, between the villages of Choba and Alakahia is the University of Port Harcourt. The large territory which the university occupies (see Plates 26-27) was confiscated by the Federal Government in 1975 without paying its previous occupiers any compensation.[30] Choba, and to a lesser extent Alakahia and Rumuekini, view themselves as hosts of the university and while they have been expelled from lands they once farmed, the university tolerates their periodic entry into the forests to tap palm wine and fish in the woodland pools.

Proximity to the university and the presence of a Customary Court (formerly the Native Court) has made Choba one of the largest and most cosmopolitan of Akpor's villages. The village is also host to several factories, including Indomie, which makes instant noodles, a staple for much of the city's population. Choba's cosmopolitan nature arguably existed before the university and the arrival of factories—its location on the river meant it has long been the site of one of the village group's chief markets to which the Kalabari would resort and there used to be a considerable permanent Kalabari population in Choba due to the trade carried out in the market.[31]

Whereas the principal trading partners of the Ikwerre of Obio are the Okrika, Akpor has always looked to the west and to the Kalabari. The largest of Akpor's villages, which rivals Choba's cosmopolitan character, is Rumuolumeni which is coterminous with the village of Iwofe, the two names being used more or less interchangeably for the same place. Iwofe (*íwọ́ fẹ́*) means 'new market' in Kalabari and the village is still host to a large market where one can buy vegetables and fish. The people of Rumuolumeni continue to maintain a close relationship with the Kalabari. When I attended the burial ceremony of the late village head (*nyénwé àlị*) of Rumuolumeni, I was intrigued by the presence of a large contingent of Kalabari chiefs at the ceremony. I was later informed that they had come to pay their respects

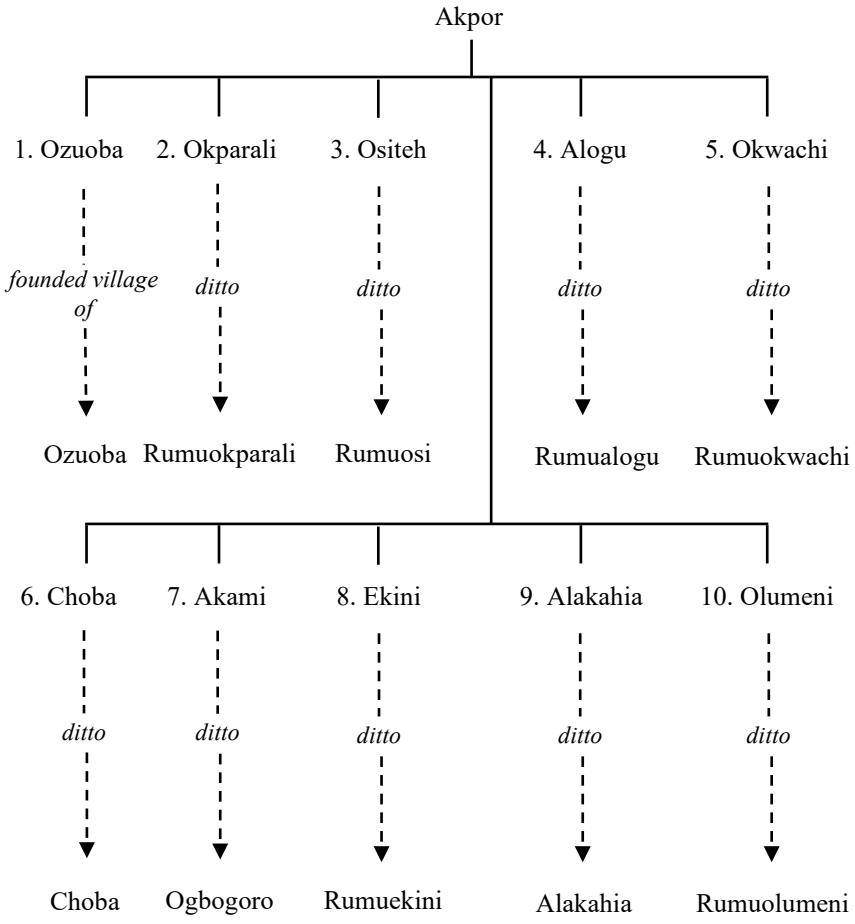
[29] Known as Isoba to the British.
[30] It was apparently fear of further confiscations without recompense that led to a spate of land sales following the university's arrival; land had almost never been sold in Akpor before.
[31] NAE: AHODIST 13/11/32, New Calabar-Isoba market dispute (1929-32).

as the village had offered sanctuary to their ancestors and that a pact was sworn not to spill one another's blood; the pact, which still subsists, is taken so seriously that mosquitoes landing on one's companion are not swatted.[32]

Like Choba, Rumuolumeni is the site of one of the city's universities (University of Ignatius Ajuru), with students from all over the state and beyond adding to the village's cosmopolitan character. There is also a naval base and several oil servicing companies on the banks of the river in the village's territory.

While Choba and Rumuolumeni are the largest and most prosperous of Akpor's villages, they occupy inferior positions in the order of seniority among all the villages in the group. Of the ten villages, Choba and Rumuolumeni occupy sixth and tenth place in the hierarchy respectively. Their ordinal positions are said to relate to the order of their birth. Yet, it is not so simple that Choba and Olumeni were the sixth and tenth of Akpor's children.

Akpor's children, and the villages their descendants established, are ranked thus:



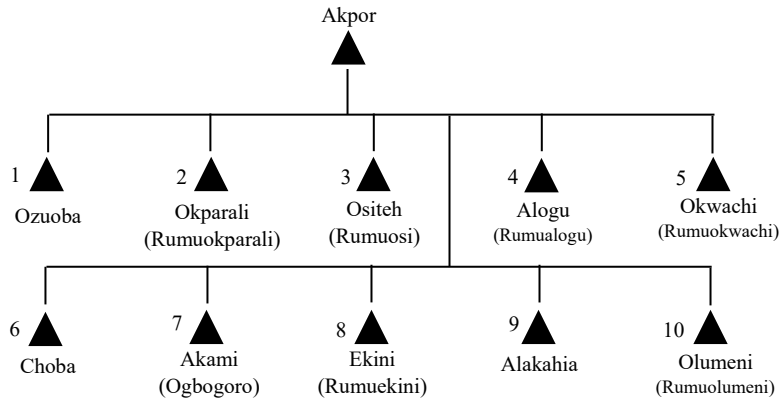
[32] There is also a family in the Kalabari village of Sama called Okpara (*ọ̀kpnàrná*, meaning 'first son' in Ikwerre) who claim to be from Rumuolumeni.

To my confusion, I learnt that this order of precedence does not equate with order of birth. I only began to grasp the complexity behind the order of precedence as I gained some familiarity with the language. What first struck me was the proper name of the *m̀bàm*, Akpor Mgbu Tolu, which means 'Akpor of the nine settlements' (*ḿgbú tólù*). The name, now routinely shortened to Akpor, was once commonplace and colonial records refer to the village group by this longer name. Yet, Akpor, as any of its inhabitants will explain, is made up of ten villages, not nine. When I asked about this discrepancy, I was told that Olumeni, conventionally described as Akpor's youngest son, was not actually his child, but his grandchild; Olumeni is actually the son of Okparali, Akpor's eldest son. After displeasing his father (in some accounts I was told he is said to have slept with one of his father's wives), Olumeni was obliged to flee his father's village. Olumeni settled to the south of the other Akpor villages and established his own settlement that grew to be larger than any of the nine villages of Akpor. At some point, Rumuolumeni was recognized as its own independent village and entitled to send its own representatives to the Akpor council. Once this occurred, Olumeni became, structurally speaking, a son of Akpor.

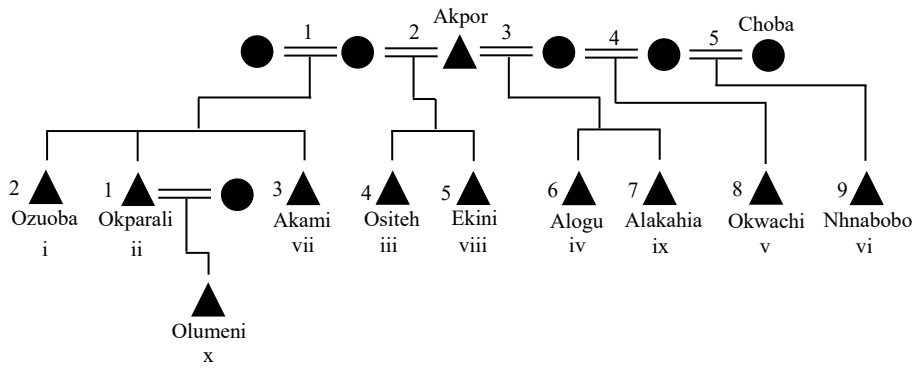
Any inhabitant of Akpor will also explain that Ozuoba is the first son (*ò̩kpnàrná*) of Akpor and that his eponymous village is the principal settlement of the group. Consequently, when all the villages gather to form a council, they meet at Ozuoba (in the same manner, when all Evo assemble, they gather at Woji, or when Apara gather, they do so at Rumuigbo). Ozuoba is also home to the head of the entire village group, *nyénwé àlị̀* Akpor ('the owner of the land of Akpor'). However, Ozuoba's primacy struck me as odd because the name of the second son of Akpor, Okparali, means 'first son of the land' (*ò̩kpnàrná àlị̀*). When I asked some Akpor elders why a second son should bear this name, I was told that Okparali was originally the first son of Akpor but owing to some misdemeanour was demoted to second place and his younger brother by the same mother, Ozuoba, was promoted to prime position.

Other facts continued to confound me. For instance, when I spoke to inhabitants of Choba about the history of their community, they would often affirm that the founder of their village was the youngest of Akpor's proper children, Olumeni excepted, being the ninth born. And yet, in order of precedence, Choba occupies the sixth position. I came across similar contradictions between alleged birth order and precedence in other Akpor villages. It was only after I became more familiar with the rules of Ikwerre inheritance and the histories of the villages that these disparities began to make sense.

The casual enquirer ascertains the following relationship between the children of Akpor and the villages they founded:



All of Akpor's children are ordinarily understood as his sons. As Ikwerre descent is agnatic, the lineages established by sons which grow into villages are really patrilineages and the village group itself is simply a large patrilineage. The names of women are rarely remembered when recounting genealogies except in the instances when daughters are turned into putative sons by a special rite.[33] But to understand the structure that accounts for the order of precedence in Akpor, it is necessary to look to the women of the patrilineage, specifically the wives of Akpor. Their names may not be remembered but their number and the relationships they engendered are:



On the diagram above, the Arabic numerals adjacent to Akpor's sons represent their order of birth and the Roman numerals represent the order of precedence of the villages they established. The Arabic numerals between Akpor and his wives represent the order of marriage. Thus, Akpor's first wife begat Okparali, Ozuoba and Akami.

Note that Akpor's fifth wife is called Choba. It was surprising, after many times hearing Choba described as one of Akpor's sons, to be told that Choba was actually the name of Akpor's youngest and favourite wife (and the only one of his wives whose name is remembered). I was told by current members of Choba village

[33] See §5.4 below.

that Choba-the-woman was abducted by Akpor and kept secluded. When her kinsmen accused Akpor of killing his wife, Choba repudiated the accusation by leaving her seclusion and showing that she had given birth to a child in her isolation. The child, from whom the inhabitants of the village of Choba descend, was named for this event—Nhnabobo roughly means 'child of accusation'.

The fact that the village of Choba occupies the sixth position in the order of precedence relates to the fact that Choba-the-woman was Akpor's fifth wife. When a man's property is shared among his sons, the order in which it is shared is determined by a combination of birth order and maternity. Each wife ensures that one of her sons takes a share before any of the younger sons of a wife that has already taken a share take another: the eldest son (by whichever wife) takes the first share, followed by the next eldest son by a different mother and so forth. This is why the village of Choba, descended from Akpor's ninth son, are sixth in order of precedence.[34]

The wives of Akpor explain more than the contemporary order of precedence. The villages of Choba, Rumualogu and Alakahia form their own group within Akpor called Mgbu Ato (*ṁgbú àtọ́*), meaning 'the three compounds'. They have their own council which meets periodically to settle disputes. This organization owes its existence to the fact that after Alogu and Alakahia's mother died while they were still infants, the two sons of Akpor were absorbed into Choba's household. As a sign of the favour Akpor bestowed on his favourite wife, when the council of all Akpor is held, the head of Choba (*nyénwé àlị* Choba) sits in the seat adjacent to the head of all Akpor (*nyénwé àlị* Akpor).

Ultimately, it is unclear whether this relationship accounts for the union of the three villages or whether their union gave rise to the story of their relationship. This ambiguity applies not just to this case but to all the relationships already described and those I go on to describe. In the course of fieldwork I was never quite sure whether I was apprehending a structural relationship or a historical relationship.

I sometimes got the sense that when I gained more detailed information, such as when I learnt about Akpor's wives, that I was revealing the historical realities behind present-day structures. This sensation was misguided for there is a reciprocal influence of current structural facts and historical facts. The former are conventionally taken to be the *explanandum* and the latter the *explanans*. This convention belies the fact that present structure often explains the facts of history as much as vice versa.[35]

[34] Note that the ideal pattern of succession was disturbed by Okparali's demotion such that the first two shares were taken by Akpor's first wife. Ordinarily the second share would have passed to Akpor's second wife. After the first two shares, the normal order of succession resumed.

[35] The facts presented in this thesis straddle the categories of history and structure. On the relationship between structure and history see: V. Valeri, *Rituals and Annals* (2014), chap. 4; C. Lloyd, *The Structures of History* (1993).

3.7.1 *When toponyms are not ethnonyms*

Observe on several of the diagrams above that Akpor's son Akami did not establish an eponymous village. The village associated with the descendants of Akami is called Ogbogoro. Rumuakami exists as an entity and some inhabitants of Ogbogoro told me that it is the proper name for their village, but this name is not the commonly accepted toponym. Rumuakami refers more to the lineages descended from Akami than it does to the place, and is used only on particular occasions such as when representatives of all the villages assemble at their council at Ozuoba. The name Ogbogoro, as I learnt from several different sources, is actually the name of a former village whose inhabitants scattered after being conquered by the descendants of Akpor, principally Rumuakami. The original village was destroyed, but its toponym persisted and lent its name to the new settlement established by Akami's descendants which grew among its ruins. Some of the descendants of the inhabitants of the original village of Ogbogoro still live there, having been assimilated by Rumuakami. Others fled to Choba and across the river to Ogbakiri where they currently dwell. The group that fled to Choba did so because one of their female relations had married into one of the lineages there. In Choba today, the descendants of these refugees constitute a lineage known as Rumuogboro, who command great respect within the village as the hereditary priests of a water spirit called Owumini.

It is unclear who exactly the inhabitants of the earlier settlement of Ogbogoro were and whether they were even Ikwerre. I am no linguist, but the toponym invites me to believe that the original village may have been a Kalabari settlement. This is also suggested by the 1910 map of the Niger Delta (on p. 10 above) which names the village as Obukuru, a spelling that suggests a Kalabari origin. Furthermore, the map indicates a now unknown settlement called Kala-Obukuru to the north—*kálá* means small or little in Kalabari and satellites of larger settlements are often prefixed with this word.

Another fact which hints at the Kalabari origin of Ogbogoro is the name of the river spirit in Choba whose keepers descend from the original inhabitants of the village: Owumini. Water spirits are common across Ikwerreland and almost invariably feature the word *mínī*, 'water'. I surmise that the proper name Owumini is a conjunction of *ówú*, the Kalabari word for water spirit, and *mínī* the Ikwerre word for water which always forms a part of the names of Ikwerre water deities. While all this is ultimately speculation, it is not implausible—there are known cases of Kalabari becoming Ikwerre just as there are several examples of Ikwerre becoming Kalabari, and it serves as a reminder of the ethnic fluidity of the region.

3.8 *Conclusion*

To accept that Port Harcourt, with its explicitly alien name, is a totally new place is to accept the myth of *terra nullius*. The city itself was new but the land it was built upon was not. By describing Port Harcourt's Ikwerre villages and their relation to one another, I have tried to demonstrate how the pre-urban past continues to shape the contemporary structure of the city.

The visitor perceives the city as a chaotic unity and pays little heed to the signboards announcing the start or end of villages. Yet, every toponym has a particular history. In Port Harcourt, relating this history is not mere antiquarianism; it is to describe the structures of the present city. The story of the Ikwerre of Port Harcourt is of a rural people becoming urban. It is not, however, a story of deracination—the once rural villages and the bonds connecting them to neighbouring villages remain as important to their inhabitants as ever, even if they do not mark their boundaries by brooks and trees and instead rely on streets, churches, bus stops and shops.

There has been great change—the environment surrounding the villages is no longer yam mounds and dark green luxuriance, and livelihoods are seldom secured by tilling the earth—but there is also continuity. To make sense of contemporary Port Harcourt it is necessary to see beyond the asphalt and the concrete sprawl and to uncover its villages whose relationships continue to inform how rights to the city's land are transmitted and challenged.

It is clear that being a first son among the Ikwerre is different from being a first comer among the Okrika. These figures determine and structure the logics of sharing land rights in Ikwerre and Okrika villages, respectively. Both are grounded upon interpretations of the past, that is to say, upon historical knowledge, yet the precise logics themselves are different. It is not only the logics of sharing (and debating) land rights that distinguish Okrika and Ikwerre villages. Land itself is conceived differently. I consider this in the next chapter.

Plate 26: Akpor, 2003

Plate 27: Akpor, 2022

Plate 28: Diobu, 2023

Plate 29: Shell Residential Area, 2023

Plate 30: D-Line (left) and Ogbunabali (right), 2023


Plate 31: An Ikwerre bungalow in a compound in Ogbunabali (note the tombs)

Plate 32: Eastern Port Harcourt, 2023

4

THE MEANING OF LAND

4.1 *The meaning of land*

In studying land rights it is easy to lose sight of the land itself. It is also easy when considering conflicts over these rights to ignore the spiritual significance of land.[1] This chapter seeks to remedy this before the transmission of land rights and land disputes are discussed in later chapters.

Quite simply, the purpose of this chapter is to examine Ikwerre and Okrika concepts of land. Their understandings of land have coalesced in several regards. For one, the city of Port Harcourt itself has been an agent of coalescence, reducing the peculiarities in their understandings of land. Such is the consequence of living in the same city for several decades.

This closeness has also brought conflict. And conflict is another agent of coalescence. Conflict is now resolved primarily through litigation. The legal system and its concepts have served to reduce the differences between Ikwerre and Okrika concepts of land. I consider this conceptual rapprochement through an examination of specific disputes over land rights in chapters seven, eight and nine.

Before examining how conflicts and the law have affected land and rights to it, it is first necessary to know something of Ikwerre and Okrika understandings of land and how rights to land are gained and transmitted. This chapter is concerned with their understandings of land. The next two chapters, five and six, are concerned with how the Ikwerre and the Okrika inherit and transmit land rights.

I first consider the Ikwerre concept of land. Particular notice is given to the divinization of the land. The Okrika concept of land is then considered. The Okrika, in contrast to the Ikwerre, have two words for land, one referring to physical land, the other to the land of a particular village.

Attention is given to the terms used to refer to the traditional rulers of the Ikwerre and the Okrika. In both cases this term can be translated as ‘person who owns the land’. However, for the Ikwerre, this person is not an ‘owner’ in the conventional sense of the word and would more accurately be described as a priest of the land. In the case of the Okrika this figure turns out to be an owner or ruler of people rather than of land.

[1] For an exception, see C. Lentz, *Land, Mobility and Belonging in West Africa*, chap. 2.

4.2 *Land according to the Ikwerre*

The Ikwerre are an agricultural people. They grow cassava, cocoyams, plantains, bananas and other vegetables. But most revered among their crops is the yam. Grown only by men, it is considered the superlative product of the land.

The land gives the Ikwerre all that they need and all Ikwerre see themselves very much of the land. They are born of the land, they will be housed on the land, sustained by its produce, and will eventually return to it. Before birthing in hospitals became commonplace, newborns would be placed on the earth to signify where they came from and to where they will return.

Insofar as land is synonymous with life, it is little wonder that it is so central to all aspects of Ikwerre sociality.

The Ikwerre word for land in Obio is *ẹ̀lị̀* and in Akpor it is *àlị̀*.[2] The word *ẹ̀lị̀* refers to the land (as in a stretch of country or domain), the soil and the earth. Ikwerre who belong to a particular village are called *díẹ̀lị̀* (or *díàlị̀* as the Ikwerre of Akpor pronounce it), a term which might be translated as 'true born of the land'. Another important term is *òménụ̀ẹ̀lị̀* (or *òménụ̀àlị̀*). The word, which literally means 'the doings of the land', can be variously rendered as tradition, custom or religion and refers to the proper way of things, how things have been done in the past, or how things should be done. It was often the case, when I enquired about a particular practice, that I would be met by the curt reply: *ké bù òménụ̀ẹ̀lị̀*, 'it is the custom of the land.'

Ẹ̀lị̀ does not just refer to land as a physical substance. It is also a deity. More specifically, *ẹ̀lị̀* is a goddess, for the land is conceived of as a woman. The reason for this was explained to me by a chief of Diobu, who said that the earth and women are both the same, because by putting something into their bowels, life will come forth. That is, just as a woman is inseminated and gestates a baby to be born, so too can seeds or tubers be placed in the soil and will grow. This may also explain why it is only proper for men to propagate yams, which were historically the staple food. The other current main staple, cassava, is a recent introduction and can be grown by women.

4.2.1 *Crime and custom*

The goddess *ẹ̀lị̀* is the most powerful and, consequently, the most feared of the divinities. *Ẹ̀lị̀* is not only associated with fertility and belonging, but also with rectitude. *Ẹ̀lị̀* is the goddess of all that is right, proper and morally acceptable, and those that improperly scheme will be punished by her. Land is, therefore, the

[2] When discussing the Ikwerre of Akpor I use the spelling *àlị̀*. When referring to the Ikwerre of Obio or the Ikwerre generally I employ the spelling *ẹ̀lị̀*. The only published scholarship on *ẹ̀lị̀* is W. O. Wotogbe-Weneka, 'Eli (Earth-Goddess); as a guardian of social morality among the Ikwerre', *King's Theological Review*, 11, 2 (1988); I was fortunate to meet Prof. Wotogbe-Weneka before he died and I owe much of my knowledge to him.

regulator of law and custom. Indeed, the very idea of law and custom is expressed in terms of the land. An alternate translation of *òménụ̀ẹ̀lị̀* is 'law'.[3]

The notion of sin or crime in Ikwerre is also expressed in terms of *ẹ̀lị̀*: *ọ́rụ́ ẹ̀lị̀* is 'to sin' and the sinner is *nyéárụ́rụ́ ẹ̀lị* (lit. 'one who has defiled the land'). Crime is expressed by the term *nsọ̀ ẹ̀lị̀*. By itself *nsọ̀* can mean holy. Thus, the Ikwerre translate the notion of the Holy Ghost as *nsọ̀ énínē* (*énínē* means 'shadow' or 'spirit'). *Nsọ̀* combined with *ẹ̀lị̀* specifically expresses those acts which are considered abominable, acts which *ẹ̀lị̀* abhors.

Foremost among these is murder. More specifically, the murder of a indigene, or *díẹ̀lị̀*, by another indigene. As her children, their death is particularly painful to *ẹ̀lị̀*, as it would be to any mother. And so, for a child of the land to kill another is to invite her wrath. It is for this reason that the Ikwerre say 'a *díẹ̀lị̀* does not kill a *díẹ̀lị̀*' (*díẹ̀lị̀ gbúò díẹ̀lị̀ íbè á*).[4]

I was told that if, in the past, a *díẹ̀lị̀* was murdered and the culprit was another *díẹ̀lị̀*, then a stranger (i.e. a non-*díẹ̀lị̀*) would be sought. The stranger would then be given an object called *áró íbè* or *m̀kpàkámkpà* which, with their left hand, they would use to point at the murderer. This act would engender such a feeling of shame and such a fear of *ẹ̀lị̀* that the murderer would feel compelled to hang themselves. The person employed to cut them down from the tree must also be a stranger, for if a *díẹ̀lị̀* touched the body or had any other part in the suicide then this would itself be tantamount to murder.

The body would be taken to the *éjò óhíá* ('evil bush'), which is an area of the bush, forest or mangrove reserved for undesirables, the deformed, maimed or criminals (i.e. all those that *ẹ̀lị̀* abhors). The bodies taken here are not buried; they are discarded to rot and be consumed by insects and animals. Having such an area, in which to discard improper corpses, the bad dead, is not specific to the Ikwerre, but is common to all the people of the Niger Delta, including the Okrika.

The accounts I received of how criminals were treated were, of course, highly idealised. My interlocutors occasionally admitted that the customary punishments did not always occur. For instance, it was sometimes possible for murderers to pay fines, usually equivalent to the price of an enslaved person to replace the deceased, or the murderer was allowed to flee to another village and would say that they had come from elsewhere as a consequence of some less serious crime.

4.2.2 *Particularizations of the land*

Although all land is conceptualized as *ẹ̀lị̀* and the Ikwerre affirm that the goddess *ẹ̀lị̀* is singular, it is also admitted that *ẹ̀lị̀* is particular and specific and therefore multiple. Just as there is land generally, so too are there particular lands, specific

[3] Here I mean law in the sense of *le droit*, rather than *la loi*; as such, 'properness' or 'justice' might be preferable translations.
[4] Wotogbe-Weneka, 'Eli', 51.

places. Likewise, the goddess *ẹ̀lị̀* is particularized: each place is overseen by its own particular instance of *ẹ̀lị̀*.

A stranger in a foreign land does not have the link to the instantiation of *ẹ̀lị̀* possessed by that land's *díẹ̀lị̀* and therefore can perform acts repugnant to the *díẹ̀lị̀* (like accusing a murderer or handling an improper corpse). However, this does not mean that a stranger can ignore the practices and prohibitions of a particular place. Indeed, such a stranger must be circumspect when away from their natal land for they can expect no protection from their own particularization of *ẹ̀lị̀*. And, for this reason, it is dangerous to be away from one's birthplace.[5]

The reason that a stranger is employed is because *díẹ̀lị̀* fear the wrath of their particular *ẹ̀lị̀*. A stranger, even if they are Ikwerre and a *díẹ̀lị̀* in their natal village, does not fear *ẹ̀lị̀* in the same was as a *díẹ̀lị̀* of that place do. However, while a stranger may be a foreigner in the country where they are living, they are still from somewhere, some land; and all land, wherever it is, is *ẹ̀lị̀* to the Ikwerre. *Ẹ̀lị̀* has power over all who dwell on her.

For instance, I was told of a stranger who had sexual intercourse on the bare earth and was thereafter troubled with sleepless nights. The stranger went to consult a diviner (*dùbìá*) who listed all of the acts which are considered *nsọ̀ ẹ̀lị̀*. When he listed sexual intercourse in the bush the stranger confirmed that he had committed such an act. The diviner confirmed that it was *ẹ̀lị̀* who had been worrying him at night.

Fearing ridicule from the villagers, and the wrath of *ẹ̀lị̀*, the stranger fled his home. In the village it was said of him: *ẹ̀lị̀ kwégá láà* ('the land does permit him [to return]'). He only returned once they had the items necessary to placate *ẹ̀lị̀*.[6] This act of atonement is called *òwhàjí ẹ̀lị̀* ('to appease the land'). It is also referred to as *òshí ẹ̀lị̀* ('to cool the land'): *ẹ̀lị̀* is conceived to grow hot with anger after being transgressed. This appeasement normally involves a sum of money and various items which are sacrificed to *ẹ̀lị̀*. The offender does not commune directly with *ẹ̀lị̀* but always through an intermediary.

4.2.3 *The 'owner' of the land*

Here I wish to address how the Ikwerre relate with *ẹ̀lị̀* through a mediator. This person is the *nyénwé ẹ̀lị̀* (pl. *ndénwé ẹ̀lị̀*, or *élénwé àlị̀* as the people of Akpor say). Although the phrase literally means 'person who owns the land', the *nyénwé ẹ̀lị̀* is invariably a man. When I asked why this is the case, no one was able to offer an explanation beyond stating it is just what is done, that it is *òménụ̀ẹ̀lị̀*. Moreover, the *ẹ̀lị̀* referred to in the title of *nyénwé ẹ̀lị̀* is a particularized *ẹ̀lị̀*. As such, the *nyénwé ẹ̀lị̀* does not 'own' all land, but rather that of a specific named village.

The *nyénwé ẹ̀lị̀* is expected to be proper and good. By this I do not mean simply that he must be proper only in his behaviour. He must also be proper in his body. He cannot have any physical deformities, such as blindness or lameness, nor

[5] Cf. Talbot, *Tribes*, 27.
[6] Wotogbe-Weneka, 'Eli', 52.

can he have any debilitating illnesses like leprosy or smallpox (both these diseases were common in the first half of the twentieth century in Akpor and Obio[7]). A saying in Akpor is: 'one whose hands are not clean cannot rule the land' (*nyé áká zílà ọchná zâ àchílí àlị*). [8]

Such proscriptions relate on the one hand to the fact that *ẹ̀lị* is the source of all that is proper and natural. The *nyénwé ẹ̀lị*, in his capacity as the mediator of *ẹ̀lị*, is also the holder of *ọ̀whọ́ ẹ̀lị*, a small stick which is the token of the authority of *ẹ̀lị*. The person that possesses it acts for and through *ẹ̀lị*. *Ọ̀whọ́* are not just held by the *nyénwé ẹ̀lị*, but by the heads of lineages. Generally the *nyénwé ẹ̀lị* of a village is the head of the most senior lineage and therefore the *ọ̀whọ́* he possesses is also that which represents his lineage. The difference between his *ọ̀whọ́*, and those of other lineage heads, is that his *ọ̀whọ́* is that of *ẹ̀lị*: 'the *ọ̀whọ́* of the *nyénwé ẹ̀lị* is the *ọ̀whọ́* of *ẹ̀lị*' (*ọ̀whọ́ nyénwé ẹ̀lị bù ẹ̀lị*).

Ọ̀whọ́ as an entity is sometimes described as the child of *ẹ̀lị*. The holders of *ọ̀whọ́* must, like the *nyénwé ẹ̀lị*, be proper in behaviour and in body. One cannot have any physical deformity or any other quality which would render a person abnormal. Being left-handed is enough to make a person unfit to hold *ọ̀whọ́*.[9]

Abnormalities can of course be acquired—the loss of a finger or the loss of sight in old age is enough to render one improper. Were an accident to befall a *nyénwé ẹ̀lị* that resulted in him being maimed he would, therefore, be removed from office. Otherwise, the only other thing that can remove a *nyénwé ẹ̀lị* (and holders of *ọ̀whọ́* generally) from office is death.

The *nyénwé ẹ̀lị* must also be married, as all people who hold an *ọ̀whọ́* must be. The reason for this is that a person is not a man until he is married, and a youth cannot hold such a position of responsibility. Indeed, the Ikwerre say 'a god whose chief worshipper is a child can get out of hand' (*ágbàrá wátàkịrị́ vùgwù rísì ā ráàwhú gbághàmé*).

In the past a *nyénwé ẹ̀lị* was never meant to travel outside the country, being tied, as they were, to the land. This is no longer the case for the urban *ndénwé ẹ̀lị* of Obio and the *élénwé àlị* of Akpor.

However, especially in the case of the latter, many still abide by certain strict behaviours. For instance, the *nyénwé àlị* of Akpor never sits on any chair other than a small stool which is carried by his attendants. He told me that this is because unknown chairs may have come into contact with pollutants (i.e. things which are *nsọ̀ ẹ̀lị*), most especially menstruating women. The only way that he can ensure that he does not have contact with such things is to carry his own stool wherever he

[7] Choba was the site of a leper colony.

[8] The hands in this expression stand for the whole person, physical and moral. Hands are often used as a metonym for the whole person. For instance, if one commits an act considered *nsọ̀ ẹ̀lị*, one exclaims: *ọ́rụ́ lá m̀ áká* (lit. 'I have defiled my hands').

[9] Right is associated with good, the left with evil; this is evident in the formulaic invocation often used by *dùbìá*: *élé rī nụ̀ áká íknùngà, élé rī nụ̀ áká ịkpà* ('those who eat on the right, those who eat on the left', i.e. the good spirits, the bad spirits).

goes. For the same reason he never accepts food from a stranger and will only eat meals prepared by his own household.

For the *nyénwé àlị* of Akpor, *àlị* is always present. Even when he is busy arbitrating disputes or acting as the head of the *òhnà*, respect for *àlị* is shown: whenever the *nyénwé àlị* of Akpor is attending to his business in his meeting hall (*òbìrì*) he sits barefoot upon a small mound of earth—whenever he speaks he is therefore speaking for *àlị*.

4.2.4 *Worshipping the land*

Ẹ̀lị is periodically worshipped by the *nyénwé ẹ̀lị*. This worship takes the form of sacrifices (*ọ́kwà árí òhnà*), libations (*ọ́wù*) and prayers (*òkpúkpé*). Such worship may also take place as part of the yearly festival marking the harvest of the yam crop.

The *nyénwé ẹ̀lị* is expected to harvest the first yam and to consume it. To harvest and eat a yam of the new season's crop before the *nyénwé ẹ̀lị* is *nsọ̀ ẹ̀lị*. The celebration of the *nyénwé ẹ̀lị*'s eating of the first yam is equivalent to the Ikwerre new year, and alongside this rite there is general jubilation. The rite is generally called *írí íjí ìkhé* ('eating the new yam'). The festival still takes place in Akpor but has fallen into abeyance in Obio.

Naturally, the festival celebrating the first harvest of yam of the year involves the goddess of the land. However, it is worth noting that other gods play a role too. In Akpor, Ige, a goddess of fertility, and Amadiohna, the god of thunder, are also celebrated during the rite.

Fundamentally, *írí íjí ìkhé* is an agricultural rite and almost nobody in Akpor, let alone Obio and Rebisi, can today claim to be a full-time farmer. Although there are a few odd plots which have not been developed, there is scarcely any proper farmland left. The *nyénwé ẹ̀lị* of Akpor retains a plot of about half an acre specifically for the growing of yams to be used in *írí íjí ìkhé*, and this is totally surrounded by houses.

Many Ikwerre fear leaving plots undeveloped as an undeveloped plot is likely to suffer the predations of land grabbers or '419' artists.[10] It is for this reason that Ikwerre who possess plots they are not desirous of selling, or lack the wherewithal to develop themselves, allow crude shacks inhabited by migrants (known in Pidgin as 'batcher') to be constructed. They collect only a very small or nominal rent from the occupants of the batcher. The benefit to landowners is that these occupants act as a safeguard against land grabbers.

While all land is *ẹ̀lị* and associated with *ẹ̀lị* the goddess and can be worshipped through any patch of bare earth, there is a specific point in each village where the goddess is most readily accessed. This location is called *rùhnù ẹ̀lị* ('the face of the land'). The locations of *rùhnù ẹ̀lị* stand out in the grey, concrete expanse of the city for they are typically an area of land left to be wild—they seem to be a

[10] 419 is Pidgin for con.

patch of primeval forest, looking perhaps how all the land would have, were there no city and no people.

The old and leafy hardwood trees which are found at the faces of the land are noticeable in the flat expanse of Port Harcourt. Such trees are a haven to birds, bees, dragonflies and butterflies. However, not all *rùhnù ẹ̀lị̀* are easy to find. Many are situated such that strangers would never find them unassisted. Otherwise they have been eclipsed by development.

I was shown to the *rùhnù àlị̀* of Rumuekini in Akpor which was hidden behind some bungalows in the heart of the village. The contrast one feels on encountering it is immense—after crossing open sewers, and dodging kekes and motorcycles on the noisy streets, one enters an alley, then after navigating over a midden, at last there is a little thicket of trees: the face of the land.

However, looks can be deceiving. While each face of the land may feel like a fragment of vestigial forest, not all are as old as they seem. Faces of the land are capable of being moved—a fact I initially found difficult to grasp. For example, it was freely admitted to me that the *rùhnù àlị̀* of Rumuekini was moved to its present site only a few generations ago.

Ikwerre settlements in the past were never fixed to one place. Trade, conflict or a growing population often led to a village moving, and they would move their *ruhnu ẹ̀lị̀* with them. Yet, links to former settlements were not totally lost when such migration occurred. Many Ikwerre villages in Port Harcourt speak of their *ókpō óròo* (lit. 'old home'; usually syncopated to *ókpōròo*) and families often retain ownership of land in the former settlement. For instance, the *ókpōròo* of Choba was located very close to present day Ozuoba and several families from Choba still own land around Ozuoba, several miles distant from the location of the present site of Choba.

That people own—or claim ownership—of lands distant from their present-day village is one of the chief causes of conflict among the Ikwerre of Port Harcourt. In most intra-Ikwerre land disputes, one or both parties claim the land in question as the *ókpōròo* of some forebear. Land disputes therefore hinge on interpretations of the past. But these disputes about the lands of former settlements are not entirely the product of the historic happenings of ancient antecedents. Land is now valued in a manner it never was prior to urbanisation. This fact combines with another: the process of settlement shift has stopped. Ikwerre villages are known by the name of their founder or apical ancestor; should the village shift to a new site, this name would be carried with them. The growth of the city has ossified ethnonyms into toponyms. The result of the immobility of villages and the new value of land is conflict.

4.2.5 *The puzzle of settlement shift*

The tendency to shift the location of settlements raises a question relating to *ẹ̀lị̀*. If a settlement moves, what happens to the particularization of *ẹ̀lị̀* which is associated with the land of that settlement? The Ikwerre state that *ẹ̀lị̀* is carried with them and that a new face of the land will be established at the new site. The land (*ẹ̀lị̀*) is new, but the goddess (*ẹ̀lị̀*) is the same. This may seem paradoxical given that *ẹ̀lị̀* pertains

to rootedness and belonging, but the Ikwerre see no issue in her movement. Indeed, all gods can move. While a god is usually associated with a particular shrine, one can establish a new shrine of that god elsewhere, or even comprehensively relocate the original. The reason why this can happen is because the gods do not exist only in the physical domain. People live in the realm called *ẹ̀lị́ bádnù* ('human land') while gods dwell in *ẹ̀lị́ rénwnù* ('spirit land'). A god may have a location in the physical world (*ẹ̀lị́ bádnù*) associated with it destroyed, but as the god also dwells in the immaterial realm (*ẹ̀lị́ rénwnù*) it is meaningless to speak of the destruction of a god. For instance, I was taken to see a former shrine of Ojukwu, a fearsome god associated with smallpox. The shrine of Ojukwu is now the site of a telephone signal mast. The shrine may have gone and nobody in the local village actively worships Ojukwu, but all affirm that Ojukwu is still very much in existence.

There is another reason for the curious ease with which the Ikwerre accept the movement of a particularized deity of the land. As mentioned, *ẹ̀lị́* is both particular and general. The word is a proper noun and a common noun. Such a fact allows one to switch between these two meanings in speech and thought. The word *ẹ̀lị́* has different designations or extension—it can refer to land generally, a specific piece of land, a general goddess, or a goddess of a particular land. But the meaning of *ẹ̀lị́* is not composed simply of all its referents. The meaning of *ẹ̀lị́* is also composed of the signified, that is the concept or idea of the word.

The concept of *ẹ̀lị́* is by its nature ambivalent, at once a proper name and an improper noun, general and particular, material and immaterial. I suggest that it is this oscillation between token and type which neutralises the apparent paradox which arises following the movement of the particularized forms of *ẹ̀lị́* and her associated village (i.e. persons who are considered her children—*díẹ̀lị́*) to a new *ẹ̀lị́*.

It is for this reason that I have not capitalised *ẹ̀lị́* even when it is employed as a proper name. It would be an error to distinguish its proper sense from its general sense. This is not to say Ikwerre speakers are incapable of discerning when one is speaking of the land generally or a specific land, or when one is referring to the goddess of the land generally or a specific instantiation of this goddess. Rather it is to say that the concept is ambivalent. To try to eliminate this ambivalence would be to suppress one of its qualities. As the purpose of this section is to explore the concept of *ẹ̀lị́*, it is apposite that this quality be retained. It is also this quality which marks out *ẹ̀lị́* from all other deities.

4.2.6 *Crime and the custodian of the land*

Now that *rùhnù ẹ̀lị́* has been described let us return to the figure of the *nyénwé ẹ̀lị́*, the custodian of the face of the land. As discussed, *ẹ̀lị́* is the regulator of properness. As such, the *nyénwé ẹ̀lị́*, as her human representative, is expected to be proper. The *nyénwé ẹ̀lị́* cannot have any physical deformities or behave in a way that is improper. However, his properness does not stop at his own behaviour. When somebody in the village commits an abominable act, one that is *nsọ̀ ẹ̀lị́*, the *nyénwé ẹ̀lị́* is expected to flee the village. That is, he must leave the particular *ẹ̀lị́* of the village such that it cannot harm him. As the human representative of the goddess of

land, the *nyénwé ẹ̀lị̀* is held responsible for any transgressions in *ẹ̀lị̀ bádnù*, the human domain. Were the *nyénwé ẹ̀lị̀* not to flee, *ẹ̀lị̀* may kill him in anger.

This custom of flight from the village is still practised by some *ndénwé ẹ̀lị̀* in Port Harcourt, although it should be stated that it is mostly done so by the *élénwé àlị̀* of Akpor. Despite being urban, the people of Akpor pride themselves on being close followers of *òménụ̀ẹ̀lị̀*, or *òménụ̀àlị̀* as they call it.[11]

A few years ago in Choba a son killed his father. As both were *díàlị̀* the crime was most heinous. As the contact point between *àlị̀* and the people of the village, the *nyénwé àlị̀* of Choba was obliged flee. He returned only when the kin of the perpetrator of the crime provided him with the items and money necessary to appease the land (*òwhàjí àlị̀)*. More recently still, just two years ago, the *nyénwé àlị̀* of Choba fled after a woman struck her husband with a large pestle, the type used to pound yams, which resulted in his blood being spilt and coming into contact with the earth. The blood of a *díàlị̀* should never touch the ground—it is considered most abhorrent for such a thing to happen.

4.3 *Land according to the Okrika*

Like the Ikwerre, the Okrika have a deity of the land. Their deity is also feminine. She is called Amakiri. Her name is composed of two words: *ámá* and *kírí*. Both these words can be rendered as 'land'. However, their meaning is not exactly the same. More precisely, *ámá* refers to a village. Naturally a village is also a location; it is situated somewhere. As such, the word *ámá* implies an area of land. *Ámá* is therefore a metonym for land. *Kírí* on the other hand refers to the physical substance of land: earth, soil, mud. By itself it does not imply the presence of a village for not all lands are inhabited. *Kírí* is land dehumanised; *ámá* is land humanised.

Or to put it more simply still, *ámá* implies land and *kírí* denotes land. As such Amakiri, the goddess of land, translates as 'the soil of the village' or 'home earth'. She is the goddess that protects the people who dwell on a particular patch of earth. Indeed, the existence of the goddess Amakiri signals the existence of a village. Each of the nine old villages that constitute Okrika have their own particular incarnation of Amakiri.

Whether a village of people settle a land and begin to worship Amakiri, or whether Amakiri attracts a people to her land and protects them, is a chicken and egg quandary. However, Amakiri's alias, Amatemeso, suggests that it is she who creates the village and ensures its physical and spiritual integrity. Amatemeso is composed of the words *ámá*, *tẹ́mẹ́* and *sò*. The word *tẹ́mẹ́* means spirit and can also be used to refer to a shadow. It is also a verb meaning to create, mould or manufacture. The Okrika, like other Ijaw people, split the world into two great

[11] Indeed, such is their reputation that following a long period of internal strife in the neighbouring Ikwerre of Ogbakiri in the 1990s and early 2000s the then *nyénwé àlị̀* of Akpor was invited to come and cool the land (*òshí àlị̀*). The goddess of the land was hot with anger for too much blood of her children (*díẹ̀lị̀*) had been spilt. The *nyénwé àlị̀* of Akpor isolated himself for a period of days ensuring he was not exposed to any polluting elements before he discreetly travelled to Ogbakiri in a specially consecrated car. He returned straight to Akpor after performing the necessary rite.

orders. The material, that is those things with a body (*òjū*) and the immaterial, those with a spirit (*tẹ́mẹ́*).[12] This division is similar to that made by the Ikwerre: *ẹ̀lị́ ránwnù* (the realm of spirits) and *ẹ̀lị́ bádnù* (the realm of humans).

All things that have a material existence, a body, are seen to have a counterpart in the immaterial world, a spirit or *tẹ́mẹ́*. A *tẹ́mẹ́* cannot exist without a material counterpart. Indeed, if the *tẹ́mẹ́* leaves a particular *òjū* the result is death if the entity be living, or disintegration if the entity be non-living. Moreover, it is the *tẹ́mẹ́* that controls the behaviour of the *òjū*. Being a riverine people, the Okrika compare *tẹ́mẹ́* to the helmsman of a boat.

The principal or original *tẹ́mẹ́* is said to be *támụ́nọ́*. *Támụ́nọ́* is an abstract force, hardly personified. Indeed, the only human characteristic attached to this chief spirit is that she is feminine. *Támụ́nọ́*, the creatrix, existed before all else. She is sometimes compared to the Ikwerre, and Igbo, notion of *chị́*.[13] Complementing *támụ́nọ́* is the male force *sò*, which is associated with the sky. In fact, the word for sky is *sò*.[14]

Támụ́nọ́ is used by Christians as the translation of the Abrahamic god. As such, the female nature of *támụ́nọ́* is not emphasised as much as it perhaps was.[15]

Támụ́nọ́ in the non-Christian sense is an abstract creative force. In one regard *támụ́nọ́* is singular: there is one creatrix. In another regard she is plural. Just as every entity has a *tẹ́mẹ́*, so too does everything have a particular *támụ́nọ́*. Thus, Amatemeso is the particular force which engenders and preserves the *ámá*, the village. Indeed, one could refer to Amatemeso as Amatamuno (*ámá támụ́nọ́*), the god that governs and gives life to the village. Equally, on a smaller scale, one could speak of *bírítẹ́mẹ́sò* or *bírítámụ́nọ́*, i.e. the force that creates and preserves the life of the *bírí*, a subdivision of a village. Smaller still, one could speak of *pólòtẹ́mẹ́sò* or *pólòtámụ́nọ́*, the force that preserves the compound, and *wárịtẹ́mẹ́sò* or *wárịtámụ́nọ́*, the force that preserves the house. However, while such forces are said to exist, they are rarely referred to in such a way.[16] These particularized notions of the abstract creative force normally bear particular names. The god which guards the home is called Wariangatamuno (*wárī ángâ támụ́nọ́*, 'god living in the house'). He is worshipped alongside his daughter Tamunobaa (*támụ́nọ́ bàá*, 'daughter of god'). Unlike the general forces of *támụ́nọ́* and *sò* these particularised instances are humanised. In addition to possessing proper names they are often represented by effigies.

[12] The following broadly agrees with the account given in R. Horton, *The Gods as Guests* (1960).
[13] Talbot, *Tribes*, 66.
[14] The word also refers to fate and fortune.
[15] *Támụ́nọ́* also forms the roots of several words now used to refer to aspects of Christian life and practice: *támụ́nọ́némí* means religious or pious; *támụ́nọ́dŭkọ́símà* means to blaspheme; *támụ́nọ́bẹ́rẹ́dŭkọ́bọ̆* is used to refer to a preacher. This Christianisation of the concept of *támụ́nọ́*, a female creative force, has led to her male counterpart, *sò*, being de-emphasised; although it survives in the translation of the notion of heaven: *sòbíé* (lit. 'within the sky').
[16] One does however hear of Okrikatamuno and Ogolomatamuno, i.e. the gods that create and preserve the villages of Kirike and Ogoloma respectively.

Here it is necessary to introduce another distinction that the Okrika make. All spirits, *tẹ́mẹ́*, are divided into two domains—the spirits of the land and those of the water. The former are referred to as *órú*, the latter *ówú*. The particular deities discussed so far have all been *órú*. Amakiri is an *órú*. However, it is not totally accurate to divide spirits into these two domains under these terms.[17] The concept of *órú* encompasses that of *ówú* and so all particular *ówú* are technically *órú*, although there may not be referred to as such directly. Put simply, *órú* translates to god, or as it is often rendered in Pidgin, juju.

In order to understand Amakiri, the *órú* of the land, it is necessary to understand something of *ówú*, the *órú* of the water. *Ówú* are seen to control all things to do with water—the rising and falling of the tide, the waves and movements of sea creatures. Every creek, stream and river are associated with a particular *ówú*. The Okrika, like other Ijaw peoples, spend much of their life on water and it is its movements and products on which they depend for their livelihood. Being dependent on the fickle waters, the *ówú* were greatly respected. Particular water spirits are called *ówúámápụ̀* (sing. *ówúámábǫ̌*).

Water spirits are believed to dwell in their own country and in their own villages. The underwater mirrors the human realm above, with its own particular peoples and practices. In fact it is more accurate to say that the human realm mirrors the underwater—for the domain of the *ówú* is often seen to be the source of innovations and technologies. It is humans who imitate *ówúámápụ̀*, not the other way round.

It is worth noting that *ówú* also means 'masquerade'. All masquerades are said to have been learnt from *ówúámápụ̀*. A common story of the origin of a particular masquerade tells of a person stumbling into a mangrove glade, spaces referred to as *ówúélé*, whereupon they see several water spirits dancing and playing. Having espied the performance from their hidden vantage point, the voyeur goes back home and teaches their fellow villagers the performance they witnessed. Masquerades normally bear the name of the *ówúámábǫ̌* from whom it was first learnt.

While the Okrika separate water spirits (*ówú*) from those of the land (*órú*), as mentioned, the notion of *órú* encompasses that of *ówú*. One can see this from language. The practice of divination, which is the practice of speaking with spirits, is called *órúkóró*. This term is used whether one is communing with an *ówú* or an *órú*, although it is widely acknowledged that it is *ówúámápụ̀* who have an especial propensity to possess people, and thereby speak with them.

A person possessed by a water spirit is referred to as an *órúkóróbǫ̌*. This term is generally used to refer to a priest of a particular *ówúámábǫ̌*—a priest being the one who communicates with a spirit. The expression used when one goes to seek the help of an *ówúámábǫ̌* is *órú chịǹ* (*chịǹ* means 'to call'). The word for oath is *órúfi* (lit. 'eating a god' or 'eating juju'). This word is used whether one is

[17] Horton, *Gods as Guests*, and Talbot, *Tribes*, 32, consider *órú* and *ówú* as mutually exclusive categories.

swearing on the name of an *órú* or an *ówú*. The name given to a person who engages in such practices and believes in the efficacy of such is *órúḅ́ẹ́ṛ́ẹ́némḭ́bǫ̀* (pl. *órúḅ́ẹ́ṛ́ẹ́némḭ́ápụ̀*). Those that care for particular deities and worship them, whether *órú* or *ówú* are called *órúálápụ̀* (sing. *órúálábǫ̀*).

4.3.1 *The 'owner' of the land*

The head of an Ikwerre village is the *nyénwé ẹ̀lị̀*, a term which translates as 'person who owns the land'. In Okrika, the head of a village or group of villages is called *ámányánábǫ̀* (pl. *ámányánápụ̀*). This word can also be translated as 'person who owns the land'; *nyáná* means 'to own' or 'to master', *nyánábǫ̀* is a 'person who owns' or 'owner'. As discussed, one can translate *ámá* as 'land' or 'country',[18] but this is the connotation rather than the denotation of *ámá*. It is far more accurate to render *ámá* as 'village'. An *ámányánábǫ̀* is more of an owner of people than he is an owner of land.

By making this comparison between the offices of *nyénwé ẹ̀lị̀* and *ámányánábǫ̀* I do not intend to suggest that the former can be considered a ruler of the land and the latter a ruler of people. Such a distinction is too simple. As discussed, the *nyénwé ẹ̀lị̀* is originally and primarily the mediator between a village and the goddess of the land. By executing this office he came to be seen, by extension, as the chief of a certain people. Oftentimes he is now merely the chief of the village having relinquished his priestly duties (although in the case of Akpor the *élénwé àlị̀* still fulfil both aspects of the role).

The *ámányánábǫ̀*, in contrast, was never a priest. It is true that an *ámányánábǫ̀* has great spiritual power and he is much respected and feared for this reason. Yet he was never a mediator between spirits and people. This role was, and is, left to the *órúálápụ̀*. The *ámányánábǫ̀* is very much a ruler of a human community. Another difference is that his office is historical. By this I mean that there was a time before which any *ámányánápụ̀* existed. Whereas the Ikwerre affirm that they have always had *ndénwé ẹ̀lị̀*, the Okrika freely admit there was a time before which the office of *ámányánábǫ̀* came into being. The first Okrika *ámányánábǫ̀* was Ado. The title appears to have first emerged among the Ibani and later been taken up by the Kalabari and Okrika.

The purpose of making this comparison is to emphasise that, among the Okrika, *ámá* is what matters. Of course a village, an *ámá*, has a home, a land upon which it is situated. This land cannot be said to be important in the exact way that land can be said to be important for the Ikwerre. To be Ikwerre is to be *díẹ̀lị̀*, a child of the land. For the Okrika, belonging is tied to learnable things like language and customs. This is reflected in kinship—the Okrika are made up of diverse peoples of scattered origins. Paradoxically, what matters in terms of belonging to a place, beyond displaying learnable things like language and customs, is precisely the knowledge of one's forebears coming from elsewhere. It is the remembrance of past migrations that marks a person or a family as human. The Okrika, in common with

[18] E.g. NAE: DEGDIST 7/5/6.

other Ijaw peoples, speak of *nọ́ndọ́ámápụ̀* ('people of the mangrove community'). The *nọ́ndọ́ámápụ̀* are said to be beast-like people with tails who dwell in the depths of the mangrove forests (*nọ́ndọ́*). A person who does not know their place of origin, one who forgets their family tradition of migration, is chided as a *nọ́ndọ́ámábọ̌*.[19] This term can be compared with the expression *pìrìámápụ̀* (sing. *pìrìámábọ̌*) which is used by the Okrika to refer to their neighbours who are sedentary and dwell on firm land. This includes the Ikwerre. The term literally means people who dwell in the bush and, like *nọ́ndọ́ámápụ̀*, has pejorative connotations, implying incivility.

While the Okrika dwell in villages, *ámá*, it would be wrong to call them sedentary. At best one could say they are semi-sedentary. A contrast is often drawn between sedentary and nomadic peoples. The Okrika do not neatly fit either of these categories. The Okrika, as fisherfolk and traders, range across vast tracts of the Niger Delta waterways setting up temporary camps called *ẹ̀òrìkírí* which are inhabited for weeks or months. This nautical nomadism is not an historical fact. There are many Okrika people who still travel long distances to remote *ẹ̀òrìkírí*. Even those who live entirely sedentary lives in the city of Port Harcourt, and who seldom take to the water, are influenced in their customs and conceptions by this practice of wandering on water. One concept especially influenced by this fact is land.

Before discussing this, it is necessary to note that this mode of living involving a mixture of sedentism and travel and use of temporary camps is gendered. It is predominantly men (*ówúápụ̀*) who live like this. Generally, women remain living in the *ámá*—this has an effect on how kinship relations play out.[20]

Many of the Okrika settlements in the present metropolis of Port Harcourt were once *ẹ̀òrìkírí*. Indeed, the large district to the south of the old township is called Borikiri precisely because of this. The thing to note about *ẹ̀òrìkírí* is that, while they are a form of settlement, they are satellites—the persons that live there have a permanent home elsewhere. The land that is inhabited at *ẹ̀òrìkírí* is just that, land, earth, *kírí*. It is because of their ephemeral nature that *ẹ̀òrìkírí* are *kírí* and not *ámá*. It is also for this reason that rights held in the land on which *ẹ̀òrìkírí* are situated are loose.

Generally speaking, the founder of a *ẹ̀òrìkírí* has superior rights than later arrivals. Those wishing to erect their own temporary accommodation at a *ẹ̀òrìkírí* normally give a bottle of hot drink to the recognised founder. This was the case in Tereapukiri, a *ẹ̀òrìkírí* used by the father of my friend and named for the former's great-grandfather, the founder of the camp, Tereapu. Those wishing to stay at Tereapukiri are expected to give the father of my friend a bottle of hot drink in recognition of his superior and prior right. The Okrika say 'the founder of a place cannot be a subordinate' (*ámákọ́rọ́mábọ̌ ámá dàá dàá kẹ̀*), which is to say it is proper that late comers should pay homage to the first settler, and not the other way around. In reality this does not always happen. For instance, my friend's father has

[19] E. J. Alagoa, 'Oral Tradition among the Ijo', *The Journal of African History*, 7, 3 (1966): 409-10.
[20] See Chapter 6.

been having a dispute with a group of fishermen from Ogoloma who contest his rights over the *ẹ̀òrìkírí* and have threatened violence. This speaks to another trait of *ẹ̀òrìkírí*—they are often remote, being situated deep in the mangroves. This remoteness allows violence to be used as a means to gain rights over land. Deep in the mangroves there are no witnesses and no aid.

In order to counter this threat the father of my friend has called upon the support of his war canoe house (*ọ́mụ́árụ́wárị̀*). In doing this, rights held by his more immediate kin (*fúrō*) have been dispersed and widened to include the larger unit, the war canoe house. While necessary to protect his rights in the *ẹ̀òrìkírí* from perceived interlopers, this decision is likely to result in future conflict: at present, neither my friend nor any of his brothers have an interest in accompanying their father on his fishing expeditions; they have, however, expressed to me interest in their father's rights over the *ẹ̀òrìkírí* for they hope that at an oil or gas pipeline will be built in proximity to Tereapukiri.

Oil companies pay the owners (or who they perceive to be the owners) of *ẹ̀òrìkírí* which lie in the course their pipelines. As the Niger Delta is a complex web of pipelines, *ẹ̀òrìkírí* have gained a new value. Should a pipeline be constructed near Tereapukiri, it is inevitable that my friend and his brothers will assert their rights as immediate kin in an attempt to exclude the wider kin group who are currently assisting their father to keep possession of the *ẹ̀òrìkírí*. It is likely that there are *ẹ̀òrìkírí* in existence which are misnamed for they were established precisely to collect money from oil companies. (I have never heard of such an example, but it would be very hard, if not impossible, to elicit a truthful response because one would never admit to it being anything but a fishing camp of ancient establishment.)

While *ẹ̀òrìkírí* contains the word *kírí*, reflecting the fact that they are not fully fledged communities (*ámá*), it is an error to consider them as simply *kírí*—they are not just earth devoid of human activity. *Ẹ̀òrìkírí* represent the first step in transforming the earth, pure land, into human land. *Òkpòngá*, simple wattle buildings used as temporary dwellings at *ẹ̀òrìkírí*, are often the first step in claiming and retaining land. Without them, a *ẹ̀òrìkírí* is just *kírí*. One should really view a *ẹ̀òrìkírí* as the germ of an *ámá*. Beyond the construction of *òkpònga*, there is a further step necessary for *kírí* to be transformed into *ámá*. The land must become deified.

As mentioned, a community is characterised by the spirit that creates and preserves it—i.e. Amatemso alias Amakiri. The goddess Amakiri represents the conjunction of two elements—earth and people. Both are necessary to form a community. An *ámá*, a human community, must be somewhere, on some piece of ground. However, it is necessary to emphasise that it is the former which is of prime importance to the Okrika. The closest word to 'indigene' in Okrika is *ámábọ̌* (pl. *ámápụ̀*). That is, to be an indigene—to be Okrika—is to be a person of a particular people, rather than a person of a particular land. *Ámápụ̀* are people of the *ámá*. To be of the land, to be autochthonous, is to be a *nọ́ndọ́ámábọ̌*, an uncivilised beast.

There is a saying in Okrika: 'a village may cease but the land does not' (*ámá fàá fàá kírí fàá kẹ̀*). In other words, a particular village may cease to be, its denizens may migrate or flee from trouble, but the land continues to exist, awaiting a new village to be founded. At first sight, the idiom seems to emphasize the importance and permanence of *kírí* against the ephemerality and impermanence of *ámá*. A deeper reading tells us that an *ámá*, while it must have a ground upon which it is situated, is not linked to any particular piece of land—it can move.

To put this another way, it is a group of people and their relations with each other which define an *ámá*, a village, rather than a village being defined by a specific geographical location. To confirm that this is in fact the case one finds that *ámá* move. For instance, Isaka, one of the nine *ólómúámá* ('old villages') that constitute Okrika, has had three different locations. It moved to its present location in the first half of the twentieth century—on maps made by the British in 1913, when they were surveying the site for the construction of Port Harcourt, Isaka is shown in a different place to where it is presently located. There are still a few old people alive today who are themselves the children of the people that first settled the third site of Isaka. The people Isaka refer to their first settlement, the initial site their *ámá*, as *íwọ́kírí* ('new land'). It may seem paradoxical that they refer to the site of the very oldest of their settlements as 'new'. But, in fact, it makes perfect sense. Like all Okrika, the people of Isaka came from elsewhere—to the first settlers the land was indeed new.

4.3.2 *From resort to village*

The question remains: how can a piece of ground, *kírí*, become a fully-fledged community, *ámá*? Besides Abuloma, all the *ámá* that form a part of present-day Port Harcourt are of relatively recent origin. Something that distinguishes these new *ámá* is that there is an absence of the worship of Amakiri. At Amadiama, a particularly Christian village, there is no active, or at least no public, worship of Amakiri. How can a village form and subsist without the spirit of community land? One way is through burial. Where one's forebears are buried is where one is from, and where one is from is where one is buried. While most Okrika people in Port Harcourt do not actively worship Amakiri, few, if any, lack respect for the dead (*dụ̀ọ́ịn*). The dead link the living to the land and permit the latter to make claims to it.

As mentioned in chapter two, Azuabie, an Okrika village in eastern Port Harcourt has only recently become a fully-fledged community. Azuabie began as a temporary settlement used by inhabitants of Okujaguama, which was a permanent village, an *ámá*—it was here that people were buried and where Amakiri was, and still is, worshipped. As Port Harcourt grew, more structures and accommodation were built in Azuabie and the people of Okujaguama spent more time in the settlement, valuing its convenience to the centre of Port Harcourt. However, those resident in Azuabie never considered themselves to be from Azuabie. The dead continued to be buried in Okujaguama and most would travel back weekly across the creek for family gatherings and to attend church. It was only in the 1980s that

the first people were buried in Azuabie. This marked the transition of Azuabie from a satellite settlement to a community in its own right. Now people describe themselves as 'of Azuabie'.

4.3.3 *Turning land into a village*

It is worth noting that the process by which a temporary settlement, *ḍòrìkírí*, becomes a proper village is not a necessary one. Many temporary settlements never become villages and instead fade back into mangrove or are otherwise absorbed or overwhelmed by neighbouring villages. The 1913 Agreement lists many creek-side settlements which are not to be found in the present city of Port Harcourt. For instance, there is one community clearly seen on maps made by the British around 1913: Ibanichukama. The settlement was established in the late nineteenth century by Ibanichuka, the *ámányánábǫ̆* of Okrika, as a place for some of his kin (children, wives and slaves) to live—being the *ámányánábǫ̆* he had a large family and lacked adequate space for them all in his home in Kirike village. His kin continued to live there well into the second half of the twentieth century.[21] However, frequent conflicts with the neighbouring people of Abuloma caused many to move to the main island of Okrika and the settlement more or less disappeared. Some descendants of Ibanichuka still live there, but there is nothing one would recognize as a cohesive village. To call it an *ámá* would be wrong. To ask directions to Ibanichukama today is to be met with blank stares.

An essential trait of the Okrika can be extracted from the above account: the Okrika seldom have a single home. It is not uncommon for Okrika people, especially those who dwell in *ịwǫ́ámá*, to own property in two or more villages. For instance, many persons in Amadiama continue to own property in Ogoloma, their parent old village, despite the fact several generations of their family have been born and buried in Amadiama.

The genealogical metaphor which holds that new villages are begat by old villages goes further in suggesting that the former have certain rights in the latter in the same way a child has a claim to the property of their parent. This is especially important in times of conflict: should residents of a particular new village come under attack, their parent village provides a refuge. For example, when Amadiama became the site of a conflict between rival armed groups in 2003 and 2004, many residents fled to Ogoloma. The same logic allowed those settled in Ibanichukama to move back to their original home in Kirike.

The goal of Okrika people in Port Harcourt is to transform *kírí* into *ámá*, which is to say dehumanized land into humanized land. Humanized land is land with the incidents of ownership. This process is one of the chief causes of disputes.

The case of Kokoama, or Kokokiri to its detractors, is exemplary. The southern edges of the city are where hard land becomes mangrove and eventually water. Since the 1970s most of these mangroves at the fringes of the city have been cut down and the waterlogged land filled with sand. This was what happened in the

[21] PHC: D/7A/62, *Gudi v Ajua* (1962).

creek of Agbagbo Okolo[22] near Amadiama. Seven fishermen from nearby Amadiama persuaded the captain of a dredging boat to dump sand on an area of cleared mangrove in the creek. The fishermen established a *ḅòrìkírí* on the new land by building a few simple structures where they could rest and store their fishing equipment. In time, some of the fishermen built batcher to accommodate migrants and collect small rents from them.

Conflict came in the 1990s when Julius Berger, a German building contractor, expressed a desire to construct its Port Harcourt headquarters on a part of the new land. The settlement had been collectively established by the seven fishermen, but the seven were not of equal influence—one of them asserted sole ownership. After an extended dispute involving the death of the wife of one of the fishermen, the most bellicose and strong headed fishermen, who had asserted sole ownership, was left in complete control of the *ḅòrìkírí*. This individual, feared by the people of Amadiama and suspected of being a *ḍíríkọ́rịbọ̌* ('witch'), proclaimed himself *álábọ̌* and christened the place Kokoama. Up till then the area had been known as Kokokiri—the name was chosen as the seven fishermen shared a forebear in the person of Koko of Ogoloma. This proclamation did not stop conflict over the land, rather it intensified it. There was much violence and litigation, between the people of Amadiama and the newly proclaimed chief of the land and the neighbouring Ikwerre communities of Oroabali and Orogbum. Although this example stands as a case of *kírí* becoming *ámá*, it is still very much an ongoing process and one that is contested.

As mentioned above, burial of the dead is one of the ways control over land is asserted. When the fisherman-cum-chief died he was not buried in Amadiama or even Ogoloma. He was buried in the new settlement he helped to establish only a few decades before. His son, whose decision it was to bury his father on the new land, is very much involved in continuing the process of the status transformation of the land begun by his father. Not content with the rank of *álábọ̌*, he has recently assumed the title of *ámányánábọ̌*.

4.4 *Conclusion: concepts compared*

It should now be evident that the Ikwerre concept of land is different to that of the Okrika. For the Ikwerre, the land (*ẹ̀lị̀*), a divine entity, is fundamental. The land gives life in the form of sustenance and residence. It also takes life—those that transgress are killed. The Okrika, on the other hand, divide land into raw, physical land (*kírí*) and land upon which a community is domiciled (*ámá*). It is the latter which is of greater importance. It is from this latter understanding of land which the Okrika ideas of tradition (*ámámị́émị́éyè*) and taboo (*ámátọ́ñtọ́ñyè*) derive. *Ámá* is a term that refers to the conjunction of people and land, but which is more closely tied to people than it is to physical land. This can be seen from the fact that should

[22] Agbagbo is the name of an Ikwerre man from Orije lineage in Oroabali who is associated with the creek; *òkòlō* is the Okrika word for creek.

a village shift the site of its settlement, the *ámá* remains the same while the particular land, *kírí*, changes.

As well as differences, there are many similarities between the Ikwerre and Okrika conceptions of land. Similarities are to be expected of two peoples who have been trading for centuries. While the languages are different, it is generally admitted that different words frequently refer to the same entity. For example, *támụ́nọ́* is equated with *chí*.[23] The name of the Abrahamic god of Christians is Tamuno and Chineke[24] in Okrika and Ikwerre respectively. And I have had Amakiri explained to me by Okrika persons as being the same as the goddess the Ikwerre call *ẹ̀lị̀*. The Ikwerre and Okrika have their own languages, but it would be inaccurate to describe them as having their own gods. The Ikwerre and the Okrika inhabit the same ecumene,[25] and this shared world extends beyond the material. It is not unusual for Ikwerre communities to travel to Okrika to fetch the token of a particular *órú* upon which an oath will be sworn—the gods of strangers are still gods and often very efficacious too.

The difference between the Ikwerre and Okrika conceptions of land does not fundamentally rest on theological understandings. Rather it lies, I believe, in livelihood: the Ikwerre are of the land, the Okrika are of the water. This should not be read as: land is important for the Ikwerre and unimportant for the Okrika. Land is very important for the Okrika, but what they call *kpóínkpóínkírí*, expansive dry and hard land, is scarce. Their conception of land is characterised by this scarcity. Moreover, land for the Okrika is not something simply there; it is something made or discovered: *ónú* refers to planks and canoe fragments used to reclaim land; *ígú* refers to a kind of hard earth used in infilling mangrove; *kóróchíẹ́* is a verb expressing the idea of an explorer alighting from a canoe to settle new land. Such vocabulary is absent among the Ikwerre for whom dry farmland abounds. Indeed, the very word for farmland in Okrika is not of Okrika origin; *òzùkírí* ('farmland') derives from the Igbo for farm, *òzù*. Okrika is a language of water. Even Okrika landlubbers who forsake creeks and canoes and drive cars and conduct their business in the city are conceptually coloured by the nautical nature of their heritage: the word for car is *kíríárụ́* (lit. 'land canoe') and one's business associates are *árụ́pụ̀* (lit. 'canoe people') or *kọ̀nìpụ̀* (lit. 'fisherfolk').

The difference between the Ikwerre and the Okrika conceptions of land can also be explained in terms of loss and gain. The Ikwerre of Port Harcourt have lost their original livelihood. No longer are they farmers of yams. They are now farmers of rents. The rural has become the urban. In contrast, the creeks and their fish remain. While fewer Okrika live by fishing today than in the past, this diminution is not due to the loss of the environment where that livelihood is pursued. This

[23] Talbot, *Tribes*, 19.

[24] The name Chineke has the following derivation: *chí nụ̀ ékè*; *ékè* is the god of fate and when combined with *chí* the name captures the idea of a god who creates.

[25] Cf. I. Kopytoff 'Ecumene' in *International Encyclopedia of the Social & Behavioural Sciences* (2001).

diminution can be explained by a gain rather than a loss: the city has allowed new livelihoods to be pursued.

The shift to livelihoods on dry land has changed the notion of land for the Okrika. But change has not occurred without continuity**.** To understand this, it is necessary to mention the phenomenon of waterside slums in Port Harcourt. Wherever dry land meets water these settlements have a tendency to spring up. It is not only Okrika people who dwell in such settlements, yet, as I described in chapter two, it is the Okrika who typically make themselves out to be the founders of such places and assert ownership over them. The watersides manifest continuity insofar as they continue the traditions of reclaiming land from mangrove and of establishing temporary fishing settlements; they manifest change insofar as these settlements are not temporary but permanent—they are established parts of the city.

Perhaps a greater change these settlements represent is a shift in value. In the past, land's value derived from the fact it was a potential site for a settlement of people. Today the land has a value in itself. It is little wonder therefore that the informal chiefs of these waterside slums refer to themselves as *kírínyánápụ̀*, 'owners of the earth'. Although it should be added that this shift in value is not solely a result of exposure to the commodification of urban land. The discovery of crude oil, or *kíríḅíépùlò* ('blood within the earth'), gave rise to the notion that the land itself, *kírí*, has value.

Ámá has not lost all its value. Dwellers in an *ámá* have more prerogatives than those who dwell on a mere patch of ground, *kírí*. As such in many Okrika parts of Port Harcourt one finds attempts to turn *kírí* into *ámá*. Sometimes these attempts are little more than toponymic changes. But that such attempts occur illustrates the continuing importance of the notion of *ámá*.

The shift in the meaning of land for the Ikwerre is harder to trace. The physical land upon which the Ikwerre dwell has thoroughly changed. Yet there is never change without continuity. Yam hills, plantain groves and luxuriant forest may have been replaced by noisy highways, open gutters and sprawling bungalows but *ẹ̀lị*, the goddess, remains. She is still feared and respected. *Ẹ̀lị* is still the most prominent and powerful of the gods. She is the chief god of the Ikwerre. In contrast, Amakiri, to whom *ẹ̀lị* is equated is just one god among many; Amakiri is never admitted to be the chief god of the Okrika.[26] Indeed, among Christian Okrika, who today constitute the majority, Amakiri has little or no importance. Whereas among Christian Ikwerre *ẹ̀lị* is still a force to be respected—a recent funeral of a prominent Ikwerre Pentecostal preacher was shifted because the proposed date coincided with Riagbo, a day associated with *ẹ̀lị*: it is widely known to be *nsọ̀ ẹ̀lị* to be buried on such a day.

While it cannot be denied that land, and its spiritual significations, have changed for the Ikwerre and the Okrika, it is apparent that land remains supremely important. In the next two chapters, I examine the ways rights in land are inherited and transmitted.

[26] Fenibeso, the god of war and thunder, is usually said to be the chief god of the Okrika.

5

How the Ikwerre inherit and transmit land rights

5.1 *The Ikwerre patrilineage*

This chapter is concerned with how Ikwerre gain and transmit rights in land. Land rights derive from the patrilineage, a group of people descended from an ancestor in the male line. A patrilineage is made up of men, unmarried women and women who have entered into it by marriage. There are several expressions to refer to this group in Ikwerre: *ávnụ̀rnụ̀*, *ọ́nụ́márná*, *ọ́gbá*. Some of these expressions are metaphors. For instance, *ọ́gbá* literally means 'to sprout'. For ease, I stick to the term patrilineage.

Although villages and village groups are technically patrilineages, they are never ordinarily referred to using the terms above. These words, and the term patrilineage which I use here, are reserved for groups of a smaller order of magnitude. Thus when I speak of patrilineages, unless stated otherwise, I refer to the subordinate units that make up villages.

Not all members of a patrilineage have the same rights to land. Different statuses entail different degrees of rights. Intra-Ikwerre conflicts over land rights are rarely framed as conflicts over land. Instead they appear as disputes over marriage, descent and status. In essence, disputes are whether and to what degree persons 'belong' to a patrilineage.

Of all the members of a patrilineage, the *ẹ̀pnàrná* ('first son') has the greatest number of rights. He is ordinarily understood as the 'chief' of the patrilineage. He is not, however, the 'owner' of the patrilineage's land. The *ẹ̀pnàrná* is the 'chief' insofar as he is a head connected to a body: neither can operate without the other. If any being can be said to 'own' land, it is the patrilineage itself. And the patrilineage, it should be noted, is not just made up of the living. The dead, those worshipped under the name *rụ̀kánị̀*, are members too. The *ọ̀whọ́*, a short stick which is a symbol of patrilineal authority and truth, is also a symbol of their continuing authority in the land of the living.

5.1.1 *An example of a patrilineage*

I will use the patrilineage of my friend from Choba, one of the ten villages which constitute Akpor, as a point of reference. Choba is a busy place; as mentioned in chapter three, is adjacent to the University of Port Harcourt and has a large noodle factory. At the northern edge of the village is a large roadside market. Many of the patrilineages in the village, including that of my friend, make money from renting rooms to students, factory workers and traders.

Ikwerre people in Choba belong to one of three maximal patrilineages: Rumuati, Rumumgba or Rumumanyaikpokwu.[1] Each of these patrilineages pertains to one of Choba's three sons, Ati, Mgba or Manyaikpokwu. *Rụ́mụ̀* means 'descendant of' and so Rumuati, for example, is the patrilineage of Ati. My friend belongs to Rumuati.

The three maximal patrilineages are themselves subdivided, each subdivision representing a son of Ati, Mgba or Manyaikpokwu. For instance, Rumati is divided into two: Rumuchakara and Rumuokocha. This process of subdivision goes on. Villagers therefore belong to one maximal patrilineage and several diminishing, subsidiary patrilineages. Of the two subdivisions within Rumuati, my friend belongs to Rumuchakara. Within this, he belongs to another smaller patrilineage called Rumuanyinke, that is to say he is one of the descendants of Anyinke, one of the sons of Chakara. When I refer to 'his patrilineage' Rumuanyinke is the one I mean.

As well as being genealogical terms, Rumuati, Rumumgba and Rumumanyaikpokwu also refer to the neighbourhoods of Choba. Rumuati is located at the centre of the village. It is here that *rùhnù àlị*, 'the face of the land', a cluster of tall trees and undergrowth, can be found. The custodian of *rùhnù àlị*, the *nyénwé àlị*, is the living embodiment of the eponymous founder of the village. As the representative of Choba, the *nyénwé àlị* comes from the Rumuati patrilineage because it is the most senior patrilineage, its members being the descendants Choba's eldest son.

5.1.2 *The compound*

Members of my friend's patrilineage, Rumuanyike, live in one of two compounds in Rumuachakara, one of the two sections of Rumuati, which is in turn one of the three neighbourhoods of Choba. Beside these two compounds the patrilineage has several plots of land, some of which are developed, which were formerly their farmlands.

The compound my friend lives in lies on a busy street that runs through the village—okadas and kekes weave between potholes and petty traders. It is surrounded by an eight-foot-high wall and is accessible through a wicket door in a pair of red metal gates. Behind this is a yard dominated by a large bungalow, roofed with the ubiquitous corrugated galvanised steel, or 'zinc' as it is called in Port Harcourt.

[1] I use the term maximal to refer to those patrilineages that exist at the level below the village.

Adjacent to the bungalow is a smaller building, composed of a single room. This is the *òbìrì*, the family meeting hall. Most *òbìrì* are simple structures—the most basic consist of a roof atop a few concrete pillars and resembles a pavilion (see Plate 38). Talbot, writing at the start of the twentieth century, described the *òbìrì* as 'an open shed' which 'forms the general meeting-place and "palaver" house of the compound.'[2] The rural *òbìrì* of Talbot's day had mud walls and a thatched roof made from raffia (see Plate 37).

As the physical centre of a patrilineage, *òbìrì* are of great importance to Ikwerre. It is where decisions affecting the patrilineage are made and where guests are received and entertained. In the corner of most *òbìrì* is a small, enclosed space, often little larger than a cupboard. This is the *órò ágbàrá*, 'the room of the god'.[3] It is here where *rụ̀kánị̀*, the spirit of the ancestors, is worshipped.

The *órò ágbàrá* is a private space within the public space of the *òbìrì*. Strangers are not allowed to see inside—indeed, I never once saw properly inside; quick glimpses were all I was afforded. Only adult men of the patrilineage are permitted to enter, and only those considered *díẹ̀lị̀* at that, so *órò ágbàrá* are frequently fitted with a lock whose key is held by the head of the patrilineage.

It is not just *órò ágbàrá* which are kept under lock and key but, increasingly, the *òbìrì* in which they are situated. This is by no means all *òbìrì*—there are still many 'public' *òbìrì* (see Plate 33) and in the past it seems that even *órò ágbàrá* were more open. The tendency for *òbìrì* towards privacy seems to be a consequence of their urban setting. The metropolis is a place full of strangers, and strangers threaten the sanctity of the space.

The metropolis has given *òbìrì* new uses (see Plates 35-3). Some are now used partly as Christian places of worship which can provide a patrilineage with a small sum of money from rent. However, not all patrilineages are so keen to let groups of outsiders use their *òbìrì.* Several lineage heads I met decried the practice of using *òbìrì* as churches. Part of their disgust towards such practices was because, in such instances, the identity and nature of persons entering the *òbìrì* could not be known and in all *òbìrì*, whether of the public or the private sort, there are several prohibitions regulating who may and who may not go in. One such prohibition forbids menstruating women from entering the *òbìrì*. Should they do so, it is considered *nsọ̀ ẹ̀lị̀*. One *òbìrì* I visited in Rumuekini had a sign affixed to the entrance which read in English (the language of strangers) 'Any Woman Under Monthly Period Is Not Allowed To Enter'.

The *òbìrì* inside the compound of my friend is of the private sort. It is fitted with a lock and has walls such that those outside cannot eavesdrop. To add to its security it is inside the compound walls. A casual passerby would therefore never happen across it.

[2] Talbot, *Tribes*, 273.

[3] This how it is referred to in Akpor; in Obio it is called *órò rụ̀kánị̀*, for this small room is seen to hold a particular deity—namely, *rụ̀kánị̀*.

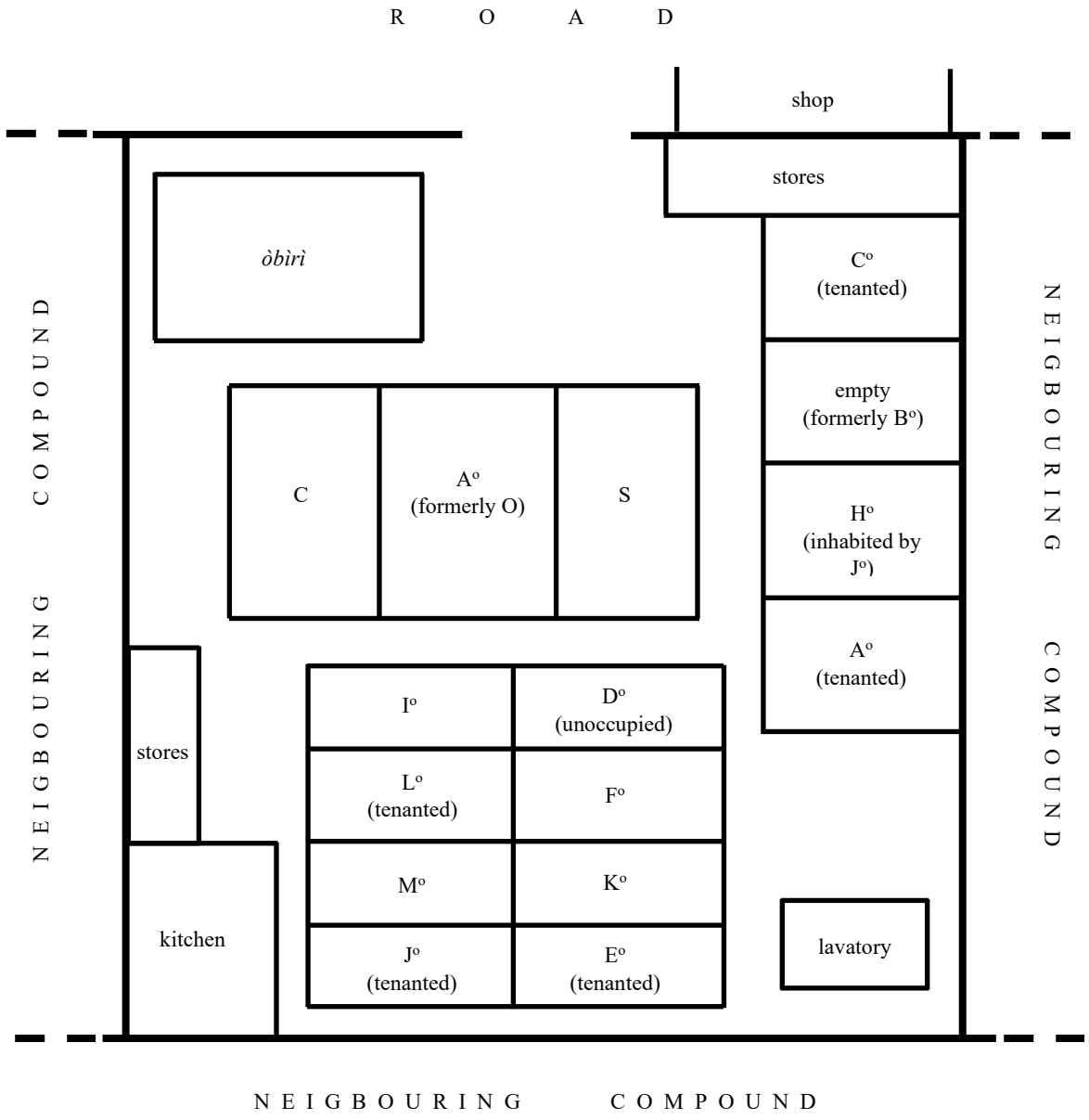
That the *òbìrì* is adjacent to the large bungalow at the centre of the compound is atypical. Typically *òbìrì* are in the centre of a compound with accommodation ranged around. This particular *òbìrì* is also unusual in that it lacks an *órò ágbàrá*. The late father of my friend found that worship of the effigies in the *órò ágbàrá* did not sit well with his Christian faith and so he removed them. I was told that in order to justify his actions he said that he did not need material objects to speak to his ancestors. Now that his eldest son, who is less troubled by Christian sentiments, has succeeded as the head of the patrilineage, there is talk of reconstructing the *órò ágbàrá* inside the *òbìrì*.

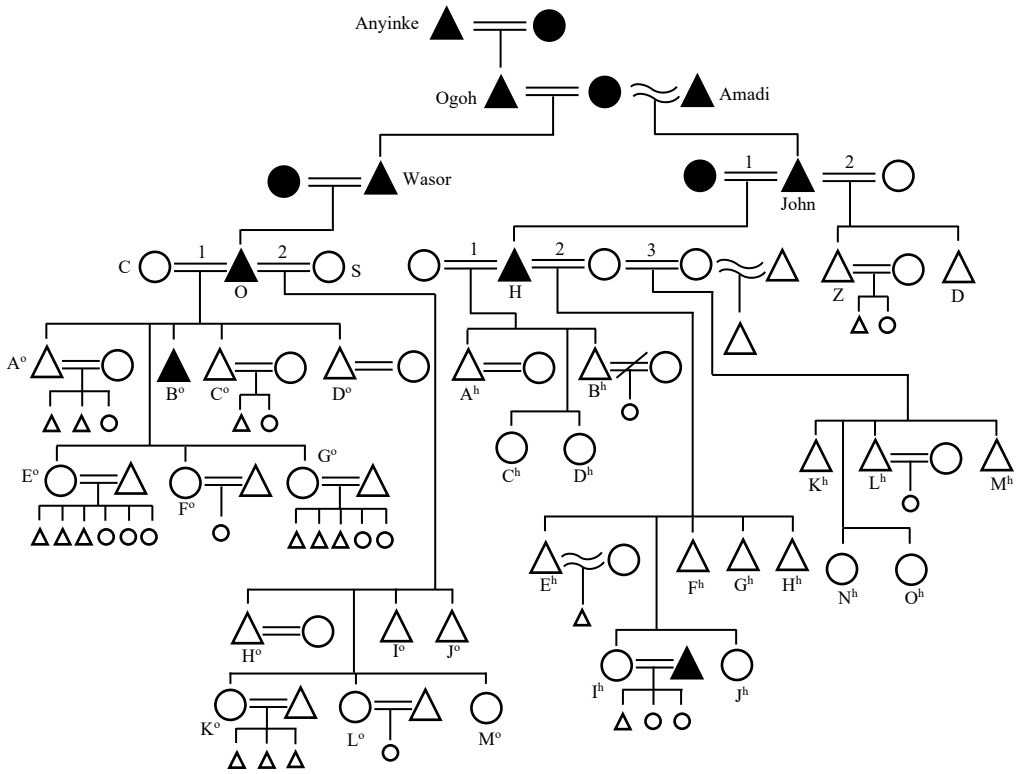
The absence of *órò ágbàrá* from an *òbìrì*, while uncommon, is not unheard of; nor is its absence always explained by religious zealotry. I met the head of one of the patrilineages of Oromeruezigmbu, one of the seven villages which constitute Diobu, who took me to see the *òbìrì* of his patrilineage which was typical in most regards—open, without walls and in the centre of the compound—save one aspect: the absence of the *órò ágbàrá*. After I commented on this, I was then taken to a small yard at the back of his living quarters where some plantain and herbs were growing. Here he had built what looked like a Wendy house. This was, he told me, his *órò ágbàrá*; he had removed it from the *òbìrì* and rebuilt it in this more secluded spot because the *rụ́mụ̀ rìnyà*, the women of Oromeruezimgbu, used his *òbìrì* for their meetings. He was concerned that menses may desecrate the *órò ágbàrá*, upsetting his ancestors.

5.1.3 *The layout of the compound*

Returning to the compound of my friend, beside the bungalow at the centre of the compound are several smaller structures, most of which are living quarters. Buildings of this type are called ‘self-containeds’ in Nigerian English. These rooms, which are rather small, are lived in by my friend, his siblings and a number of tenants. As the rooms are too small to do anything other than sleep, bathing, laundry and cooking happen outside in the communal areas.

A simplified plan of the compound is depicted below. The letters correspond to the patrilineage diagram beneath it:


R O A D
shop
stores
òbìrì
Cº
(tenanted)
empty
(formerly Bº)
Hº
(inhabited by
Jº)
Aº
(tenanted)
C
Aº
(formerly O)
S
NEIGBOURING COMPOUND
NEIGBOURING COMPOUND
stores
kitchen
Iº
Dº
(unoccupied)
Lº
(tenanted)
Fº
Mº
Kº
Jº
(tenanted)
Eº
(tenanted)
lavatory
NEIGBOURING COMPOUND



Due to the constraints of space I have initialized the names of the fourth generation. Because the names of subsequent generations share the same initial, I have alphabetised them. I have not put the names of the women of the earlier generations because they are not remembered.

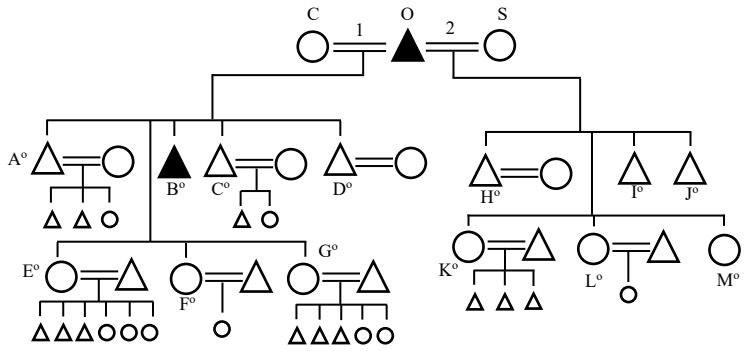
Remembrance of names is generally confined to men, as men, unlike women, are fixed to the patrilineage in which they are born. My friend told me that Anyinke, Ogoh, Wasor and John were all said to have had many daughters, but as they married, and thereby left the patrilineage, their names are not remembered. Additionally, as rights depend on tracing a patrilineal descent, there is a systematic remembering of the names of men who had issue, but the remembrance of the names of men who had no issue depends on individual recollection.[4]

As many of the names of the children of O and H share the same initial, I have alphabetised their children using a superscript ‘o’ or ‘h’ to indicate the identity of their father. The diminutive symbols indicate living infants, = indicates marriage

[4] In contrast, the Okrika who derive many rights though their mothers, generally have extensive knowledge of female ancestors; see chap 6.

and ≈ indicates a union outside marriage. Arabic numerals above the marriage symbol indicate the order of marriage where a man has contracted multiple marriages.

Reference to this genealogy will be made throughout this chapter. For ease I reproduce the genealogy of the segment of the patrilineage which dwell in the compound (i.e. the descendants of O):



The principal building of the compound is the main bungalow, divided into three apartments, which once was occupied by O and his two wives, C and S. Since O's death, the central apartment has become the property of O's eldest son, Aº. Aº, who is married with three children, does not live in the compound, dwelling instead in a house he has built on some land he inherited from O.

Aº's brothers, Cº, Dº, and Hº, who are also married, likewise live outside the compound in small houses they have built elsewhere in Choba. The land upon which these brothers have built their homes was formerly the farmland assigned to their segment of the patrilineage. Like the other villages in Akpor, Choba has been absorbed into the urban mass of Port Harcourt. Little agricultural land remains as there is more money to be made from building developments than crops. None of the sons of O describe themselves as farmers.

There is a small, crudely built shop abutting the exterior wall of the compound. It is the property of O's segment of the patrilineage and rented to a petty trader who sells oil, pepper, noodles, garri and other provisions. Although this rent is shared amongst the siblings, not all property is collective. Each of the self-containeds belongs to one of the children of O and so any money made from leasing these rooms out is retained by the individual who is in control of it.

The children of O that are not resident in the compound lease their rooms to strangers for cash. Rental agreements are informal oral contracts, with rent usually being collected every month. Like the majority of the population of Port Harcourt, the tenants are from elsewhere and have come to the city in search of money and betterment. Aº's tenant is a young unmarried man from Imo who works in the nearby noodle factory; Jº's tenant is a single man from Enugu who works in a fast food shop in Choba; Cº's tenant is a woman from Calabar who sells beverages and

provisions from a roadside stall in Choba, formerly being employed by the noodle factory; Eº's tenant is a young unmarried woman with two children, who is looking for work; and Lº's tenant is a middle-aged woman from Akwa Ibom who sells snacks to students at the University of Port Harcourt.

While the rent is agreed individually, the average is about ₦50,000 per annum, which is the going rate for a 'self-contained' in this part of Choba. To advertise a vacancy a small board with the words 'room to rent' is placed outside the compound on the street. Such signs and other adverts for rooms scrawled onto walls are a common sight in Port Harcourt. The room of Bº, who is recently deceased, is currently unoccupied as his siblings have yet to decide who should assume control of his property. Hº's room is occupied by his younger brother Jº and in exchange Hº receives the rent from Jº's tenant.

While the individuals take charge of their rooms and are free to lease them and collect the rents, it would be inaccurate to say that they 'own' them. They cannot sell them. The self-containeds belong to the bigger entity of the compound, a segment of the patrilineage. The relationship between the compound and the separate rooms inside can be used as a metaphor to understand the relationship between the patrilineage and individuals, when thinking about 'ownership' of property. Individuals in the patrilineage have property they call their own and can use as they wish. However, there are limits to their enjoyment—they cannot alienate 'their' property, for it is not ultimately 'theirs' to alienate.

The land holdings of the patrilineage, which were formerly their farmlands, are surprisingly scattered. They are not even all in Choba. The patrilineage have some lands on the fringes of what is today Ozuoba village. I was told that this is because the former location of Choba, the *ókpōrò*, was adjacent to the current village of Ozuoba.

Each of O's sons inherited plots of former farmland 'owned' by their segment of the patrilineage. Unlike the core of the patrilineage, the compound, these peripheral lands seem to tend more towards individual 'ownership' and have been sold to strangers. My friend Iº inherited a plot adjacent to that of his brother Hº after their father died. The brothers jointly built a bungalow which spans the two plots, each brother intending to occupy one half. Although Hº has moved into his section with his wife, Iº regrets agreeing to the arrangement for he lacks the wherewithal to develop his section, which is currently a partly built collection of concrete blocks.

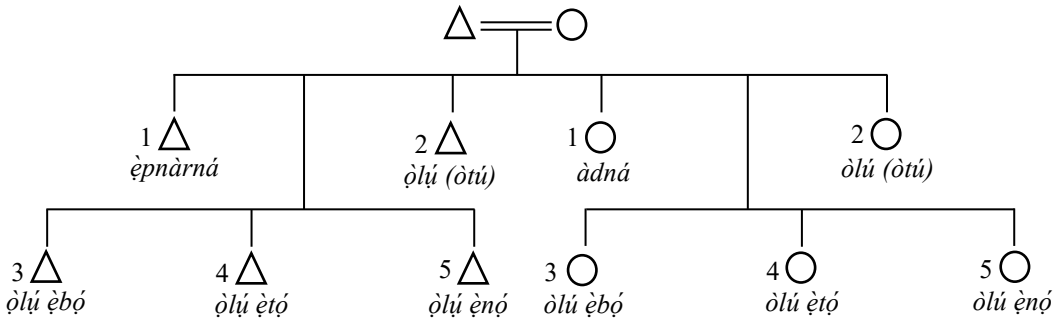
Moreover, selling this land is the only way to raise the money necessary to fulfil his desire to 'japa', to emigrate. But as Iº's brother occupies his portion of the bungalow, which spans both plots, and has no intention of moving it is impossible to sell the land.

The children of O all have rights in land and, in the case of the land of the compound, the buildings thereon. However, they do not possess equal rights. Some children possess greater and more extensive rights than others. I examine this below.

5.2 *Firsts*

Firsts are very important to the Ikwerre: first sons, first daughters, first wives. Each of these is marked by its own term. First son: *ẹ̀pnàrná*[5]; first daughter: *àdná*; first wife: *óbòtù*. There are also words which express those who are not first: *ọ̀lụ́* for sons, *òlú* for daughters and *àchámá* for wives. These terms are commonly translated as second son, second daughter and second wife. It would be more accurate to translate them as cadet son etc. for all sons, daughters and wives who are not the first are referred to by these terms.

To differentiate the third son from the second the former may be called *ọ̀lụ́ ẹ̀bọ́* ('second' *ọ̀lụ́*). The logic is as follows: the second son is the first *ọ̀lụ́* (*ọ̀lụ́ òtú*), the third son is the second *ọ̀lụ́*, the fourth son is the third *ọ̀lụ́,* and so forth. This logic applies to daughters too. This can be understood diagrammatically:



These terms are relative to wives as well as to fathers. In a polygynous group, a wife's children may be junior relative to the children of another wife, but she will, nonetheless, have her own first son and first daughter who are still referred to as *ẹ̀pnàrná* and *àdná* with respect to her. For example, H^{o} and K^{o} are respectively the *ẹ̀pnàrná* and *àdná* of S, the second wife of H; relative to H, all the children of S are cadets.

My friend I^{o} may introduce his brother, H^{o}, thus: *Ké bù ẹ̀pnàrná nwẹ́nẹ́ m*, 'This is my mother's first son.' When someone is referred to as *ẹ̀pnàrná*, one cannot immediately assume that the person is the *ẹ̀pnàrná* relative to the father (*ńdá*). A polygynous group consisting of a man, several wives and children will consequently have several *ẹ̀pnàrná* and *àdná*. A^{h}, E^{h}, K^{h} are all *ẹ̀pnàrná* relative to their mothers, for example. That being said, the most important status is the *ẹ̀pnàrná* relative to the father.

Because the *ẹ̀pnàrná* is simply the firstborn son it is possible that the *ẹ̀pnàrná* is begat not by the first wife (*óbòtù*), but by a junior wife (*àchámá*). In such a case the first wife will retain the status of *óbòtù* but the junior wife, *àchámá*,

[5] The word is said *ọ̀kpnàrná* in Akpor; for simplicity, I only use the word as it is said in Obio in this chapter.

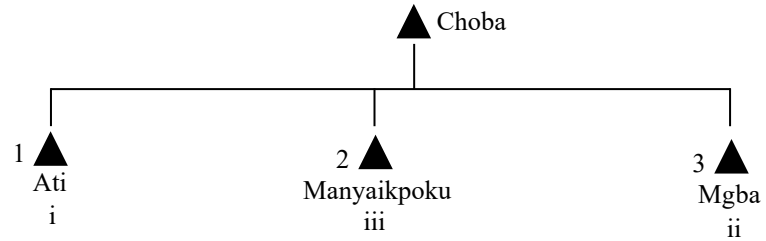
will gain standing in the family. Uxorial hierarchy does not necessarily align with filial hierarchy.

Despite great emphasis being placed on the first son, the Ikwerre do not practice a system of primogeniture. The father's patrimony is divided amongst all sons. The *ẹ̀pnàrná* takes the largest portion and in his role is also responsible for sharing out the rest.

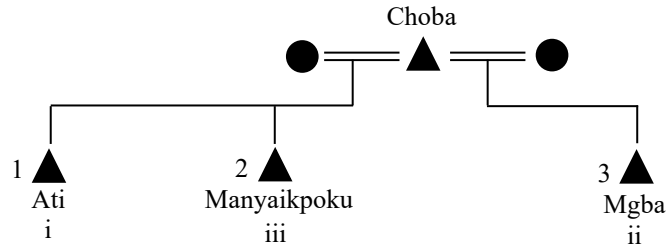
After the *ẹ̀pnàrná* has taken the first share it is not necessarily the second son (*ọ̀lṵ́*) who takes second. Should a man have multiple wives, the next share falls to the next eldest son born by a different wife from that which begat the *ẹ̀pnàrná*. The third share is then taken by the eldest son of the third wife to have male issue, and so forth.

Following the death of O, his *ẹ̀pnàrná* A^{o} became the head of the family and moved into what had been O's rooms in the compound. In his role as head, A^{o} also presided over the sharing out of O's property amongst his siblings. I was often told that daughters do not receive any share on their father's death because they are expected to marry and, through marriage, leave the patrilineage of their birth. Allowing them to inherit their father's property would be tantamount to giving the patrimony to another patrilineage. However, practice seems to differ from theory. Some of O's daughters (E^{o}, F^{o}, K^{o}, L^{o} and M^{o}) inherited rooms in the family compound. Indeed, even those who have since married and moved away continue to hold these rooms and rent them out to strangers who live in the compound. But from what I have been able to deduce, the daughters' interest in this property is for life only; after they die their interests will not be passed onto their own children (i.e. a different patrilineage) and will instead revert to their brothers.

The actual method of sharing the patrimony follows a particular pattern, best explained by means of an example. As noted, Choba, the village to which my friend and his patrilineage belong, is made up of three maximal patrilineages: Rumuati, Rumumgba and Rumumanyaikpoku. These patrilineages represent the descendants of the three sons of Choba: Ati, Mgba and Manyaikpoku. Ati was the eldest son, the *ẹ̀pnàrná*, and therefore took the first share. Manyaikpoku is senior to Mgba, being the second born son, but was third in the order of sharing the patrimony. The order of sharing represents the order of precedence in the village. Thus, the lineage of Rumumanyaikpoku enjoys not only the smallest share of the lands of Choba but is last in order of precedence in the village and so must take the last share of anything that is brought to the village as a whole. This can be displayed in a diagram with Arabic numerals representing the order of birth and Roman numerals representing the order of precedence:



The fact which explains why the second son is third in order of precedence, and the third son is second, is maternity. Ati and Manynaikpoku had the same mother whereas Mgba was born to a different mother. This can be represented thus:



Order of precedence, then, is determined not by seniority alone but by a combination of seniority and maternity. Each wife constitutes her own kitchen (*òbòkóró*). For the sake of equity, the sharing of patrimony happens according to kitchens, each being an uxorial unit. The eldest son takes the first share, followed by the eldest son of the next wife, and then to the eldest son of the next wife, and so on, only returning to the second son of the first wife once the eldest sons of all other wives have had a share. The same pattern continues, with each kitchen taking a turn, till all sons have been accounted for. I was told that the purpose of this method was to prevent the children of a single wife taking most of the property, leaving the issue of junior wives impoverished.

This sharing principle explains why, after A^o, H^o is the most senior person in the compound in terms of status, despite his brothers C^o and D^o being older. This also explains the order of precedence among the sons of H—the three most senior men are A^h, E^h and K^h.

Knowing the order of precedence is important as it determines the turn one takes in receiving patrimony. Here patrimony is primarily land.

5.2.1 *The symbol of the patrilineage*

The *ẹ̀pnàrná* owes his influence to another fact: he inherits the *ọ̀whọ́* of his father. The *ọ̀whọ́* is sometimes conceived as the 'child' of *ẹ̀lị́*,[6] whose bearer is said to be unable to speak falsehoods. The importance of the *ọ̀whọ́* to the Ikwerre cannot be over-emphasized. They are rarely openly carried—indeed, I saw them only on a handful of occasions. When the *ọ̀whọ́* is brought out, it is treated with utmost reverence and never placed directly on the ground. If a libation is to be poured onto it, a leaf from the *íkēnì* tree (*Newbouldia laevis*) should first be laid out upon which the *ọ̀whọ́* can be placed (see Plate 39).

Unlike land, the *ọ̀whọ́* cannot be divided. By inheriting the *ọ̀whọ́* of his father the *ẹ̀pnàrná* becomes not only the representative of his father, but the representative of all his patrilineal forebears. For just as his father inherited the

[6] Talbot, *Tribes*, 103.

ọ̀whọ́ from his father, his father's father inherited it from his father and so forth. The holder of the *ọ̀whọ́* therefore becomes both the structural continuation of his father and the living representative of his patrilineage. By holding an *ọ̀whọ́,* the *ẹ̀pnàrná* speaks for all his patrilineal ancestors.

I was told that cadet sons (those who do not stand to inherit the *ọ̀whọ́* of their father) are able to create their own *ọ̀whọ́* and thereby establish their own patrilineages. However, the actual process of creating a new *ọ̀whọ́* is very unclear. I never witnessed it myself and met very few Ikwerre who had—only a few elderly men who were unable to clearly recollect the procedure.

Unlike his younger brothers, the *ẹ̀pnàrná* becomes the head of an already established patrilineage. As such he is afforded precedence over his brothers because he represents a senior patrilineage, one which structurally occupies a position a generation higher.

Although it is tempting to define Ikwerre patrilineages in relation to the *ọ̀whọ́*, a complication arises from the fact that a man can possess several *ọ̀whọ́* simultaneously. In addition to the *ọ̀whọ́* of his father, he may inherit that of another male kinsman, a nephew or an uncle for instance, and so come to represent more than one patrilineage.

Beside referring to the eldest son, *ẹ̀pnàrná* refers to the head of a patrilineage. By virtue of his position as the most senior male member, the head of the patrilineage occupies the structural position of an *ẹ̀pnàrná*. An *ẹ̀pnàrná* is both a potential head of a patrilineage and the current head. The latter sense of the term goes beyond the literal gloss of 'first son'.

It would be wrong therefore to say that on the death of a father his *ẹ̀pnàrna* assumes his position and stops being the *ẹ̀pnàrná*, the status shifting to his own first son. An *ẹ̀pnàrna* remains an *ẹ̀pnàrna* even after the death of his father. The term refers, then, to a relationship between the living and the dead, as well as a relation between the living.

5.2.2 *The problems of premiership*

The last chapter described how for a *nyénwé ẹ̀lị̀* to hold office he must be proper in body and behaviour. That is, a married man, without disfigurement or handicap. Propriety is also required of those who hold an *ọ̀whọ́*. Any facts or acts which are considered abominable (*nsọ̀ ẹ̀lị̀*) disqualify a person from holding an *ọ̀whọ́*. There are many things that render one unfit in this regard. Being born a twin (*ẹ̀jìmá*), for instance, or being left-handed. Some facts are given from birth and are irrevocable, others develop over time. For instance, I was told of a *nyéjí ọ̀whọ́* (person who holds an *ọ̀whọ́*) who went blind in his old age and his kinsmen therefore took the *ọ̀whọ́* away.

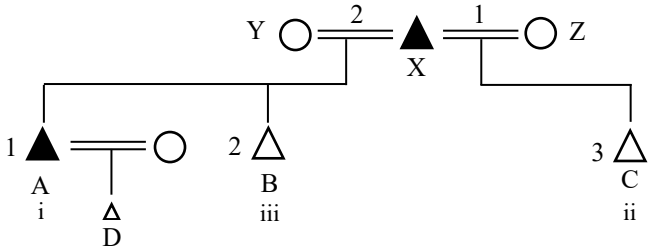
A youth also cannot hold an *ọ̀whọ́*. By this I do not just mean a child or adolescent. All Ikwerre men remain 'youths' till they are married. Because of this, the ideal pattern of succession, from father to eldest son, cannot always be followed. In such instances, the *ọ̀whọ́* passes to the next most senior person in the patrilineage.

However, who this is, is not always easy to determine. Cases such as these are the genesis of many familial conflicts.

The effects of deviating from the ideal pattern of succession can ripple down through the generations. As mentioned, A^{o} is the current *ẹ̀pnàrná* of Rumuanyinke. In succeeding his father, he was meant to have taken the *ọ̀whọ́*. However, A^{o} does not currently possess it. Rather, he merely has the right to hold it. This is because when A^{o}'s father, O, succeeded his own father he was still a youth. After the death of O's father, Wasor, the *ọ̀whọ́* went to John. John and Wasor have the same genetrix/mater and pater, but different genitors. When O married and became fit to hold the *ọ̀whọ́*, he was not able to reclaim it as it is generally considered abominable to take an *ọ̀whọ́* from its holder during their lifetime.

Additionally, as mentioned previously, O was moved by his Christian faith to remove the *óròágbàrá*, the ancestral shrine, the *òbìrì*. His faith meant that he had no interest in holding the *ọ̀whọ́*, and so even after John's death he did not take it up. Instead it passed to John's *ẹ̀pnàrná*, H, whose own *ẹ̀pnàrná*, A^{h}, currently holds it. There is talk among the sons of O, as the senior branch of the patrilineage, that the *ọ̀whọ́* should be reclaimed by A^{o}. This has not yet been done. And if they attempt it, it will not be easy. John's branch of the patrilineage has held the *ọ̀whọ́* for three generations and may try to use this long possession to affirm their right to keep it. A conflict over the *ọ̀whọ́* seems inevitable.

Even if someone is not technically the first son, by virtue of holding the *ọ̀whọ́* that person becomes the *ẹ̀pnàrná*. As the living head of a patrilineage, the most rights are conferred to them and, usually, the most property. Although it should be noted that in no sense should the *ẹ̀pnàrná* be considered the 'owner' of land—as noted previously, if there is an owner then it is the patrilineage itself. This complexity can best be understood by looking at an example:



X is the head of the family and has two wives, Y and Z. Z is the first wife and Y the second. The *ẹ̀pnàrná* of X is A. The Arabic numerals next to the three sons indicate their order of birth; the Roman numerals indicate the order of precedence; the Arabic numerals above the marriage symbol indicate the order of marriage.

On the death of X, A should take the *ọ̀whọ́*. However, if A predeceases X there is a question of who is next in the line of succession. A has his own *ẹ̀pnàrná*, D, who may succeed X if eligible (i.e. is an adult and married). But as D is a child

their position is untenable. Even if D had been eligible, it is quite likely that the brothers of A, B and C, would have conspired to stop D succeeding X regardless. When a son, and most especially a first son, predeceases their father it is considered taboo (*nsọ̀ ẹ̀lị̀*) and B and C could have argued that A's transgression rendered D's claim to the *ọ̀whọ́* invalid.

D's minority and A's transgression mean that the *ọ̀whọ́* will go to either B or C. B is senior to C by age, but junior according to the order of precedence. However, B could argue that after the death of A, B becomes X's *ẹ̀pnàrná* by virtue of being the oldest living son. C would dispute B's claim. While C is the third oldest son by age, he is second according to the order of precedence.

The competing claims of B and C point to two hierarchies: (i) age, which is relative to the father; (ii) precedence, which is relative to the mother. Ordinarily, the apex of both hierarchies is occupied by the *ẹ̀pnàrná*. After the *ẹ̀pnàrná*, the two hierarchies diverge. The premature death of the *ẹ̀pnàrná* places these hierarchies into conflict and which supersedes the other is unclear.

The outcome of conflicts between such hierarchies usually depends on the involvement of a third: the hierarchy of wives. Wives are concerned with ensuring the inheritance of their own issue. Y and Z will therefore back the claims of their sons. Wives, like children, are not equal. Z, the mother of C, has the special status of being the first wife (*óbòtù*) of X and can use this status to lend additional weight to the claim of her son. It is therefore likely that C would succeed on the death of X and not B. I say likely because it is not a given. Although Z, by virtue of being the *óbòtù*, enjoys a higher status than Y, this status is, for want of a better word, 'legal'. Y may have more personal influence.

It is also possible that B may be able to intimidate his younger brother into accepting his claim. And D, when he attains maturity, may possess the qualities necessary to revive his own claim to the *ọ̀whọ́*, although it is equally possible he is so meek that he and his descendants lose the right for good. This is why it is impossible to predict a disputed succession with certainty, and why it makes more sense to speak of *patterns* of succession rather than *rules*.

Whoever succeeds, by virtue of their status as the head of the lineage, will be the *ẹ̀pnàrná*. The chain of *ẹ̀pnàrná* succeeding *ẹ̀pnàrná* is therefore never broken. And with this, tradition is maintained. Reality conforms with the ideal, but exactly how this happens varies.

5.3 *Divisible and indivisible inheritance*

A further complexity exists in that it is possible for both B and C to succeed. That is not to say that they simultaneously become the *ẹ̀pnàrná*. Rather, B and C may reach a compromise: both they and their issue could retain the right to become the *ẹ̀pnàrná* and assume the *ọ̀whọ́*. The *ọ̀whọ́* itself is impartible but the right to hold it is partible.

Equally, the position of *ẹ̀pnàrná* is indivisible, it can only ever be occupied by one person, but the right to become the *ẹ̀pnàrná* is divisible. This fact explains

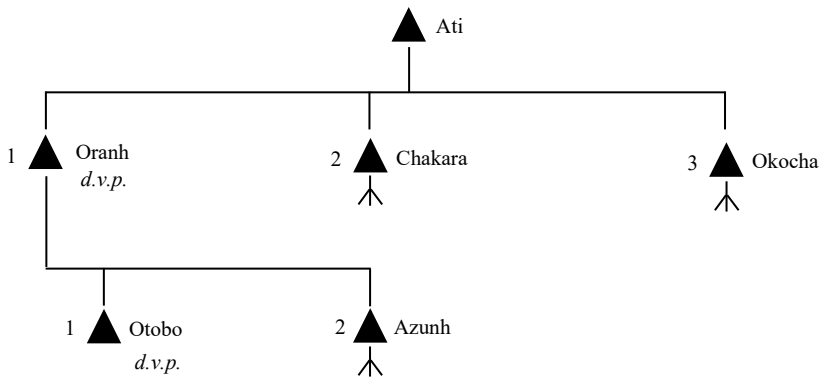
a curious phenomenon found in many Ikwerre villages where the headship of a lineage rotates between different sub-lineages.

This rotational headship puzzled me as it seemed to go against the principle of one *ẹ̀pnàrná* succeeding another. It was only when I came across an account of how such a situation arose that it made sense. It is this which I explain now.

It has already been mentioned that Choba, the village where my friend lives, is made up of three patrilineages: Rumuati, Rumumgba and Rumumanyaikpoku. As Ati was the *ẹ̀pnàrná*, Rumuati is the senior. This fact is common knowledge in Choba and all villagers admit that the *nyénwé àlị̀* should, consequently, be drawn from Rumuati. Rumuati itself is divided into several sub-lineages representing the sons of Ati. According to the ideal form of succession, Ati's eldest son would succeed, followed by their own eldest son and so on. Although Chakara is the eldest son of Ati, Rumuchakara (the descendants of Chakara) do not have the sole right to the headship. This right is shared with Rumuokocha, the descendants of the second son of Ati, Okocha. Indeed, the current *nyénwé àlị̀* of Choba comes from this junior sub-lineage.

Ọ̀whọ́ àlị̀, the chief *ọ̀whọ́* of the village, rotates between Rumuchakara and Rumuokocha. This state of affairs is curious given that all Ikwerre admit that the *ọ̀whọ́* should descend from father to eldest son and so forth. So why should Ati have two *ẹ̀pnàrná* as it were, a state of affairs which seems to defy tradition?

The answer lies in the fact that the original *ẹ̀pnàrná* of Ati is neither Chakara nor Okocha. Second to the *nyénwé àlị̀* in Choba in terms of status is the *nyékwá* Aminigbo (lit. 'person who worships Amingigbo'). They are the chief priest of Aminigbo, a powerful *ágbàrá* ('deity') local to Choba. The lineage which cares for Aminigbo, and from which the *nyékwá* Aminigbo is chosen, is called Oranh. According to the present *nyékwá* Aminigbo, it was not Chakara who was the first son and so *ẹ̀pnàrná* of Ati, but another, older son called Oranh. However, as Oranh predeceased his father he and his issue lost the prerogatives of an *ẹ̀pnàrná*.



The account rehearsed to me by the *nyékwá* Aminigbo was that after Oranh died, Ati decreed that Chakara and Okocha should jointly inherit his property, including his *ọ̀whọ́*. As the *ọ̀whọ́* cannot be physically divided, Chakara, as the older son,

assumed the *ọ̀whọ́* first. On Chakara's death, Okocha took it. From then on, the *ọ̀whọ́* rotated between Rumuchakara and Rumuokocha.

Although Oranh lost his right to be *ẹ̀pnàrná*, Ati did not totally disinherit his issue. Ati gave to Oranh's second son, Azunh (Oranh's first son Otobo already having died), the *ọ̀whọ́* of the deity Aminigbo.[7] This account speaks to another fact about inheritance—it is not always posthumously determined. A man may settle his patrimony on his issue in his lifetime. For instance, should the *ẹ̀pnàrná* transgress the father, the father can decree that he is no longer the *ẹ̀pnàrná*, demoting him in status. The words of the father are potent.

5.4 *When daughters become sons*

This is especially apparent in the practice called *ámú nụ̀ órò*. Ikwerre inheritance is agnatic, meaning rights to property are only transmitted in the male line. This presents the patrilineage with a problem: what happens when a man has no male issue? Ikwerre men aim to have sons who can perpetuate their lineage and, after their death, venerate them and their patrilineal forebears. A man with no male issue is in danger of being forgotten, in danger of not becoming an ancestor. *Ámú nụ̀ órò* ensures the perpetuation of a man's patriline when he has no sons. It involves turning a man's daughter into a son.

To do this, a man gathers together his close agnatic kin (*rụ́mụ̀ ńdá*) and proclaims in their presence that his daughter will not marry and will bear 'his children'. After the proclamation has been made, the daughter in question is free to have children by any man she chooses. These children are considered the children of her father. Consequently, her *ẹ̀pnàrná* will be the *ẹ̀pnàrná* of her father. In one metaphor the daughter is her father's son, in another she is his wife. Whichever metaphor is employed, the daughter's children belong to her father's patrilineage. There are no special rites to this process beyond entertaining the kin who come to witness the proclamation with hot drink and food.

The term *ámú nụ̀ órò* literally means 'born in the house'. It refers to both the issue of a woman whose father has proclaimed that she will not marry and the custom by which this occurs. However, the term has an additional meaning and is also used to refer generally to issue of a woman born outside of marriage.

We can consequently distinguish two types of *ámú nụ̀ órò*: (i) the issue born to a woman whose father has proclaimed that she shall not marry; (ii) the issue of a woman by a man she is not married to (the woman, in this case, may be an unmarried daughter or a married woman). The Ikwerre consider the former type licit—a father has proclaimed his daughter will not marry and will bear 'his children'. The latter type is considered illicit—a woman has had issue without marrying or has had an adulterous relationship inside marriage. The distinction

[7] I collected several other versions of the history of Oranh from people outside the patrilineage. In one version Oranh was said to be the senior brother of Ati not his son. In another Oranh was made a son of Akpor. Common to all the versions is that Oranh was originally senior to the position currently occupied having at some point become structurally demoted.

between the different kinds of *ámú nụ́ órò* is important as it has a bearing on inheritance and rights within the patrilineage.

The term *rụ́mụ̀ óyí* is applied to issue of the latter type of *ámú nụ́ órò*. The word *óyí* means 'lover' or 'concubine' (to call someone *nyé óyí m̀* is to say, 'my lover'), and so the term *rụ́mụ̀ óyí* means the descendants of a lover. The genitor of *rụ́mụ̀ óyí* has no rights in these children—he is not considered their pater. It was explained to me that the *ńdá* ('father') of such children is the man who is considered the 'owner' of the children. The 'owner' of the children is said to be the 'owner' of their mother, who is ordinarily said to be the man who paid her bride price but should properly be considered the patrilineage. For unmarried women this is the patrilineage of her birth; for married women it is the patrilineage of their husband. The genitor of *ámú nụ́ órò* children, of both the licit and illicit types, will usually be known and acknowledged, but will have no legal rights in relation to his children, just as his children have no rights in him or his patrilineage.

It can be observed on the diagram of the patrilineage of my friend from Choba on p. 129 above, that John is the product of *ámú nụ́ órò*. Because John's genitor, Amadi, belonged to a different patrilineage than that of his mother's husband, Ogor, he is *rụ́mụ̀ óyí*.

John and his descendants belong to Ogor's patrilineage, but they occupy a peculiar position by virtue of being the product of the illicit type of *ámú nụ́ órò*. Although descendants of O privately affirmed that John and his descendants were of this status, they quickly added that they would never openly describe them as such, as to call anyone *rụ́mụ̀ óyí* would be considered slanderous. It is an insult because the descendants of *ámú nụ́ órò* of the illicit type possess an inferior status within the patrilineage.

Rụ́mụ̀ óyí are incapable of holding an *ọ̀whọ́*. I have mentioned how holders of an *ọ̀whọ́* must not have any characteristic or perform any act which offends *ẹ̀lị̀*—in a word, they must be *díẹ̀lị̀*. One of the traits a holder of an *ọ̀whọ́* must possess, which was strongly emphasised to me by all I met, was that they should be the issue of a married union. The holder of an *ọ̀whọ́* holds a token that represents a line of patrilineal descent. The idea of *rụ́mụ̀ óyí* being in possession of an *ọ̀whọ́* is odious—the holder is meant to represent a chain of agnatic succession and be the next link in that chain, to speak to and for the founder of the lineage and his successors. Someone who is ultimately a stranger cannot do this.

Here we must recognise that there are different kinds of belonging in relation to the patrilineage. All affirm that *rụ́mụ̀ óyí*, like John and his descendants, belong to the patrilineage of their pater. Yet, in another regard they remain strangers—they are not full members (*díẹ̀lị̀*) and therefore lack the full suite of rights. I have been using the terms 'pater' and 'genitor' to help make sense of this dual sense of belonging. While these analytical terms are my own, the Ikwerre, who lack these terms or equivalents, are keenly aware of the distinction they capture.

Of course, the practice of *ámú nụ́ órò* of the licit type challenges the foregoing analysis. It allows persons whose genitor and pater are different to gain the rights of those whose genitor and pater are the same. This speaks to the power

of the words of the father to transform reality, which touches upon the subject of oathing, which I discuss below.[8] The other fact which needs to be addressed is that, as mentioned, John and his descendants inherited the *ọ̀whọ́* of his patrilineage despite being *rụ́mụ̀ óyí*. This fact does not invalidate what has been said—it is still true that the holder of an *ọ̀whọ́* ought to be descended from married unions. The key word here being ought. Circumstances caused a deviation from the ideal.

Because O was underage and unmarried when his father died, he did not claim the *ọ̀whọ́*. Other factors also led to this deviation. His patrilineage is atypical insofar as, within the first four generations of the line descending from Anyinke to O, there was only ever a single man of that branch in a single generation. This is unusual. Normally a man will have brothers and several uncles—this means that there will almost always be a living adult male member of the patrilineage.

Having only a single son generation after generation is a significant problem in regard to land. Rights to property are, as mentioned, passed down the patriline. These rights are remembered—there being no written title deeds—and orally transmitted from one generation to the next. The death of Wasor while O was in minority meant that the duty to transmit the knowledge of the location and extent of the lands 'owned', and to which O was entitled, fell to John. Today, the sons of O privately accuse John's segment of 'chopping'[9] the lands of patrilineage i.e. concealing them in order to make a profit.

They make these accusations privately because of another disadvantage: they are outnumbered. There are six adult male members of the branch of direct descendants and eleven adult members of the illicit *ámú nụ̀ órò* branch. While A^{o} is the overall *ẹ̀pnàrná* and has a higher status than anyone else his authority is not total. Private beliefs must therefore remain private.

5.5 *Memory and the transmission of rights*

Memory is important in relation to rights, especially rights in land. As discussed above, it is possible for one branch of a patrilineage to deprive another of lands through the failure to impart knowledge to the next generation—an act of intentional or forced forgetting. Rights can also be deprived through memorialisation. The descendants of O remember that their cousins, the descendants of John, are *rụ́mụ̀ óyí* (something they themselves are keen to forget) in order to deny them the status of being full members of the patrilineage.

I have spoken of two branches of the patrilineage depicted on p. 129 above: the descendants of Ogoh by his wife (O's segment) and the descendants of Ogoh's wife by her lover, Amadi (John's segment). These statuses are relative, as the patrilineage to which they both belong, Rumuanyinke, itself belongs to a larger patrilineage. As such, the 'full members' of Rumuanyinke are not proper in relation to all.

[8] See §9.8.

[9] 'Chop' means 'to eat' in Pidgin; here it has the sense 'to misappropriate.'

Anyinke is considered one of the 'sons' of Chakara and so belongs to Rumuchakara. Rumuchakara is one of the two patrilineages which constitute Rumuati, the maximal patrilineage of the *ẹ̀pnàrná* of Choba village. The right to *ọ̀whọ́ àlị̀*, the chief *ọ̀whọ́* of Choba (the holder being the *nyénwé àlị̀*), is shared by Rumuchakara and Rumuokocha, the two patrilineages that constitute Rumuati, each taking turns to produce the *nyénwé àlị̀*.

The head of Rumuchakara or Rumuokocha, whichever's turn it is, is the one appointed to take *ọ̀whọ́ àlị̀* and become the *nyénwé àlị̀*. Rumuanyinke, while a part of Rumuchakara, does not possess the right to become the head of Rumuchakara, and therefore lacks the right to become the *nyénwé àlị̀*. Members of Rumuanyinke are not forthcoming with the answer as to why this is. Other patrilineages which make up Rumuchakara told me in confidence it was because Anyinke was not actually a son of Chakara but his *óhù* ('slave'[10]). Thus the proper branch of Rumuanyinke are proper, relative to their own patrilineage, but in relation to the wider patrilineage, they are not.

It needs to be emphasised that while the politics of the patrilineage depends on the remembering (or forgetting) of who is and who is not a stranger, this topic is never directly discussed. It is the gravest of insults to openly identify someone as a *rụ́mụ̀ óyí* or to call someone an *óhù*. Aspersions are always cast in an oblique manner.

5.6 *Marriage*

To marry a woman, *òlúlú nwẹ̀rẹ̀*, is to pay her bride price. This payment is called *íwaí rísí ẹ̀kwnụ̀* (lit. 'head money'), often shortened to *íwaí rísí*. The manner of payment is complex. Many different relations, all those persons who can be said to have a 'right' in the woman to be married, must be paid. The principal part goes to the woman's father (*ńdá*)—i.e. her pater.[11] Other male kin, unmarried women and women who have entered the patrilineage by marriage must also be paid.

The preliminary stages of marriage consist of negotiations over the price between the would-be husband and the men of the patrilineage to which the bride belongs. Her father acts as the primary negotiator. Should he be dead, her eldest brother born to the same mother will take his place.

Even after a price has been agreed, the actual process of paying is often protracted as so many parties are involved. It is often said that the *íwaí rísí* is never truly paid. Instead it is an ongoing obligation from a man (and his patrilineage) to the patrilineage of his wife. It is this ongoing relationship which makes the woman his wife (*nwẹ̀rẹ̀*) and not his concubine (*óyí*).

The process of paying the *íwaí rísí* results in many people becoming aware of the intention of the suitor to marry the woman. And, beyond the payment itself, it is this which really distinguishes marriage from concubinage. Marriage is a

[10] The English term 'slave' is somewhat inadequate—there is no single Ikwerre equivalent, there being two terms which can be translated as 'slave'; see §5.7 below.

[11] A woman's pater and genitor may be the same or different—in the latter scenario such a woman is the product of *ámú nụ̀ órò*.

relationship that is widely known in the village. Clandestine marriage is impossible—indeed, such a phrase is oxymoronic in this context.

By paying the *íwaí rísí*, a husband assumes the status of the bride's father. Any issue she has become his and join his patrilineage. This is true even if the woman has issue by a man other than him. It was often put to me, in both English and Pidgin, that a husband 'owns' his wife and her children or that a wife and her children 'belong' to her husband. It was also put to me in Ikwerre, often as the following idiom: *nyénwé ẹ̀kwnụ̀ nwé nwò*, 'the person that pays the bride price owns the child'.

5.6.1 *Divorce*

Just as marriage is the payment of bride price, divorce is the refund of bride price. And if payment is complex, a refund is even more so. Disputes are commonplace, particularly those that involve the custody of children. While I was often told that in theory once the bride price has been returned, children follow their mother in returning to her natal patrilineage, this rarely happens. There are many ploys by which children can be kept in the custody of their father.

For instance, it is often argued that not all of the bride price has been refunded. This is a particularly easy claim to make as written records of the price paid seldom exist.[12] Moreover, a bride price is often too large to be refunded in a single lump sum and children are kept in their father's family as a kind of surety in the intervening time. Consequently, whatever their legal status, children usually become affective members of their father's patrilineage and are generally reluctant to leave the family in which they were raised.

My friend's sister, L^{o}, separated from her husband and, accompanied by her daughter, went to live with her brothers in her natal family compound. As no bride price was refunded her daughter still 'belongs' to the patrilineage of her husband. Moreover, any future issue L^{o} has, whomever the genitor, will 'belong' to her husband's patrilineage so long as her bride price remains unrefunded. Should her brothers help her refund her bride price, of which there is talk, she will legally 'return' to her natal patrilineage.

Although in theory her daughter would also return to the patrilineage of her maternal grandfather should this happen, in reality the child's status may still be ambiguous, for just as there are negotiations during the payment of the bride price, so too are there during its refund. There is no discernible rule followed when determining the status of children in cases of divorce. Disagreements often result in recourse to the courts. The courts, for their part, follow no obvious logic in assigning custody of children.

5.7 *Slavery*

Besides *rụ́mụ̀ óyí*, there is another group I have alluded to who are excluded from holding *ọ̀whọ́*. Like *rụ́mụ̀ óyí*, they also constitute the category of 'sons are who are

[12] However, this is changing: I encountered several patrilineages that kept written records.

not always sons'. These are persons descended from adopted or purchased strangers and are privately called *óhù* ('slaves'). This is a very sensitive topic, one which Ikwerre will talk about only with reluctance. I should add here that 'slave' descent only affects rights in land when descent is patrilineal. Descent in the female line from 'slaves' does not affect one's rights.

Óhù were treated as children by their owners and referred to as such. But to call anybody an *óhù* is a severe insult. Persons or lineages descended from an *óhù* are never openly discriminated against. All Ikwerre I met were quick to affirm that the practice of slavery was obsolete and that they do not stigmatise the descendants of *óhù*. However, as is often the case, sentiments do not coincide with practice.

Patrilineages descended from *óhù* exist in all Ikwerre villages. Their members would never ordinarily confess to this fact, and members of other patrilineages are reluctant to identify them lest they provoke a conflict. Their status was revealed to me through oblique questioning. For instance, when I asked how many patrilineages make up a given village I would be met with an inclusive response, i.e. the number given would include the patrilineages of all 'sons' whether born or purchased. However, when I would then ask which patrilineages are entitled to hold the *ọ̀whọ́ ẹ̀lị̀* (the chief *ọ̀whọ́* of a village) a different answer would be given—the inference being that the disqualified lineages are in some way improper.

It then becomes possible to ask why lineages are excluded. Here, my interlocutors would make one of two responses: either they would bluntly refuse to answer the question, saying that it could not be answered without causing offence, or they would admit, in hushed tones, that the excluded lineages descended from persons who were purchased and that they are therefore not 'sons' in this regard.

Curiously, this second type of response was never given to me in Ikwerre; my interlocutors would always switch to Pidgin or English, when the subject was raised. An expression I heard on several occasions was 'biological sons'—*díẹ̀lị̀* are 'biological sons' while *óhù* and other strangers are not. Perhaps, it is more palatable to speak of 'sons who are not always sons' in English and Pidgin than in Ikwerre.

5.7.1 *Persons owned by gods*

Óhù is not the only Ikwerre word which is translated as 'slave'. *Ósù* is another category of person referred to as 'slaves'.[13] However, unlike *óhù*, persons whose 'owners' are other persons, *ósù* are persons 'owned' by deities.[14]

In Amadiama, an Okrika village, I came across a family which bore the name Osu. This intrigued me. The founders of this family, I later discovered, were two *ómóníápụ̀* (an Okrika term broadly equivalent to *óhù*—i.e. purchased persons), a man and a woman. Not long after being purchased they conspired together and fled Amadiama. They ran to the shrine of Nwominirenwu, a deity domiciled in the Ikwerre village of Elekahia.[15] To obtain sanctuary they pledged themselves to the

[13] Cf. Uchendu, *Igbo*, 89-90.

[14] Talbot, *Tribes*, 72, encountered them in the region surrounding Port Harcourt in the early twentieth century; he describes them as 'juju slaves'.

[15] Nwominirenwu—i.e. *nwò mínī rénwnù*, 'child of the water spirit'.

deity and, in doing so, became its *ósù*. While at the shrine they had several children.[16] With time, however, they realised that their status as *ómóníápụ̀* in an Okrika village was preferable to that enjoyed as *ósù* among the Ikwerre, and so they returned to Amadiama. In Ikwerre communities *ósù* are scorned and even feared as they are the property of a deity. When the couple returned to Amadiama, besides being given a new epithet to record their escapade, little regard seems to have been paid to their status as *ósù*.

In contrast to Ikwerre 'slaves' (whether *óhù* or *ósù*), Okrika 'slaves' (*ómóníápụ̀*) are in no way legally disabled from attaining positions of authority. There is no difference between being 'born into' or 'bought into' the kin group. As evidence of this, one of the sons of the two *ósù* who fled and then returned to Amadiama became the head of the compound of the father/owner of his parents.[17]

5.8 *Conclusion*

Buying and selling people does not occur nowadays, at least not openly or commonly. It is also doubtful that people still seek refuge in the shrines of deities, and I never met anyone who was identified as an *ósù*. It would, however, be wrong to see *óhù* and *ósù* as dead categories. The politics of who is, and who is not, descended from a person of either status is alive. Although slavery, and discrimination against the descendants of slaves, is illegal, when disputes between Ikwerre patrilineages end up in court they utilise all kinds of indirect expressions and euphemistic language to try to impugn the rights of rivals who are held to be the descendants of *óhù* or *ósù*. The expression 'true sons' or 'biological sons' are to be found in many records of Ikwerre property disputes. The phrase 'adopted son' is also common.

Slave descent is only one way to challenge and thereby diminish the land rights of rivals in the patrilineage. Marriage, or lack of it, is the other method through which rivals' rights are assessed.

To summarise, the Ikwerre gain land rights by belonging to a patrilineage. But members of the patrilineage do not belong equally. As in the patrilineage of my friend from Choba, status is variable. This status determines the type and extent of the rights; quite simply, the higher one's status, the greater access to land and the revenue it generates one has.

Status is relative as well as variable. My friend from Choba enjoys the full rights of a junior son in his own patrilineage, but when his patrilineage is considered as part of the bigger maximal patrilineage of the village he suffers a loss of rights being considered to be of stranger descent.

[16] Iringe, 'History of Amadiama', 20.
[17] Ibid., 25.

Plate 33: *Òbìrì*, Ozuoba

Plate 34: *Òbìrì* interior (note the door to the *órò ágbárá*), Rumuekini

Plate 35: *Òbìrì* in use as a polling station during the 2023 elections

Plate 36: *Òbìrì* in use as a Pentecostal Church

Plate 37: *Òbìrì* of the past, c. 1914

Plate 38: *Òbìrì* of today, Choba

Plate 39: Ready to pour a libation: an *ọ̀whọ́* upon some *íkēnì* leaves with a bottle kaikai

6

HOW THE OKRIKA INHERIT AND TRANSMIT LAND RIGHTS

6.1 *The war canoe house*

This chapter is concerned with how Okrika gain and transmit rights in land. Here, land rights are acquired by belonging to an *ọ́mụ́árụ́wárị̀*, a 'war canoe house', and one of its sections.

Today war canoe houses function as burial societies, raising funeral costs and turning out in force to celebrate the death of their members. They also act as marriage negotiators. It is impossible to be properly married in Okrika without engaging with war canoe houses. Burial and marriage, both of which war canoe houses control, serve as the means by which rights in land are transmitted and preserved. The use of marriage to influence land rights is further augmented by the practice of posthumous marriage. Corpses, for their part, act as proof of ownership and are the closest thing to title deeds among the Okrika.

In this chapter, I show that burial and marriage are not just ways to ensure continuity in land, but ways to gain and create rights in land. In common with many peoples, rights in land among the Okrika are seen to come from the past. Burial and marriage both provide opportunities to regulate, and even change, the past.

6.2 *The history and composition of the war canoe house*

Originally the *ọ́mụ́árụ́wárị̀* had to do with war. *Ọ́mụ́* means 'war'. *Árụ́* means 'canoe'. Thus, an *ọ́mụ́árụ́* is a 'war canoe'. Such vessels were usually equipped with two small cannon, one at the prow, the other at the stern. An *ọ́mụ́árụ́* was large enough to accommodate between fifty and a hundred oarsmen armed with cutlasses and Dane guns. The captain was the *álábọ̌* ('wealthy person'; pl. *álápụ̀*).[1] The institution of the war canoe house is an outgrowth of this vessel.

Ọ́mụ́árụ́ are only used for ceremonial occasions today. The days when these vessels roved the creeks of the Niger Delta have long since passed. Nonetheless, to understand contemporary war canoe houses, it is necessary to look to the historical heyday of the war canoe. The first thing to note is that despite its name and fearsome equipage, the *ọ́mụ́árụ́* and the institution associated with it, the *ọ́mụ́árụ́wárị̀*, were

[1] The head of *ọ́mụ́árụ́wárị̀* are still known by the name *álábọ̌*; he is also sometimes called *wárìnyánábọ̌*, 'owner of the house'.

not only concerned with war. Trade was as, if not more, important than war.[2] Indeed, the *álábọ̌* was a trader before a military commander. Slaves and palm oil were his principal commodities.

The men that constituted the crew of these trading-cum-raiding outfits were generally related to the *álábọ̌*. Some were related by descent, others by adoption or purchase. It was common for a large proportion of the crew of an *ọ́mụ́árụ́* to be slaves (*ómóníápụ̀*; sing. *ómóníbọ̀*). Slaves were considered the children of their owner and did not necessarily occupy an inferior position in the war canoe house. Oftentimes the *álábọ̌* would himself be a slave. *Álápụ̀* frequently preferred adopted sons over consanguineous sons (the loyalty of the former being undivided, unlike the latter whose maternal relatives belonged to a rival war canoe house).

The *ọ́mụ́árụ́wárị̀* was not limited to the *álábọ̌* and his crew. The word *wárī* means 'house'. As I have mentioned, *wárī* refers to (i) a building or habitation and (ii) a family or lineage. The *wárī* in *ọ́mụ́árụ́wárị̀* relates to the second sense. In speech, the word *wárī* is often used as a synecdoche of *ọ́mụ́árụ́wárị̀*. The members of a war canoe house were therefore the *álábọ̌*, his crew and their dependents—wives, children, slaves. Together, then, the members of a war canoe house typically numbered in the hundreds.

By virtue of belonging to a war canoe house, all members were considered kin. However, not all members were kin to the same degree. A war canoe house was generally composed of several units of more closely related kin, a closeness based on residence, descent, or shared place of origin. Several names are given to the units or sections that constitute war canoe houses; all these names are metonyms: *wárị́kúbù* ('reception room'; *kúbù* means 'yard' or 'frontage'), *ọ̀pọ̀chúkù* ('hearth'), *òkò* ('shrine'; this is itself a metonym for *òkò* properly refers to anthropomorphic clay vessels which represented ancestors).

The term *fúrō* is used to refer to sub-sections of these sections, the immediate families which constitute extended families. *Fúrō* literally means 'womb' or 'belly'; the idea being that those in a *fúrō* share a mother. The term *yìlá,* like *fúrō,* also means womb—however, it is usually used to refer to a smaller unit than the *fúrō*: a man or woman and her children. *Yìlá* therefore applies to a unit comprised of only two generations, while *fúrō* applies to a unit comprised of three or four.

The heads of the sections of war canoe houses are called *òkòtịbịdàpụ̀* (sing. *òkòtịbịdàbọ̀*). New war canoe houses form by a process of fission called *wárìpú* (*pú* meaning 'to split'). Generally a few sections break away to form a new war canoe house, with one of the *òkòtịbịdàpụ̀* becoming the *álábọ̌*.

With time sub-sections grow into sections. However, sections do not necessarily grow into war canoe houses. Rather, when a war canoe house has grown too big it will split, with some sections remaining in the original war canoe house and the others forming a new one; although it is entirely possible for a single section

[2] In this context we could argue that trade and war were not antithetical; to put it in a Clausewitzian manner, the latter is an extension of the former by other means.

to break away to form its own war canoe house, which is why one can encounter war canoe houses with only one section.[3]

In the days when a war canoe house actually had a war canoe engaging in trade, it was often the case that a wealthy and successful *álábọ̌* acquired more than one canoe. He would put these additional canoes under the command of deputies. Through their own labours, these deputies would accumulate their own wealth. If a deputy acquired both sufficient capital to compensate his *álábọ̌* and the appropriate permissions from him, he was able to form his own war canoe house and become an *álábọ̌* himself, that is, a free and independent trader. The creation of a new war canoe house was a ritual as well as an economic undertaking. The rite by which the new *álábọ̌* was recognized and installed was called *ḭ́mṵ́nṵ́mṵ́nṵ́ kpô* ('tying the palm frond'). This rite, which involves lavish expenditure, is still performed today.

The process by which a totally new war canoe house is created is hazy. Today, totally de novo war canoe houses do not form; the only new war canoe houses are ones which have broken away from those which already exist. The origin stories of the very first old war canoe houses, which still exist and did not break out from already existing war canoe houses, usually record the mutual coming together of several families. These families are normally neighbours and often share a common place of origin. The Okrika have no traditions of autochthony—all its war canoe houses ultimately come from somewhere else.

Ínyíá is a very important concept in Okrika. The word means something like 'refuge' or 'sanctuary'; *ínyíásọ́* is the act of taking refuge or seeking sanctuary. No matter how destitute or pitiable, refugees must, according to the principle of *ínyíá*, be accepted. A proverb speaks to this: 'it is forbidden to reject a snail which seeks refuge should it cross the threshold of the house' (*ínyíá wárī bọ̌kọ́ sábá òsì bín bín kę̣*).

There are several different versions of the Okrika foundation myth, but common to all is that it started as a community of refugees. If there is such a thing as the originary war canoe house, it is a group of people from several origins who have come to live, work, and occasionally fight, together. The war canoe house tends to include rather than exclude.

It seems that the formation of the earliest war canoe house was a relatively informal process. Even though today the institution has been made very much their own, it is likely that it was adapted by the Okrika from the neighbouring Ibani and Kalabari.[4]

It seems probable that the sections and sub-sections of war canoe houses, which are essentially extended families, pre-existed the larger institution that they now constitute. The earliest war canoe houses were coalitions of smaller family units, which even after joining retained a degree of separateness. While today, almost all Okrika belong to a war canoe house by virtue of descent, there were some Okrika communities where there were no war canoe houses. For example, until relatively recently, none of the inhabitants in Isaka belonged to war canoe houses;

[3] On the life and development of kinship institutions in time see the essays in J. Goody (ed.), *The Developmental Cycle in Domestic Groups* (1969).
[4] The title of *ámányánábọ̌* was also taken from the Ibani.

it was only in the second half of the twentieth century that they were established by the conglomeration of formerly separate families.

Sections and sub-sections are exogamous units, whereas war canoe houses are not exogamous units, or at least not necessarily. While marriage between different war canoe houses occurs today, in the past endogamy was preferred as a way to consolidate wealth. Endogamy at the level of the war canoe houses was achieved by marriage between its different sections. Another way to achieve endogamy, at all levels, was through the purchase of slaves as wives or husbands. Despite coming from outside, slave marriage should be considered a form of endogamy because slaves belonged to the family of their purchaser. In this way it was possible to have unions which appeared incestuous. A sibling marriage, between a person's son and their daughter, is possible precisely because one child is bought while the other is born. Today, the purchasing of persons has stopped, but the legacy of past purchases still affects kinship relations. Marriages continue to occur between close kin within the war canoe house because the parties are not consanguineous—one party, or both, being descended from purchased people.

An enslaved person was a son or daughter to their master. Despite being called by the same names, these purchased sons and daughters were not equivalent to sons and daughters who were born. From this, it is possible to conclude that two systems of kinship operate: the first, in which the persons relate to each according to the kinship terms employed, is explicit; the second acts implicitly, distinguishing those born from those adopted. Marriage between a member of a war canoe house (or one of its sections) and an adopted member of the same (or their descendant) can be conceptualised as endogamous according to the first system and exogamous according to the second.

6.2.1 *The survival and proliferation of war canoe houses*

War canoe houses developed as a consequence of the fiercely competitive trade in palm oil, slaves and, to a lesser extent, ivory.[5] The Okrika, like the other eastern Ijaw peoples, the Kalabari and Ibani, carried out this trade between the hinterland markets and European factors dwelling in hulks at the mouths of the many channels which flow into the open ocean. The war canoe house is the institution which marks the eastern Ijaw peoples out from the Ijaw of the central and western Niger Delta and its development was one of the motive forces which transformed a few fishing villages in the eastern Niger Delta into trading states.[6]

The earliest period for which there is detailed information about war canoe houses is the turn of the twentieth century, i.e. the start of colonial government. Insofar as the war canoe house was originally a unit of related people whose joint enterprise was the trade in palm oil and slaves and British colonisation was much about seizing control of the former under the guise of suppressing trade in the latter, the growth of British influence in the region dealt a double blow to *ọ́mụ́árụ́wárị̀*.

It would, however, be an error to think that the abolition of slavery and its trade by the British put a stop to the practice in the Niger Delta. Slavery continued

[5] G. I. Jones, *From Slaves to Palm Oil* (1989), 37.
[6] Cf. Dike, *Trading and Politics* and Horton 'From fishing village to city state'.

until the middle of the twentieth century.[7] The trade simply changed its focus, becoming predominantly internal, the British having largely stopped the shipment of slaves to the New World. Increasing British involvement in the region also forced the trade to become clandestine. No longer carried out by big and brash war canoes full of warriors banging drums, it was increasingly conducted by sleeker, smaller canoes in darker, narrower creeks away from observation. British suppression, then, did not abolish the slave trade, instead it changed its nature, meaning it increasingly was no longer of concern to war canoe houses.

Just as British involvement meant a decline in the trade of slaves for the riverine peoples, so too for palm oil. Riverine peoples, like the Okrika, were not the producers of palm oil—indeed, farming was anathema to them—but its conveyors. Colonisation afforded the British direct access to hinterland oil markets, cutting out riverine middlemen. The suppression of the slave trade went hand in hand with this: it gave the British an excuse to travel further and further into the creeks and eventually onto land. The construction of Port Harcourt in 1913 finalised this process, leaving the institution of the war canoe house without an occupation. Even war, its way to violently seize trade, was no longer available to it—Pax Britannica had arrived.

The *ọ́mụ́árụ́*, the physical war canoe, needs to be carefully distinguished from the associated kinship institution, the *ọ́mụ́árụ́wárị̀*. As the trade in which the *ọ́mụ́árụ́* engaged has ceased, and they no longer ply the creeks in search of war, it might be anticipated that the institution of the war canoe house would have disappeared or, at least, be very much in decay. The opposite is the case. War canoe houses flourish, there are more of them now than there have ever been. Why this should be is much to do with what the institution is. Although I have described it as a group of kin, its most important purpose today is as a corporation that holds land.

In c.1900 there were perhaps two dozen war canoe houses in Okrika.[8] In 1933 when the Okrika Intelligence Report was compiled there were sixty-six.[9] It is unclear exactly how many there are today, but it is certainly in the hundreds. In Kirike village alone there are close to one hundred.[10] The fact that there are more war canoe houses presently cannot be accounted for by demographic growth alone. The survival and subsequent growth of the institution owes much to the same colonial authorities who sought to curtail the business operations of war canoe houses. The colonial government realised that dismantling this institution would cause chaos. For one, many slaves would suddenly find themselves free and without masters. War canoe houses and their chiefs became agents of the British policy of indirect rule. The Native House Rule Ordinance of 1901[11] shored up the institution, giving legal powers to *álápụ̀*. *Álápụ̀* were appointed as members of the newly established Native Courts and later, when taxation was introduced in 1928, the heads of war canoe houses were appointed as the collectors. This legislation also made an *álábọ̌* answerable to the government for the actions of members of his war canoe house.

[7] See A. E. Afigbo, *The Abolition of the Slave Trade in Southeastern Nigeria* (2006), chaps 4 and 5.
[8] NAE: RIVPROF 3/7/32, Principal Chiefs: Degema District (1913).
[9] NAE: DEGDIST 7/5/6.
[10] B. A. Obuoforibo, *Groundwork of Okrika History* (2012), 89-90.
[11] This Ordinance is reproduced in *African Econ. Hist*., 40 (2012).

The colonial government used the term ‘House’ to refer to the institution of the *ọ́mụ́árụ́wárị̀*. *Álápụ̀* were known as ‘House Heads’; *òkòtịb̀ịdàpụ̀* were ‘family heads’. Colonial officials frequently mistook ‘family heads’ for ‘House Heads’, and Houses (capital ‘H’, *ọ́mụ́árụ́wárị̀*) for what they called houses (*òkò*, *fúrō*, etc.).[12] Colonial records also refer to an entity they call the ‘House System’. It was this system which the Native House Rule Ordinance sought to protect by bringing it into the purview of colonial administration and law.

The ‘Okrika Clan Intelligence Report’ (1933)[13] devoted much space to describing the ‘House System’. Under the heading ‘What survives’, besides recording those parts of the institution which had not disintegrated under British rule, it was noted that Native Court members had in many cases usurped the ‘natural House Heads’, the *álápụ̀*. These usurpers were likely already the heads of sections or sub-sections of war canoe houses; the Native Court presented a means to outmanoeuvre their *álábọ̌* and establish their independence, relying on emoluments from the colonial government. In a list of Native Court members, the colonial government recorded that the Okrika called them ‘berekon alabo’.[14] *Bẹ́rẹ́kọ́n* means ‘to judge’, thus we might render *bẹ́rẹ́kọ́n álábọ̌* as ‘chief who judges’ or perhaps ‘court chief’ . This phrase is doubtless a neologism, used to refer to that new species of *álábọ̌*, one whose authority did not rest on being the head of a war canoe house.

The Okrika Native Court no longer exists. Its partial successor is the Okrika Council of Chiefs.[15] Like its antecedent, this body arbitrates disputes and imposes fines. For its members it is also a means of earning money. To be a member one must be an *álábọ̌*. Desire for representation on the part of a few *fúrō*, or the individual aspirations of an avaricious family head, is another of the principle causes of the creation of new war canoe houses. However, government support and a desire for wealth and prestige does not totally explain the present proliferation of war canoe houses. The growth of their interrelated roles as landholding corporations, marriage negotiators and burial societies is as much a cause.[16]

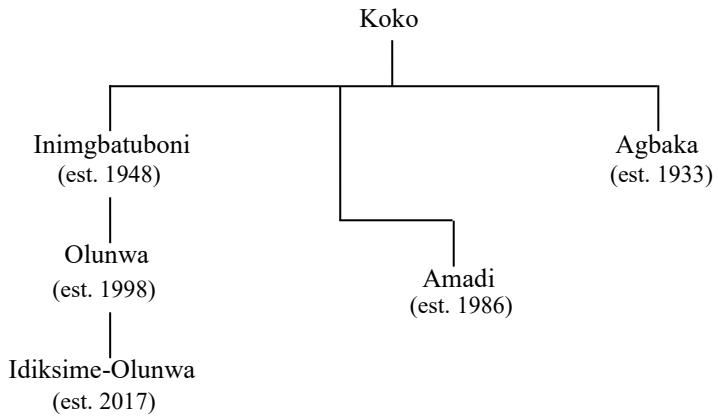
6.2.2 *Relations between war canoe houses*

New war canoe houses have a filial relationship to their parent war canoe house. In time, these new war canoe houses beget their own. As such, it is possible to draw ‘genealogical’ diagrams for war canoe houses. But such diagrams can be misleading, for, unlike people, war canoe houses do not normally die. It is possible to display a descent showing the great-great-great-great-great grandparent of a current war canoe house; but whereas such an ancient ancestor would be long deceased, this war canoe house still lives.

War canoe houses do, however, occasionally disappear. In such cases the members of a deceased war canoe house are absorbed into another and form a distinct section; this section often bears the name of their former independent war

[12] This linguistic ambiguity is not limited to English; *wárị̄* is used by Okrika to refer to *ọ́mụ́árụ́wárị̀*, *òkò* and *fúrō*; exactly which unit is meant by the word is established from the context.
[13] NAE: DEGDIST 7/5/6.
[14] NAE: RIVPROF 3/7/32.
[15] This body has gone under several different names, and factionalism has meant that at several points there have been two or more concurrent bodies claiming to be the true council.
[16] See §6.3 below.

canoe house. With time it is entirely possible that the sub-section may reemerge as its own independent war canoe house.



The diagram above shows the principal war canoe houses to which residents of Amadiama belong. Portraying the descent of different war canoe houses in such a fashion is useful as it can help explain relationships and tensions between different war canoe houses. For example, Agbaka is considered the most remote relation by the other war canoe houses, being the first to split from Koko, and consequently enjoys the coolest relations with the others. Indeed, the relationship has become hostile—there is a long running dispute between members of Amadi and Agbaka over a small piece of land in the community.[17]

The relations between the war canoe houses on the chart above should not be mistaken for actual genealogical relations. Agbaka seems to be the 'son' of Koko. In reality, the persons, Koko and Agbaka, were brothers. Likewise, Inimgbatuboni and Amadi are not brothers; Amadi was the first son of Inimgbatuboni and Olunwa his second. All this is to say that the relations between war canoe houses are conceived in terms of kinship, but these relations are not the same as the actual relations between the founders of the war canoe houses. To fully understand factionalism one must also understand the genealogy of the actual founders. For instance, Agbaka's peripheral, even pariah, status in Amadiama owes much to the fact that Agbaka *the person* is more genealogically remote than the founders of the other war canoe houses are from each other.

6.3 *Burial of the dead*

The slave trade has stopped and the trade in palm oil has transformed radically. What, then, is the war canoe house today? As mentioned, the war canoe house is principally a land holding corporation. It achieves this status partly through its role as a burial society. Belonging to a war canoe house ensures that one is decently buried and one's passing is fêted. To be unburied is to either be kinless—a horrifying state—and thus have nobody to venerate or remember you, or to number among the bad dead, those who by virtue of committing some crime or being abominable in body cannot be buried in the earth—they are discarded into a patch

[17] See chap. 9.

a mangrove usually called *òpùámá*. As was explained to me by an elder, belonging to a war canoe house ensures that 'the corpse will not decay' (*dûóín ḅụ̀rụ̀ kệ*).

Burials are important for the living as much as the dead. The dead are a means to affirm ownership. Where one's ancestors are buried is where one is from. Kin are not buried in foreign earth. Here the remains of an ancestor are the closest thing to a title deed, they are proof of ownership. The role of the war canoe house as a burial society is intimately linked to its main role as an institution which holds land and shares it amongst its members.

6.3.1 *Bride price*

Besides helping with the cost of burials and turning out its members to celebrate the deceased, war canoe houses also provide benefits to their members during marriage. Should a man wish to marry an Okrika woman, he must pay part of the bride price (*tịḥị̀ ìgbìkì*, lit. 'head money') to her war canoe house. The war canoe house shares this money amongst its members according to their rank. Equally, a man's own war canoe house may help with a small part of this cost or, as is more frequent, offer him a loan.

Lending money to its members is another of the contemporary functions of the war canoe house. Today, most war canoe houses have their own bank accounts. The modern war canoe house is highly bureaucratic. They keep records of their finances and the debts and dues of their members. It is also not unusual for them to have written constitutions, explaining the duties of different officers, election procedures, offences and their fines and so forth. The *álábǫ̆* of the present is more like the chief executive officer of a business, a far remove from being a fearsome warlord as his forebears were. The written word, not the gun or sword, is now their most potent weapon.

6.3.2 *Membership*

War canoe houses own land and members who seek to build a dwelling house can petition to be given a portion. The leadership of the war canoe house decides on the specifics of the grant, its extent and location. The leadership is usually composed of the *álábǫ̆*, his deputy called by the title *ìkàsị́ǫ́lǭbǫ̆* ('chairman') and the *wárī sẹ̀nìàpụ̀*, the oldest members of the war canoe house. *Ì̀kàsị́ǫ́lǭbǫ̆* seems to be a new position which has emerged with the historical shift from dealing in slaves and palm oil to dealing in land and burials. Indeed, the name, which is a literal Okrika translation of the English 'chairman', speaks of the bureaucratization of the war canoe house. It should also be noted that the leadership is entirely male. This is not to say that women are ignored. In matters which affect the whole war canoe house prominent women are usually consulted. Women also play a critical role in determining membership.[18]

Every Okrika person is a member or a potential member of a war canoe house by descent or adoption. To become a full member one must pass through a rite called *pólóchó*. The specific nature of this process varies according to different

[18] See §6.5 below.

war canoe houses.[19] Those who have become full members are entitled to benefits, but equally expected to financially contribute to the activities of their war canoe house. Again, the nature of these payments varies, but common types of payment are burial levies and annual subscription fees paid to maintain one's membership. The amounts vary according to status. In general men pay more than women. In some war canoe houses women pay nothing and are not required to do *pólóchó*, which is properly considered as a male rite. Women, it should be noted, have an additional means to become members of war canoe houses not available to men: marriage.

Members financially contribute to receive benefits such as funeral expenses; the amount received depends on age and rank. Indeed, sections often hold land independent of the war canoe house to which they belong. Such cases are not only the principal cause of tension between war canoe houses and their sections, but the force behind the process of fission, by which new war canoe houses emerge. No longer is it successful traders who want to strike out on their own, but families or groups of families wanting to have autonomy over their resources, most especially land, that leads to the emergence of new war canoe houses.

Land disputes within Okrika communities emerge from this tension between war canoe houses and their constituent sections. The usual format such disputes take is a section asserting that a particular building or piece of land is their property, independent of the wider war canoe house, while the latter argues that it is the property of the entire war canoe house.

6.4 *Slavery*

Like the Ikwerre, all Okrika are keen to state that *ómóní*, or slavery, is a thing of the distant past, and that people are not stigmatised for being descended from slaves. The first part of this assertion is wrong.

The trade in people from upland areas to riverine communities continued into the middle of the twentieth century. The colonial government had outlawed the practice, but their actions did not always reduce the traffic. Railways, like the one which ran from Port Harcourt to Enugu, and roads built by the government helped move people, including slaves, from the hinterland to coastal places like Okrika.[20] Today, the oldest generation in Okrika are often the children of slaves. For instance, many told me that the current *álábọ̌* of one of the war canoe houses of Amadiama is the son of a slave bought in the Igbo hinterland.[21]

This raises an important point. In contrast to the Ikwerre who seek to exclude those descended from slaves from important offices, in Okrika being a slave, or of slave descent, is no hinderance: such people can become *álápụ̀* and even *ámányánápụ̀*. Slavery was so widespread that it is rare for an Okrika person not to have a slave somewhere in their family tree. 'Omoni' ('slave') is a common family name today. Another piece of evidence for the large number of slaves in Okrika is linguistic. Beside the fact that the Okrika language is full of Igbo loanwords, many

[19] Today, in many *ọ́mụ́árụ́wárị̀*, *pólóchó* is scarcely a rite at all: it is simply the payment of subscription fees when one reaches the age of majority.
[20] Afigbo, *Abolition of the Slave Trade*, 97-98.
[21] I was also told that he has visited the village where his father was from.

Okrika villages, where slaves were especially numerous, speak riverine Igbo as their principal language.[22] This is the case in Amadiama, for example.

6.5 *Marriage and descent*

By belonging to a war canoe house one gains access to land. Here I wish to discuss how one becomes a member of a war canoe house by descent. Descent is influenced by marriage, and descent in Okrika is reckoned in a way that might best be called contractual. What this means will become clear as the forms of Okrika marriage are described.

There are three kinds of union among the Okrika. The first and simplest is called *lèkìrìá*, where no bride price is exchanged. According to the perspective of most Okrika, and Nigerian customary law, this type of union is not marriage because no bride price is exchanged.[23]

Lèkìrìá is a casual union between lovers. *Lékírì* means 'to know'; *lékíríbọ̀* means 'lover'. Such a union may be clandestine or public. The issue of a *lèkìrìá* union belong to the matriline and are only permitted to be buried in their maternal home. Furthermore, they have no automatic right to, nor indeed any expectation of, patrimony; their inheritance and identity derive from their mother's side.

The second kind of union is *ígwā*, which, as it involves the payment of *tịbị̀ ìgbìkì* and a public celebration, is considered marriage. The status of the issue of *ígwā* marriages is the same as the issue from *lèkìrìá* unions—they belong to their mother's family and can make no claim on their father's property.

The third kind of union is *yàá*. This is the most respected marriage for it involves the payment of a large *tịbị̀ ìgbìkì* and *nyèngì àgbànì* (gifts given to the wife and her kin), as well as a lavish celebration. This kind of marriage is also known as *ókúrú káká* after the rite at the centre of the ceremony. *Ókúrú* is raffia cloth and *káká* means 'to tie', thus *ókúrú káká* means 'tying of the raffia cloth'. As part of the marriage rites the bride is wrapped by a long length of raffia cloth which is said to indicate the insolubility of the union. *Yàá* is seen as unbreakable, making divorce impossible. Issue of this marriage belong to the patriline. The bride also leaves her own family, becoming part of her husband's patriline. Upon her death a woman married by *yàá*, known as a *yàábọ̀*, is buried in ground belonging to her husband's kin. This is in contrast to the Kalabari who also practice *yàá*—there, a *yàábọ̀* is part of her husband's patriline while alive, but on death returns to be buried among her natal family. The Okrika sometimes boast that their particular *yàá* is superior, as a man who has performed *yàá* 'owns the flesh and bones' of his wife, whereas among the Kalabari, the man only owns the flesh.

As *yàá* involves the payment of the largest bride price, it is sometimes known as 'big dowry', while *ígwā* is called 'small dowry'.[24] I refrain from using these phrases as the word dowry is misleading, connoting, as it does, a wealth given by a bride to her husband—*tịbị̀ ìgbìkì* is always paid by the husband to the kin of his would-be wife.

[22] The language is doubtless similar to the Igbo dialects spoken in Bonny and Opobo.
[23] T. O. Elias, *The Nature of African Customary Law* (1956), 100; H. Boparai, 'The Customary and Statutory Law of Marriage in Nigeria', *Rabels Zeitschrift für ausländisches und internationales Privatrecht*, 46, 3 (1982). I discuss customary law at length in the following chapters.
[24] Cf. Williamson, 'Marriage System of the Okrika' and Jones, *Trade and Politics*.

6.5.1 *Contractual kinship*

The Okrika, like the Ikwerre, are polygynous. This does not mean that all men, or even the majority, have multiple wives. Rather it means that the system allows for it. A man is permitted to have as many wives as he pleases and can afford.

A woman is permitted to contract a single *yàá* marriage. *Yàá* marriage is usually typified as being unbreakable. It is said by some that divorce is technically possible but virtually impossible. A *yàá* marriage, they say, can be dissolved only if a woman refunds her husband the bride price multiplied by the number of *ịsáká*, 'threads', of the *ókúrú*, the raffia cloth used in the *yàá* marriage rite. In other words, an unfathomable amount.

While *yàá* is still idealized as an unbreakable bond, in actuality divorce can and does occur. However, what this means in practice is that a *yàábọ̀* who desires a divorce is totally at the mercy of her husband, and he can demand any sum he sees fit. The dissolution of *yàá* therefore requires a coincidence of desires—if the husband's desire for divorce is lacking, he can demand an unpayable sum as the refund to prevent the divorce. What happens in such cases is that the *yàábọ̀* will cease to live with her husband and may even cohabit with another man, but any children she has, even by other men, are considered the children of her husband.

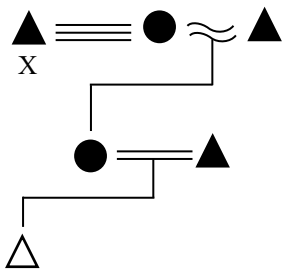
The difficulty in breaking the *yàá* is why it is often advised that couples should live together under *ịgwā* or *lèkìrìá* for several years to see if they are compatible and then perform the *ókúrú káká* rite after many years of cohabitation, perhaps even in old age. It is often necessary for a man to do so later in life due to the exorbitant cost of *yàá*; it is usually only in the latter phase of life that a man has the wherewithal to pay.[25] Children already born will switch to his lineage.

In contrast to *yàá*, *ịgwā* and *lèkìrìá* unions are easily dissolved. The fact that the issue of these unions belong to the mother and her family means that problems over rights and custody of the children are lesser. In the case of *ịgwā* the wife and her family may refund the bride price, but this only very rarely occurs. In the case of *lèkìrìa* there is no bride price to refund, and so its dissolution is enacted simply by moving away.

The difference between *lèkìrìá* and the two sorts of marriage should not be understood only in terms of bride price, but in terms of individuals and families. *Lèkìrìá* is an informal, individualistic union between a man and woman; *yàá* and *ịgwā* are unions not just between a man and a woman but between families, even war canoe houses. *Yàá* and *ịgwā* should be considered as contracts between different kin groups.

In the case of *yàá*, this is a contract which survives the death of the man who made it. The issue of a *yàábọ̀* are considered the children of her husband not only if he is not the genitor, but even if he is dead. A child therefore belongs to a particular war canoe house by contract not by blood or any other substance. As an example of this, we can look at the genealogy of the current *ámányánábọ̌* of Ogoloma:

[25] It is impossible to give an exact figure for the price of the different marriages as they are set by families and war canoe houses, but the price generally ranges from ₦300,000 to ₦1,000,000 for *ịgwā* to several million naira for *yàá*.



Ámányánábǫ̆ of Ogoloma

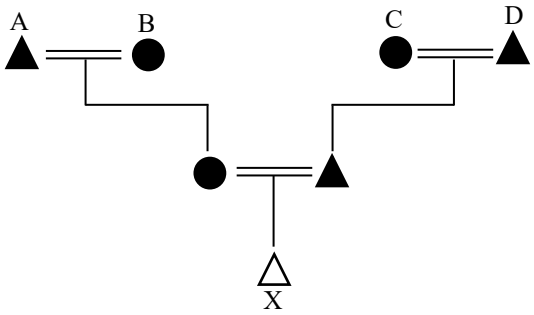
Here ≡ signifies *yàá* marriage, = signifies *ígwā* and ≈ signifies *lèkìrìá*. To be the *ámányánábǫ̆* of Ogoloma one must belong to a particular war canoe house. The *ámányánábǫ̆* belongs to this war canoe house by virtue of his descent from X. As should be apparent from the diagram, the *ámányánábǫ̆* is not consanguineous with X. The *ámányánábǫ̆* is a descendant of X by contract rather than by substance. As his maternal grandmother was married to X by *yàá*, all of her issue are considered to be of X. We might, then, conclude that it is wrong to depict the descent above in the following manner: the genitor of the mother of the *ámányánábǫ̆* should be omitted. This would suggest the Okrika do not make a distinction between genitor and pater, or that the status of genitor is not recognised or known, or just unimportant. None of this is true. The father of the mother of the *ámányánábǫ̆* is first and foremost X, but the *ámányánábǫ̆*, when I met him, was aware and open of the fact that X was not the genitor of his mother—indeed his mother was born after the death of X. The contractual father (pater) is more important than the consanguineal father (genitor). This is not to say that the latter is totally inconsequential. In cases where the pater and genitor are different persons, the pater has a role defined by custom—he expects certain things from his children and they in turn expect certain things of him. In contrast, the genitor individually negotiates the kind of relationship he has with his children—here there are no expectations, he may be distant and anonymous or close and known, perhaps even playing a bigger role in the lives of his children than their pater. But in this scenario, there is no custom, no established practice, to which the genitor or his children can look to in order to judge and shape their relationship.

The diagram above shows that the *ámányánábǫ̆* belongs to the same war canoe house as X by virtue of the *ígwā* marriage of his mother and father. The *ígwā* union means that the *ámányánábǫ̆* belongs to the war canoe house of his mother (i.e. the war canoe house of X); had his parents been married by *yàá* he would be ineligible to become the *ámányánábǫ̆*.

6.5.2 *Ambilineality*

The kind of marriage one's parents have determines the rights one has. If one's parents are married by *ígwā*, it is conventionally said that one belongs to one's mother's family. In reality one does not completely belong to one's mother's family to the exclusion of one's paternal family. The descendants of an *ígwā* (or *lèkìrìá*) union have more extensive and indefeasible rights in the maternal family, but rights in the paternal family are very much defeasible.

Most people technically (or potentially) belong to more than one family; however, people generally associate with one above others (usually the family in which one enjoys the greatest rights) and it is this family of which one conventionally speaks of 'belonging to'. To understand the way Okrika possess different rights in the different families from which they descend take the case of X, whose parents and four grandparents were all married by *ịgwā*:



In this example X has the right to belong to the war canoe house of A, B, C and D so long as he performs *pólóchó* and pays his dues. Indeed, I met several persons who belonged to multiple war canoe houses. That being said, X can only aspire to high office in the war canoe house of B. Should X lack such aspirations it is entirely possible he would associate with any of the other war canoe houses and become known generally as a member of such. But because he enjoys the greatest rights in B it is likely X will associate with that family and identify primarily with it.

Should X wish to gain rights, such as the right to hold high office, in the families of A, C or D he is not without recourse. A curious feature of Okrika marriage is that it can be performed posthumously. Therefore, if X wishes to become the *álábọ̌* of the war canoe house of A he can marry his grandparents, A and B, by *yàá*; should he aspire to the same in the war canoe house of C he must marry his parents by *yàá*; and should he want the same in the war canoe house of D it is necessary for X to marry both his parents and C and D by *yàá*.

6.5.3 *Posthumous marriage*

Posthumous marriage permits the issue of *lèkìrìá* or *ịgwā* unions to marry their parents by *yàá* after the death of one or both of their parents. A man is also entitled to *yàá* his deceased wife, paying her kin the bride price; his daughter or a female relation of his wife will stand in the place of his wife during the *ókúrú káká* rite. Should the husband be dead, one of his sons will stand in his place and marry his mother, said son paying his mother's kin the bride price. In the case where both parents have died a male relation, usually a son, will stand for the father, and a female relation, usually a daughter, will stand for the mother.

In any of these variations, the bride price will first be paid to the immediate family (*yìlá*) of the mother, then payment is made to her wider family (*fúrō*), and

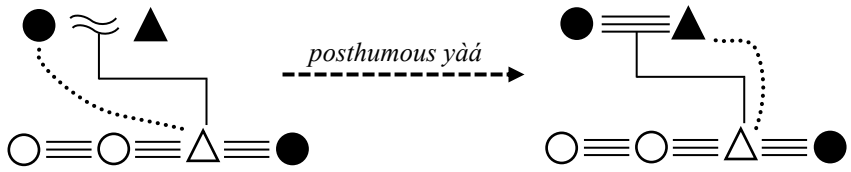
lastly her war canoe house, the amount diminishing as one goes broader and more distant in relation.[26]

Posthumous marriages are always *yàá*. While it is technically possible to perform *ígwā* posthumously it would be of no consequence: the rights enjoyed by the issue of an *ígwā* and a *lèkìrìá* union are the same. There is therefore no motivation for the descendants to go through the rigmarole of paying the bride price.

6.5.4 *Reasons for posthumous marriage*

Reasons for posthumous *yàá* often have to do with burial. For instance, a man of my acquaintance was pressed into performing *yàá* by his aged mother on behalf of his deceased father—she expressed to her son a fear of being buried apart from her husband because their union was only *ígwā* (which would mean her own kin would take her away and bury her when she died).

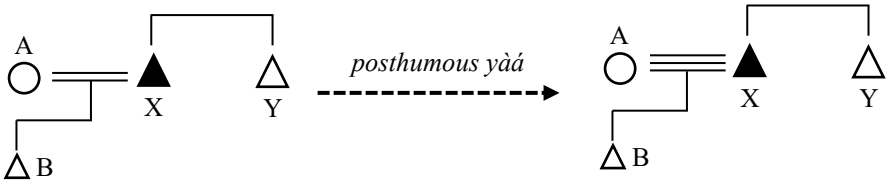
In another case, a prominent man from Amadiama I met had three *yàá* wives, one of whom died. He wanted to bury his wives in Amadiama, the community where he lived and intended to be buried himself. The man's father was a denizen of Amadiama, an *álábǫ̀*, in fact. But as he was the product of a *lèkìrìá* relationship—his mother was from the neighbouring community—he only possessed the right to be buried in his mother's place. In order to bury his deceased *yàábǫ̀* in his paternal home he first had to acquire the right to be buried there himself—this necessitated posthumously marrying his mother and father by *yàá*. This case can be displayed thus:



Like the Ikwerre, the Okrika bury their dead inside the house or in the compound. But there are exceptions to this. In Amadiama, a community established by Christians, the dead are buried in the village cemetery. The deceased must, nonetheless, possess the right to be interred in Amadiama. Being born in Amadiama and dwelling there does not confer the right to be buried in the village. This right is acquired through descent which follows the logic described above. It is not unusual for strangers from a different Okrika village to remove the corpse of a well-known member to bury it elsewhere because the deceased lacked the right to be buried in the village in which they passed their life.

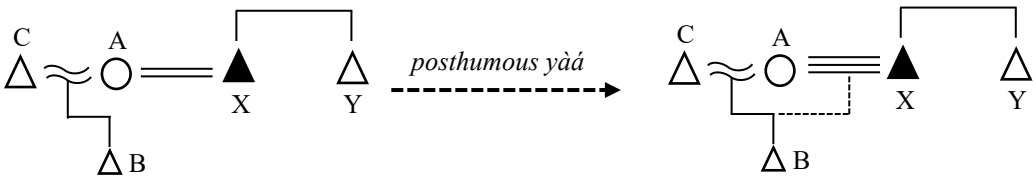
Sometimes posthumous *yàá* marriage is contracted for acquisitive motives. For instance, a widow (A) married her infant son (B) by *yàá*, her son representing the deceased husband (X), in order to secure the inheritance of her late husband's property against the claims of husband's brother (Y). In the lifetime of her husband, only *ígwā* had been performed so that the children had no claim on their father's property.

[26] Like the word *fúrō*, *yìlá* means 'womb'; the latter is generally used to refer to a smaller group of relatives than the former, but both can at times be used more or less interchangeably.



Ordinarily, Y would inherit the property of X (X's son B belongs to A's family). Following the posthumous *yàá* marriage both A and B became part of the lineage of X and thereby entitled to claim his property.

In the above example it is not necessarily the case that X is the genitor of B. B may have been conceived and born after the death of X. A is nonetheless able to marry X, with B standing for X. Following the posthumous *yàá* union, B becomes the *ókúrú bíé tókù*, the legal child (lit. 'child born within the raffia cloth') of X. While B is not consanguineous with X, B enjoys indefeasible rights with regard to X, whom he never met; B enjoys no such privilege with regard to C, his genitor. This state of affairs can be displayed thus:



Another fact which must be noted is that a woman may have issue by a *lèkìrìá* union or a dissolved *ígwā* marriage prior to her marriage to a man by *yàá*. As soon as the *yàá* marriage is contracted all the issue of the woman become the children of her husband. Theoretically this can result in an odd occurrence where a father is younger than his child. I never came across an example of this in actuality.

6.5.5 *Genitors*

The Okrika system of marriage suggests that a person's genitor is of little importance. It has been stated that the issue of *lèkìrìá* and *ígwā* unions belong to their mother and her kin. It would be more accurate to say that the issue of *lèkìrìá* and *ígwā* unions occupy an ambiguous position. It might be that the genitor of children born to either union is particularly attached to his progeny. He is at liberty to settle any property upon them. However, should he fail to do so when alive, his issue have no grounds upon which to claim it. The issue of *lèkìrìá* and *ígwā* unions occupy a precarious position: access to patrimony depends on favour with their genitor. In the system of Okrika descent, which should be called contractual, genitors are of lesser importance, but not of no importance. The difference between the genitor and the pater is that children of the former cannot make claims upon his property, that is, they can have no expectation of inheritance—they are entirely at the mercy of the wishes of their genitor with regards to this. In contrast, the pater is obliged to provide for his issue and even if he fails to do so in life his children are entitled to inherit his property.

In addition to the lack of inheritance rights, there are other rights children lack with regard to their genitor. A child may identify with and dwell with their genitor, becoming to all eyes a member of his family. Such a child will address his genitor as father (*dàá*). However, such a child, if male, will not be able to aspire to leadership positions within his genitor's family. He cannot become an *òkòtịbịdàbǫ̆* or the *álábǫ̆* his genitor's war canoe house. The highest position he can aspire to is *ịkàsịǫ́lǭbǫ̆.*

6.5.6 *The limits of posthumous marriage*

Here I want to note another feature of posthumous *yàá* marriages. It is admitted that it is theoretically possible to marry one's ancestors as many generations back as desired. In practice only ancestors one or occasionally two generations back are married. In other words, it is usually only parents or grandparents that are married. The reason for this is that it becomes very difficult to determine who to pay the bride price to. When marrying deceased parents, it is obvious who to negotiate with: usually maternal uncles or cousins. These maternal male kin will be approached and will be the principal negotiators and when the bride price is determined it is they who will receive the bulk of the money. Other close kin, including women, must also be settled as part of the agreement. These close kin constitute the *yìlá* or the immediate family of one's mother. They are the people with the greatest rights in the woman to be married and therefore expect the greatest remuneration for their loss.

After the immediate family, the wider family must be settled. Usually the head of the immediate family will go and inform the head of the greater family unit, the *òkòtịbịdàbǫ̆*, of the intended marriage. In turn the *òkòtịbịdàbǫ̆* will inform the *ịkàsịǫ́lǭbǫ̆* or the *álábǫ̆* of the war canoe house of the marriage. The *òkò* and the *ǫ́mụ́árụ́wárị̀* will be settled by the party wishing her to be married. As the familial structure is climbed, the rights and interests in the woman to be married diminish. The money paid to each unit is inversely proportional to its size and position on the hierarchy. The war canoe house, as the apex, therefore, receives the smallest sum of money.

The difficulty in marrying more than one or two generations back arises from the fact that this hierarchy (from *yìlá* at the bottom through *fúrō* and *òkò* to the *ǫ́mụ́árụ́wárị̀* at the top) is not fixed. In one or two generations a *yìlá* will have become a *fúrō* or an *òkò*, or perhaps even its own *ǫ́mụ́árụ́wárị̀*. Moreover, the war canoe house to which one's mother or grandmother belonged to may have split into two or more war canoe houses through the process of *wárị̀pú*. Posthumous marriages consequently have more units and therefore more persons that must be settled in order for the union to receive consent. The more distant a deceased woman is in time and generations, the more heirs she has, the more people have rights in her and the greater the cost. The question—who are her heirs?—becomes harder to answer with each passing generation.

6.5.7 *Exogamy*

There is a lacuna in this discussion of Okrika marriage and descent. So far, only marriage contracted between Okrika men and Okrika women has been accounted

for. Okrika men and women are, of course, free to marry people from outside Okrika. Indeed, this kind of exogamy is very common and often preferred by many Okrika, especially Okrika men. Marriage to stranger women is treated as *yàá*, which is to say that the Okrika husband owns her and her issue insofar as she and her issue belong to his immediate family, extended family and *ọ́mụ́árụ́wárị̀*. Okrika men say they prefer marrying women from outside the *sẹ́* because the marriage rites are less taxing and that the bride price is usually considerably smaller.

The situation of Okrika women marrying stranger men is more complex. Just as there is a presumption that stranger women have cheaper bride prices, there exists the inverse presumption by neighbouring peoples that Okrika women are difficult to marry owing to expensive rites and a complex marriage system. For this reason there are far more Okrika men who marry strangers than Okrika women.[27] While I do not have specific demographic figures to support this assertion and rely simply on my own experience, another factor lends weight to this tendency. Historically, the slave trade caused a flow of people from hinterland communities to riverine ones. It was usual for riverine men to marry hinterland women but rare for riverine women to marry hinterland men. The slave trade no longer exists, yet the tendency of riverine men to marry hinterland women continues. Indeed, one could see this tendency as a vestige of the trade. This points to a serious question in this context: what is the difference between a slave and a wife?[28]

Okrika women may infrequently marry hinterland men, but this does not stop them having relationships and cohabiting with them. These relationships are considered *lèkìrìá*. The issue of such relationships are in several regards more firmly Okrika than the issue of a relationship between an Okrika man and a stranger woman. In this latter case there may be ambiguity over whether the man successfully completed the necessary rites and paid the bride price to his wife's kin. When there is doubt, their children will be especially disadvantaged, neither being able to claim to fully belong to their father's family and inherit from him, nor being full members of their mother's community. Most neighbouring hinterland peoples, like the Ikwerre, afford inferior status to the issue of unions where the bride price has not been paid. For the Okrika, maternal descent is always surer and, for this reason, rights derived from the matriline are always preferred.

6.6 *Conclusion*

The control war canoe houses assert over land does not go unchallenged. Here I am referring to internal challenges rather than external. The sections and sub-sections that constitute war canoe houses also assert control over land. Their claims to control land need not necessarily run counter to the rights of the war canoe house—the war canoe house is but a conglomerate of sections (*wárịkúḅù, ọ̀pọ̀chúkù*, *òkò*) and the sub-sections of these sections (*fúrō*, *yìlá*) after all. But each sub-section is a potential section and each section a potential war canoe house. Disputes over land most often take the form of a disagreement between a war canoe house and one or more of its constituent sections or sub-sections. It is when the claims of the sections

[27] Williamson, 'Marriage System of the Okrika', 55.
[28] Cf. F. B. Steiner, 'A Comparative Study of the Forms of Slavery' (1949), DPhil thesis, University of Oxford, 199-227; M. Godelier, *Metamorphoses of Kinship* (2011), 130-5.

and sub-sections fail to trump the claims of the war canoe house that fission (i.e. the emergence of a new war canoe house) usually occurs.

It is hard to conclude whether war canoe houses or their smaller, constituent units are the preeminent land-owning corporations among the Okrika. It is this very ambiguity, I believe, which is one of the chief causes of internal conflicts over land.

Nevertheless, it is the role of war canoe houses as land-owning institutions which accounts for their survival and proliferation. Land is held and transmitted through the control of burials and marriages. Ordinarily burying the dead is a practice oriented to the past and marriage one oriented to the future, to the unborn generations. Discourses around land ownership are invariably framed in terms of the past. The Okrika practice of posthumous marriage shifts the focus towards the past—marriages become as much about gaining burial rights as they are about gaining rights in progeny.

On the one hand, burials act as means to affirm and prove rights to land; as things of the past, human remains anchor present claims to the past. On the other hand, posthumous marriage makes this same past uncertain and revisable. This means that land rights, while being something of the past, are mobile and changeable. Here it is also worth looking at war canoe houses and their constituent units in a diachronic perspective. Sub-sections grow into sections and sections often become their own war canoe houses. To this it is necessary to add the fact that, with time, most war canoe houses divide into further war canoe houses. What this all means is that land rights are always shifting and never fixed—a fact which explains many intra-Okrika conflicts are over land. But this actuality runs counter to perception. Land and the past, from which rights in land derive, are perceived as fixed, permanent, and stable. This shared aesthetic of immutability and rootedness belies the fact that the past, and land, are in fact slippery, mercurial things.

Before finishing this chapter, I wish to very briefly compare and summarise Ikwerre descent and inheritance to the Okrika practice. Conflicts in Ikwerre lineages (and by extension conflicts over land) hinge on status. Persons are excluded from being full members of the lineage and its gamut of rights. Okrika conflicts seldom relate to exclusion in the same way. The Okrika have a long history of incorporating and assimilating people which continues today. This is not to say that the Ikwerre do not incorporate persons and that the Okrika do not exclude persons, but that the Okrika tend to incorporate and the Ikwerre tend to exclude.

My argument in this chapter, and the previous, is not that land rights should be reduced to kinship relations; nor do I argue, as some anthropologists have done, that kinship relations are underpinned by land rights.[29] Rather, I suggest land rights are grounded in history, and that kinship provides the idioms with which to debate historical knowledge. In the next three chapters I consider examples of disputes over land rights.

[29] E. Leach, *Pul Elya, a Village in Ceylon: A Study of Land Tenure and Kinship* (1961); see Godelier, *Metamorphoses of Kinship*, 16-22.

7

THE LAW OF THE LAND

7.1 *Nigerian law*

Land disputes between the Ikwerre and the Okrika frequently end up in courts of law. Disputes therefore adhere to Nigerian law, a system which is dual, consisting of English and customary law. Ikwerre and Okrika mostly hold land under the latter type of law and their disputes consequently follow its principles; although, as I show in the following two chapters, it is routinely ambiguous which sort of law ought to apply to land holdings in Port Harcourt.

This chapter describes customary land law as it functions in Port Harcourt. Whereas previous chapters have been devoted to drawing out differences between the Ikwerre and the Okrika, here I examine the way customary law unites them. However, there remain differences between intra-Ikwerre and intra-Okrika land disputes, which I illustrate with examples.

As mentioned, Nigerian law is composed of two systems of law: English law and customary law.[1] These two systems are separate and conjoined. I describe them in this oxymoronic way because they exist as distinct spheres of Nigerian law. Indeed, part of the law operates to distinguish between the two. And yet, they are permeable—it is possible for things to move between spheres. Before discussing the ways in which they are permeable, let me describe the ways they are distinct, starting with English law.

English law here refers to the system of law introduced by the British colonial government.[2] The principal part of English law is what is known as common law. Common law was so called to distinguish it from regional customs and local law—it was the law common to all England. And early common law was almost exclusively concerned with land.[3]

[1] Cf. A. N. Allott, 'What is to be done with Africa Customary Law?', *Journal of African Law*, 28, 1-2 (1984): 56-58.

[2] It is worth emphasising that it is very much *English* law; the law of the British Empire was based on the law of England and not of, say, Scotland.

[3] See A. W. B. Simpson, *A History of the Land Law* (1986).

This system of law, which has been added to since Nigerian independence, is sometimes referred to as statutory law.[4] While this fits with the characterisation of one system being colonial and based on writing and the other (customary law) being based on oral tradition, I refrain from referring to this system as 'statutory law' as statutory law is technically only one of three strands which together constitute English law as it is practised in Nigeria, the others being common law and equity.[5] Moreover, certain statutes do in fact apply to customary law, rendering the notion that customary law is purely oral inaccurate. Therefore, in the following analysis I employ the term 'English law' as shorthand to refer to the system which stands in contrast to customary law. In using this term it becomes necessary to emphasise that while 'English law' is based upon the law of England it is not identical with contemporary English law and should not be mistaken for such. The English law of Nigeria is Nigerian.

An instance of the distinction between customary law and English law is marriage. In Nigeria one can be married according to either system. The kinds of marriage discussed in the previous two chapters belong to the domain of customary law. Marriage by English law, or 'court marriage' as it is usually referred to, is relatively rare in Port Harcourt. Besides the bureaucracy, what puts many off 'court marriage' is that it only enables a single marriage to be contracted, because English law does not permit polygyny.

When 'court marriage' does occur, it can lead to complex situations when combined with customary marriage. Some of my Okrika friends from Amadiama told me of an ongoing case where a woman from their village had married a man from Ogu by both *yàá* and court marriage; the relationship broke down and a divorce was granted, dissolving the court marriage. Therein ensued a protracted dispute (which is still ongoing) over custody of the children. The woman and her family, relying on the fact a divorce had been granted according to English law, claimed sole custody of the children—since the woman and the man were no longer married, the children, so they argued, belonged to their matriline. In spite of the divorce, the man from Ogu affirmed that the *yàá* marriage was extant, and therefore that he should have custody of their children and any more children she might bear in the future. The woman's kin travelled to Ogu to plead with the man and offered to refund the bride price; they were met with the reply that *yàá* is unbreakable.

In this example the two systems of law are operating simultaneously. Although distinct, they overlap. It is hard to know whether to describe the man from Ogu as the woman from Ogoloma's husband or ex-husband. This example indicates the

[4] E.g. A. Philips, 'Conflict between statutory law and customary law of marriage in Nigeria', *The Modern Law Review*, 18, 1 (1955); H. Bopari, 'The Customary and Statutory Law of Marriage in Nigeria'.

[5] Equity was a branch of English law that developed alongside the common law which concerned fairness and justice and was, historically, the kind of law which was practiced by Court of Chancery.

difficulties, conceptual and practical, that arise when two legal systems operate concurrently.[6]

7.1.1 *Customary law*

I agree with the conclusion of scholars such as Martin Chanock, Sally Falk Moore and Richard Roberts that 'customary law' is fundamentally an invention of colonial law.[7] There are, nevertheless, actual pre-colonial practices upon which the invented systems of 'customary law' are based. Some of these pre-colonial practices persist to the present. This is why some scholars distinguish between two kinds of customary law: 'official customary law' and 'living customary law', or 'customary law of the courts' and 'customary law of the people'.[8]

There are drawbacks to these terms. The phrase 'living customary law' suggests its counterpart, 'customary law of the courts', is resistant to change, even 'dead'. I show this is not the case. I also do not like the implication of the term 'customary law of the people' that one sort of customary law is practised by laypersons without official legal knowledge. As I illustrate, the 'people' practising 'customary law of the people' are often the same as those practising the 'customary law of the courts'.

It is also worth saying something about the adjectives 'official' and 'unofficial' which are frequently used to demarcate different sorts of customary law. Although official customary law is distinguished from unofficial customary law, the former corresponding with the customary law of the courts, and the latter with customary law of the people, I would note that this distinction is not always easy to make in practice because official customary law purports to be based on pre-colonial indigenous law, i.e. what is usually recognised as unofficial customary law. In addition, its description as 'unofficial' has resulted in questions being raised as to whether unofficial customary law should really be considered law at all.[9] I would suggest that insofar as both types really belong to the same system, unofficial customary law should be considered 'law'. The distinction between the two is equivocal, a fact that can be creatively manipulated.

Because the former claims to be identical to the latter, when unofficial customary law is not to one's benefit, it is possible to bring the matter before the customary law of the courts. Or, if one is dissatisfied with the determination of a case according to official customary law, one may challenge its ruling by asserting that this type of customary law is not *truly* customary and is, in fact, a colonial invention. Put

[6] See B. Z. Tamanaha, *Legal Pluralism Explained* (2021).
[7] See Chanock, *Law, Custom and Social Order*; id., 'Neither Customary nor Legal'; Moore, *Social Facts and Fabrications*; Roberts, 'Law, Crime and Punishment in Colonial Africa'.
[8] Cf. Woodman, 'Some realism about customary law'; A. Diala, 'A Butterfly That Thinks Itself a Bird', *Journal of Legal Pluralism and Unofficial Law*, 59, 3 (2019).
[9] Cf. F. Pirie, *The Anthropology of Law* (2013), 39-42.

another way, as people move between official and unofficial customary law, a legal fiction is laid bare.

Legal fictions are necessary inventions which lubricate the operation of the law by allowing it to systematise awkward actualities. In asserting that official customary law as it is conceptualised by Nigerian law is a legal fiction I do not intend to imply that it does not exist. Rather, my intention is to highlight that, although based on actual practices which may persist, it is a creation of English law.

The term 'customary law' has a temporality—it refers to pre-colonial law, the law of African societies prior to the arrival of Europeans.[10] It also has a universality; it is a general category. In this way it becomes possible to speak of a 'common' customary law, a 'customary law' with common features and characteristics whether one is speaking of the customary law of the Yoruba, Igbo, Hausa, Ibibio, Tiv, Ogoni, Ikwerre, Okrika or any of the many peoples that dwell in Nigeria.[11] The purpose of this common customary law is to create unity in difference; to reduce the bewildering multitude of different legal regimes found throughout Nigeria (and Africa more generally) to a single category which can be counterposed to English law. This is a category of immense utility, for without it, it would have been impossible for the British to rule such a vast and diverse territory.

This category of customary law needs to be understood in relation to status. Colonisation entailed two statuses: coloniser and colonised. Each of these statuses (according to the legal system of the colonisers) had a different legal system proper to them.[12] For the colonised, or the 'natives' as English law refers to them, this was customary law. The category of 'native' does not actually mean that those designated as such are native. The term was racialised.

In the 1921 census of Port Harcourt the population was divided into natives and non-natives. The category of native was further subdivided into 'natives' and 'native foreigners'. In the former category were placed various Nigerian peoples: 'Ibo', 'Yoruba', 'Hausa', 'Efik', 'Ijaw', 'Jekri', etc. and in the latter were people from other African nations—Togo, Sierra Leone, Gold Coast, Gambia, Sudan, etc.—as well as, tellingly, Americans and West Indians (i.e. Black Americans and Black West Indians).[13] 'Customary law', or 'native law and custom' as it was often called, was the law proper to natives even if they were 'native foreigners' born and raised in the USA or the Caribbean.

[10] Cf. P. C. Lloyd, *Yoruba Land Law* (1964), 17.

[11] See Appendix 3, where I discuss some of the characteristics of the common customary law of land.

[12] The principle that each people have a legal system proper to them is called the 'personality of laws'; see A. Supiot, 'The Territorial Inscription of Laws' in D. Wielsch et al. (eds.), *Soziologische Jurisprudenz* (2009), 384.

[13] NAE: RIVPROF 8/9/437, Census returns of non-natives (1921).

A 'native', according to Nigerian law, is 'a person who is a member of a community indigenous to that area'.[14] Customary law, as the law of 'natives', should not be mistaken for indigenous law. Rather, it is essentially the law of the 'Other', whether they are indigenous or not. This can be apprehended in the fact that Sharia law, a non-indigenous legal system, is generally considered as customary law by English law.

The other category of native (i.e. those who were not 'native foreigners') was further divided into 'natives' and 'native strangers'. These terms were spatially relative and whether one was considered a 'native' or a 'native stranger' depended on where one was domiciled. If one lived in a region which was not associated with one's ethnic group, one was a 'native stranger'. An Igbo person, for instance, living in Kano or Lagos was a 'native stranger'; an Igbo person living in Igboland simply a 'native'.

Let me recapitulate the types of customary law. Official customary law, as Nigerian law would have us believe, refers to the pre-colonial, traditional law of the people indigenous to Africa, ostensibly a system of law which exists independent of English law. In fact, official customary law is a kind of 'common' customary law, an entity created by the assimilation and abstraction of pre-colonial customary laws by English law.[15]

The other type, unofficial customary law, should properly be referred to as unofficial customary laws in the plural, for there does not yet exist a unified 'common' customary law in the singular in this context.[16] Unofficial customary law encompasses the actual laws of the peoples of Nigeria. These laws are as diverse as the peoples that practise them; they do not belong to a single unified system—hence why it is technically necessary to speak of them in the plural. I refer to them in the singular for ease. It is unofficial customary law which acts as the source from which English law selectively partakes and interpolates to form official customary law.

The creation of official customary law from unofficial customary law was not a process of unfettered appropriation. Only certain customary laws were selected and assimilated. Many were excluded. According to a Supreme Court Ordinance (No. 23 of 1943), practices which are contrary to 'natural justice, equity and good conscience' have no place in 'customary law'.[17] As such, slavery and the killing of twin children[18] are not found in official customary law, despite these practices occurring in many parts

[14] Cited in *Customary Court Manual* (1971), 30.

[15] It was the creation of this latter sense which permitted an eminent Nigerian legal scholar, T. O. Elias, to write a work entitled *The Nature of African Customary Law*.[#] Considering that there are thousands of ethnic groups in Nigeria, let alone Africa, it is miraculous that the work is a relatively slim single volume. If it were about customary law as Nigerian law purports to conceive it, it would be thousands of pages in dozens and dozens of volumes. Implicitly, therefore, the book is about the 'common' customary law i.e. official customary law.

[16] Cf. Woodman, 'A Survey of Customary Laws in Africa', 10.

[17] S. 17(4); see Elias, *Customary Law*, 7.

[18] NAE: PHDIST 10/1/471, Twin Children (1947-1956).

of Nigeria and being prescribed by certain unofficial customary laws. In addition, official customary law prohibited all unofficial customary laws pertaining to the punishment of criminals which necessitated the imposition of the distinction between civil and criminal cases made by English law.

The prohibition of customary laws repugnant to English law does not mean that practices like slavery and twin killing were simply excluded from official customary law. In fact, they were assimilated and abstracted by this very prohibition. Indeed, the workings of official customary law can be seen most clearly when looking at what it chooses to prohibit. 'Slavery' is a category of official customary law into which a great number of practices are reduced and abstracted. Where the Ikwerre, for instance, distinguish between *óhù* and *ósù*, official customary law sees both merely as 'slaves'. Take another case, that of twin killing. The practice of killing twins among the Ogoni was very different from what was ostensibly the same practice among the Yoruba.[19] To official customary law these acts are identical. Official customary law formed its categories as much by exclusion as inclusion.

To summarise, official customary law is constituted of select unofficial customary laws integrated and epitomized according to the logic of English law in addition to certain customary laws which are actively prohibited. As such, the only customary laws which can be said to be outside the sphere of official customary law are those which have neither been incorporated by inclusion nor exclusion. These are few. The influence of official customary law is now so great that remaining unofficial customary laws are often interpreted through the rubric of official customary law. In this way practices and institutions which operate beyond official customary law are shaped by its principles.

As an example of this, take the *òhnà* of Akpor, a body which arbitrates local disputes according to local unofficial customary law. *Òhnà* means 'council' or 'assembly'. It usually sits twice a week in the principal *òbìrì* of Akpor at Ozuoba. In the sittings I attended, I saw several land and marriage disputes.[20] Proceedings are conducted in Ikwerre. The *élénwé àlị̀*, who sit as judges, all affirmed to me that cases are decided according to 'customary law'. The *òhnà* of Akpor may give the impression of being an example of an institution which abides by precolonial traditional practice, but one should not be deceived. The *élénwé àlị̀* often have extensive knowledge of Nigerian law (English and official customary law), and their judgements, apparently made in accordance with unofficial customary law, are coloured by this knowledge. This is true of Okrika traditional rulers as well; I met many *álápù* who were trained lawyers or barristers.[21]

[19] And, of course, such a practice can vary within a given ethnic group and change with time; Cf. T. J. H. Chappel, 'The Yoruba Cult of Twins in Historical Perspective', *Africa*, 44, 3 (1974).

[20] Of course, land and marriage disputes are often related.

[21] Another fact to consider is that most traditional rulers are the descendants of warrant chiefs, the sanctioned members of Native Courts which the British set up to practise customary law. Many of the

Ikwerre *òhnà*, like those of Akpor, are therefore not merely unofficial customary law courts. Traditional rulers, those persons charged with upholding the customary laws of their communities, often do so according to the pattern of official customary law.[22] The *òhnà* of Akpor, for instance, has a clerk who takes minutes in imitation of courts which practise official customary law. Written summonses are also issued, and various fines levied on litigants. Simply put, the procedure of the contemporary *òhnà* is adapted from the workings of the Customary Court and its predecessor, the Native Court.

7.1.2 *Native Courts and native law and custom*

Native Courts were the means by which official customary law was introduced and exercised. Firstly, let me note the obvious—Native Courts, instituted by the British, were not 'native'. Native Courts exercised official customary law, not unofficial customary laws. The term 'customary law' is in fact of relatively recent date.[23] The previous term, used during the heyday of the Native Courts, was 'native law and custom'. This was the kind of law proper to the Native Courts and 'natives'. As one of the categories of official customary law, 'native' condenses diversity. Native Courts did not necessarily serve a single group of 'natives', as the areas they administered did not always coincide with a single ethnic group. For instance, when the Okrika Native Court was established in 1896 it did not just serve the Okrika—the Eleme people were also within its jurisdiction. The Eleme, who spoke their own language and farmed rather than fished, were the traditional enemies of the Okrika. Until 1914, when their own Native Court was established, the Eleme had to suffer the ignominy of being told their 'native law and custom' by their nemeses, the Okrika.[24]

Here I want to say something about the phrase 'native law and custom'. Hearing the phrase one might suppose that 'native law' and 'custom' are two different categories. But official customary law does not make a distinction between them.[25] The phrase 'native law and custom' speaks to the use of legal doublets in English law. Legal doublets are standard phrases made up of two, usually almost synonymous, words to

élénwé àlị which constitute the *òhnà* of Akpor are the grandsons or great grandsons of the original Akpor Native Court.

[22] Here I am guilty of interpreting facts according 'customary law' myself; the term 'traditional rulers' is the category used by the official customary law to capture an assortment of different offices which in actuality may be very different in actuality (e.g. *álábọ̀* and *nyénwé ẹ̀lị*).

[23] The term was first recognized by the Customary Courts Law (No. 26 of 1957) which replaced the Native Courts Ordinance (No. 44 of 1933); See Lloyd, *Yoruba Land Law*, 16.

[24] NAE: DEGDIST 7/5/6, Intelligence Report on the Okrika Clan (1933).

[25] Montesquieu famously distinguished between them; see M. Vale, 'Custom, Combat, and the Comparative Study of Laws: Montesquieu Revisited' in P. Dresch and H. Skoda (eds.) *Legalism: Anthropology and History* (2012). On the basis of this distinction, some anthropologists have asserted that certain African peoples are without 'law' and possess only 'custom'; this argument is made by M. M. Green, *Land Tenure in an Ibo Village in South-eastern Nigeria* (1941); E. E. Evans-Pritchard, *The Nuer* (1940), 162, makes a similar point.

refer to a single category. Examples include ‘null and void’, ‘terms and conditions’, ‘cease and desist’, ‘aid and abet’, ‘intents and purposes’, and ‘will and testament’. While each of the words which constitute these phrases may have a meaning distinct from the word it is coupled with, English law employs these doublets not to highlight difference but to name a single category. The use of such near synonyms diminishes ambiguity and captures more than either of the two words would alone.

7.2 *The features of customary land law*

The chief characteristic of official customary law of land is that land is ‘owned’ collectively, in contrast to English law where land is ‘owned’ individually.[26] The British, the ultimate adjudicators and enforcers of official customary law, held that collective ownership was to be found not just in Nigeria, but throughout sub-Saharan Africa.[27]

This caused problems for both lawyers and the people who were said to hold land collectively, because it necessitated specifying the nature of the collective which was said to hold land. The collective which holds land under customary law is rarely a very large unit, such as a village.[28] More often it is smaller units—in the case of the Ikwerre, patrilineages, or in the case of the Okrika, war canoe houses.

Although it is not impossible for land to be held by individuals under customary law,[29] such cases are incredibly rare because official customary law assumes land to be held collectively and, where land is held individually, this tenure will, with the passage of time, become collective. Cases where individuals hold land according to customary law generally occur when the land shifts from being held under English law to customary law.[30]

Disputes over land generally hinge on whether it is held according to English law or customary law. This is because the different systems confer different rights. For instance, a person owning a share in an English tenancy in common has an interest which can be sold or exchanged without the consent of the other co-owners; whereas land held under customary law cannot necessarily be alienated, even with the consent of the other tenants.

[26] Elias, *Customary Law*, 162.
[27] Ibid., 162-3.
[28] The few areas which might be considered to be owned by the entire community would be sacred groves or burial sites; Green, *Land Tenure in an Ibo Village*, 6. Such sites are however often the cause of disputes when a section of a community tries to assert exclusive control.
[29] A. E. W. Park, ‘A Dual System of Land Tenure: the experience of Southern Nigeria’, *Journal of African Law*, 9, 1 (1965): 3; one might also note that land is not always held individually under English law; cf. Simpson, *History of the Land Law*, 209.
[30] I discuss this in the next chapter.

7.3 *An Okrika land dispute*

Despite the tendency of official customary law to reduce difference, intra-Okrika and intra-Ikwerre land litigation is somewhat different. This section describes a typical intra-Okrika land dispute in Azuabie, which centred on a conflict between a war canoe house and one of its sections.[31]

Both parties in this dispute, which concerned a small plot of residential land, belong to Okujagu war canoe house. The conflict started when three brothers began building a block house on land which had been used by their late father. Soon after commencing construction, a gang of local youths came to disrupt their work, damaging tools and building materials. The brothers called upon the *álábọ̌* of their war canoe house to intercede and stop the youths. After the *álábọ̌* did nothing the brothers came to suspect that he was behind the attack. Their suspicions were confirmed when the *álábọ̌* and other senior members of their war canoe house requested an order to cease work from the Port Harcourt Local Government on the grounds that the brothers lacked the adequate permissions. The three brothers ignored the order.

The police then intervened and, with their mediation, it was agreed that the brothers would accept the loss and damage of building materials in exchange for the wider war canoe house leaving them in peace to complete their building project. However, local youths continued to harass them and even assaulted one of the brothers. The brothers' recourse was to go to court. Why did this conflict between a war canoe house and some of its own members occur?

The father of the brothers died in 1979. By the time the brothers began their construction work in the early 2000s, the simple house their father had dwelt had been long unoccupied and was very dilapidated and the land had become a well-used shortcut between two roads in the village. Besides the house of their father, the house of their mother, the house of their father's other wife and several batcher houses, rented to strangers, were situated on the plot.

The defendants in the case—the representatives of Okujagu war canoe house—alleged that the plot of land was 'owned' by the war canoe house and had been temporarily granted, or 'shown', to the brothers' father to be used for keeping pawpaw trees and few other garden plants as well as building impermanent dwelling houses.[32] It was only when the brothers attempted to build a permanent dwelling, a block house, that the rights of the war canoe house were violated. Before permanent dwellings can be built, Okrika customary law[33] holds that a rite called *ọ́kọ́lọ́bà píkē* must be performed. *Ọ́kọ́lọ́bà* refers to a pointed stick or dibble and *píkē* means 'to pin' or 'to anchor'. The rite involves circumambulating the land in question and marking its extent with pointed sticks. The grantee then presents the grantor of the land with a token

[31] PHC: PHC/1744/06, *Lambert v Okujagu* (2006).
[32] On the practice of 'showing' land, see Appendix 3.
[33] Unofficial and, as I show, official customary law.

payment, usually a bottle of hot drink, or several bottles and a goat if the plot is especially large. Invariably the grantor is either an *álábọ̌* or his deputy, the *ịkàsị́ọ́lọ́bọ̌*, both of whom can stand for a war canoe house, and the grantee is usually an individual or group who belong to the same war canoe house. The nub of the conflict in Azuabie between the brothers and the wider Okujagu war canoe house was that the former failed to invite the representatives of the latter to perform *ọ́kọ́lọ́bà píkē* ahead of their construction of a permanent dwelling.

This problem had not arisen during the father's lifetime because all the dwellings on the land were impermanent batcher houses. The building of a permanent structure on land is an assertion of greater rights—it is a claim that the land is not mere land, *kírí*, but land with the incidents of community land, *ámá*. The *ọ́kọ́lọ́bà píkē* rite is important because it marks and gives legitimacy to this transition. Failure by the brothers to invite the *álábọ̌* or his deputy to perform this rite was an insult to the wider war canoe house in that it failed to recognise that the brothers' rights in the plot of land ultimately stemmed from the war canoe house. The fact that the plot of land had become a shortcut used by the village illustrates the way that the village, which in the case of Azuabie is equivalent to Okujagu war canoe house, retained an interest, albeit in a reversionary way, to the land which had been originally shown to the father of the brothers.

The conflict lays bare the tension between war canoe houses and the smaller units which constitute them, with the latter often striving for independence from the former. One of the brothers in the case worked for SPDC and was, according to the testimonies of the defendants, able to use his lucre to bring the police to his side and secure the services of a juju priest from Mbaise in Imo State. The juju priest approached the *álábọ̌* and other senior members of the war canoe house and requested they and the brothers accompany him back to Mbaise to settle the dispute by oath swearing.[34] The *álábọ̌* and other senior members of the war canoe house refused.

From this example can be extracted the typical characteristics of intra-Okrika land disputes. The first is that the land under dispute is usually small in scale and residential in nature. The Okrika are not farmers.[35] The second characteristic is that conflicts occur most frequently as a result of the tension between war canoe houses and their constituent sections. It needs to be noted that while the war canoe house is the principal landholding institution among the Okrika, it is not necessarily the case that all land holdings originally stem from the war canoe house. There are cases where *òkò, fúrō*, or even individuals, acquire rights in land independent of the war canoe house.[36]

The third characteristic relates to what the Okrika call *órúfi*, the swearing of oaths (lit. 'juju eating'). Oath taking used to be the principal means of resolving land

[34] I.e. according to unofficial customary law.
[35] Abuloma being the exception; see chap. 9.
[36] Reclamation and purchase being the usual means to do so.

disputes according to Okrika customary law. This was true not only with regard to unofficial customary law but also with regard to official customary law—Native Courts made regular use of juju oaths to settle land disputes.

However, as the recent case in Azuabie illustrates, many Okrika are now averse to swearing 'juju oaths'. This stands in contrast to the Ikwerre for whom oath taking still forms the principal means of settling land disputes. While the precise reason for the decline in oath swearing among the Okrika is not clear, one of the consequences of this shift in attitude and practice is that it has made land conflicts between the Ikwerre and Okrika irreconcilable. The courts themselves still admit juju swearing as legal proof, but seldom order parties to 'swear juju'.[37]

Due to the decline in oath taking among the Okrika, other than violence, the courts present the only outlet for land disputes. And, as I argue, the courts do not necessarily resolve land disputes. This is one of the reasons why, no matter how much litigation there is, the Port Harcourt Question will never be answered.

7.3.1 *Migration and its effect on Okrika land disputes*

Intra-Okrika land conflicts frequently relate to the fact that the Okrika were predominantly a semi-peripatetic people who tended to incorporate refugees and migrants. To understand this let me describe another example, one which pertains to Okuruama, one of the Okrika villages on the eastern side of Port Harcourt, immediately south of Azuabie. Like Azuabie, Okuruama is an *ịwọ́ámá*, a 'new village'. To understand contemporary land conflicts in Okuruama necessitates going back in time to before the village was established. One must go back to the time of Egweme.

Egweme is sometimes described as a person, sometimes as a place. Today Egweme refers to several war canoe houses which descend from Egweme. This group of war canoe houses occupies a special position in Okrika because they are responsible for the rites which institute new *ámányánápụ̀*. Each of the different Egweme war canoe houses have one of the installation rites as its prerogative. In one such rite the Egweme magically fortify the *ámányánábǫ̌* by chanting *Egweme! Ḍírí yé! Ḍírí yé!*[38] as they invest him with the *ọ̀fǫ́*.[39] The war canoe house which performs this rite is Oruboko. And it was members of Oruboko war canoe house who founded Okuruama.

Oruboko war canoe house is named after its eponymous founder, Oruboko. Oruboko, the man, is identified as a son of Egweme and was said to have been a great trader.[40] One day Oruboko met an Andoni man called Ikalile who was fleeing trouble

[37] I discuss oath swearing in chap. 9.
[38] *Ḍírí* means 'medicine' or 'charm'.
[39] I.e. what the Ikwerre call *ọ̀whọ́*.
[40] I was told by members of his war canoe house that he controlled the oil markets of Ikpuruba, Woji, Odani and Oginiba.

alongside some of his kin.[41] Oruboko befriended Ikalile and offered him refuge in Kirike. When Ikalile and his followers first landed in Okrika they arrived not on Oruboko's land, but on the land of the then *ámányánábǫ̆*, Boka (Ado III). When Oruboko requested his friend Ikalile be allowed to come to settle with him the *ámányánábǫ̆* demanded a man and women be given to him as *wárịbǫ̀kǫ̀ àyè* (lit. 'refuge things'), that is, as compensation.[42] After Oruboko gave over a man and a woman to the *ámányánábǫ̆*, he granted some of the land of his war canoe house to Ikalile and his followers. The area the refugees settled subsequently became known as Idoni *póló* ('the ward of the Andoni people') which is still to this day located within Egweme *bírí*, the Egweme quarter of Kirike village.

After Oruboko died he was succeeded by his son Oriaku as head of the war canoe house.[43] Oriaku was not just an *álábǫ̆*, he was also the custodian of a deity called Apiaminiaka. Oriaku was assisted in his priestly duties by one of the Andoni refugees who had come with Ikalile. The name of his assistant was Legbara. After Oriaku died Legbara became head of the war canoe house. Legbara was the father of Okuru, the founder of Okuruama. To understand how and why Legbara's son founded an *íwǫ́ámá* one must first understand the relationship between Oruboko war canoe house and the other Egweme war canoe houses.

In the late nineteenth century the most powerful Egweme *álábǫ̆* was Okujagu, the head of Kpeya war canoe house.[44] It was during Okujagu's time that Okuru succeeded his father, Legbara, and became the head of Oruboko war canoe house. Okuru became Okujagu's lieutenant and assisted him in his business affairs. Okujagu was said to be the wealthiest Okrika chiefs of that time, a wealth he derived from the oil trade. This wealth enabled Okujagu to purchase many slaves and expand his war canoe house.

Okujagu's eminence was challenged following an altercation between several Egweme and a woman from Ado war canoe house (i.e. the war canoe house from which *ámányánápụ̀* are chosen). The account told to me by some members of Kpeya war canoe house was that several enslaved persons were drying fish in their compound in Egweme *bírí* when a woman strayed into the compound and stole one of the fish—she was pursued and in the resulting affray was accidentally killed. The person who dealt the killing blow was said to have belonged to the *òkò* of Ikalile, one of the sections of Oruboko war canoe house. Okujagu, as the head of the Egweme, was held responsible

[41] In one account I was given Ikalile was said to come from Ido, a small Kalabari village near Buguma—the traditional history of Ido is that is founded my Andoni migrants.

[42] By custom, the 'owner' of the land on which refugees first land has 'first dibs' on the refugees and the refugees would ordinarily be assimilated into his or her family; *wárịbǫ̀kǫ̀*, which literally means 'door of the house', means 'refuge' in this context.

[43] Oriaku is known outside the war canoe house for rescuing the corpse of the *ámányánábǫ̆* Nemiduko (Ado IV) after he died fighting at Bille.

[44] Kpeya, the eponymous founder of the war canoe house, was, like Oruboko, another reputed son of Egweme.

and fined. Ado war canoe house, to which the murdered woman belonged, set the fine so high as to compel Okujagu to give over one of his daughters in lieu of the payment. Okujagu's affluence was underestimated, and he was able to pay the exorbitant fine to the chagrin of Ado house.

This event came to the notice of the British. Ralph Moor, Consul-General of the Oil Rivers Protectorate, wrote a dispatch in 1892 to the Foreign Office and recorded that five Okrika men had attacked a woman and 'cut pieces from her flesh' causing her to die. He also noted that Okujagu, whom he calls 'Chief Oko Dengo', was the most 'powerful Okrika trader'. In investigating the disturbance, Moor was told by the *ámányánábọ̌* Ibanichuka (Ado VI) that Okujagu was imposing a toll on all traders passing to the hinterland oil markets north of Okrika island and was much disliked because of this. Moor ordered Okujagu to cease imposing tolls and led an expeditionary force of fifty men up the river to show the Okrika traders they had free movement.[45]

Nevertheless, animosity between the Egweme, led by Okujagu, and Ado war canoe house continued. This animosity led to further violence when one of Okujagu's slaves confronted a member of Ado house who had wrongfully entered Egweme *ẹ́rí*, threatening to kill them and boasting that his master, Okujagu, was rich enough to pay any subsequent fine. This encounter was the spark which ignited a general conflict between the Egweme and Ado. Despite Okujagu's wealth, the Ado were more numerous and better armed. Many members of the Egweme war canoe houses were forced to flee their homes. Some sought refuge in other war canoe houses in Kirike village,[46] while others fled to other Okrika villages such as Ogbogbo. The majority, led by Okujagu and his lieutenant Okuru, fled to a trading post to the north, where they established an *ị́wọ́ámá* which came to be called Okujaguama. Okujagu died in 1898 and was buried at his new *ámá*. By this time, Oruboko war canoe house, under Okuru, who had been made one the first 'warrant chiefs' of Okrika Native Court in 1896,[47] sought to establish their own *ị́wọ́ámá*, being troubled by overcrowding in Okujaguama. This desire was realised in the first decade of the twentieth century with the establishment of Okuruama, which would eventually be absorbed by Port Harcourt.

Oruboko war canoe house was composed of two groups—(i) those descended from Oruboko, the eponymous founder and (ii) those descended from Ikalile and the Andoni refugees. Okuru belonged to the latter. After Okuru's death in 1928, a disagreement as to who should be the next *álábọ̌* of the war canoe house resulted in the house splitting. This occurred along genealogical lines—the *òkò* descended from Ikalile and the Andoni refugees broke away from those descended from Oruboko. The fracture between these two groups had been evident even before the split: in 1927,

[45] NAE: DESPATCHES 1892/47/85(6), Ralph Moor to Foreign Office (1892).
[46] For instance, Owai *fúrō*, which were originally part of Oruboko *ọ́mụ́árụ́wárị̀*, currently live in Green *póló* in Kirike which belongs to a different war canoe house; Obuoforibo, *Okrika History*, 181.
[47] NAE: RIVPROF 3/7/32, Principal Chiefs: Degema District (1913).

Okuru was brought before Okrika Native Court by members of his war canoe house for displaying his own name on his canoe flags rather than those of his war canoe house. Okuru was found to be guilty and fined.[48] When the split happened the next year the descendants of the Andoni refugees chose to name their new war canoe house after their principal ancestor, Ikalile, while the descendants of Oruboko retained his name for their war canoe house. This division precipitated a conflict over land rights in Okuruama.

Like most land conflicts, it ended up in court. In 1958[49] the *álábọ̌* and other members of Ikalile war canoe house sued members of Oruboko who dwelt at Okuruama for trespass, alleging that they had entered their land and started erecting huts and burying corpses.[50] For their part, the members of Oruboko war canoe house asserted that they had a right to the land because Okuruama had been founded by Okuru when he was the *álábọ̌* of Oruboko war canoe house.

The dispute between Ikalile and Oruboko war canoe houses did not just concern Okuruama. As described, the new villages of Okujaguama and Okuruama were founded as a consequence of the conflict between the Egweme and the Ado. Yet, while most Egweme fled their homes, they did not renounce their rights to the land of Egweme *ḅírí* in Kirike village where they originally dwelt. And after hostilities cooled, some even returned. The fallout of the aforementioned *wárìpú* (the fission of a war canoe house) was felt there too. Ikalile sued members of Oruboko for trespass on their land in Kirike. The Ikalile argued that the land in question was called Idoni *póló*. The Oruboko argued the land was called Orubokokiri. In the case it was noted that there were many land disputes between the Ikalile and Oruboko. In a previous case concerning the same plot of land the Okrika Native Court judged that Oruboko (the man) was 'the original owner of the land' and that Ikalile, who had migrated from Andoni, was merely 'shown' the land.[51] The judgement held that 'Oruboko had title over the land [i.e. 'ownership'], but Ikalile had the right of occupation and possession of the land'.[52]

A more recent dispute, which was judged in 1984 at Port Harcourt High Court, came about after members of Oruboko began building on land which had not yet been developed. The builders from Oruboko asserted that the land was not part of that shown to Ikalile and the other Andoni refugees. Members of Ikalile rejected this. Interestingly, in the older case both plaintiffs and defendants showed the Okrika Native Court the tomb of Chief Okuru as proof of their title to the land. The Ikalile also took the Native Court members to an area of land where they excavated pots and manillas and said that it was the site of 'Indoni Agba' or 'Andoni juju'. When the case came before the Port

[48] NAE: RIVPROF 8/18/44, Petition of Okrika Chiefs for Okrika (1908).
[49] PHC: P/48/58, *Okuru v Oruboko* (1958).
[50] Incidents of 'ownership'.
[51] On 'showing', see Appendix 3.
[52] Suit No. 175/58 cited in PHC/31/77, *Ikalile v Oyah* (1984).

Harcourt High Court, they reasserted the judgement of the Native Court, finding that the Oruboko 'owned' the land but that the Ikalile had possession and that as the Oruboko had interfered with their possession they were guilty of trespass and liable for damages.[53]

7.3.2 *Characteristics of Okrika land disputes*

In reciting the history of land disputes between the Ikalile and Oruboko I am not concerned with trying to get at an account which resembles the truth. My aim is to draw out some of the causes of intra-Okrika land disputes. The root of many of these is the process of *wárị̀pú* which was described in the last chapter (i.e. the splitting of a war canoe house) or otherwise tension between a war canoe house and its constituent sections and sub-sections.[54]

The account of Okuruama illustrates what is perhaps the most fundamental characteristic of not just intra-Okrika land disputes, but land disputes in Port Harcourt generally. Namely, that the substance of land disputes is history. Land disputes are a kind of hermeneutics of history, where different interpretations are scrutinized and theorized.

The variety of interpretations must be emphasized. Indeed there is a further complexity in the case of Okuruama recounted above because there is another group of people in Okuruama who dwell at a place called Mesiba *póló*, named after a woman called Mesiba, said to have been either the descendant of a slave called Orumokpo or the wife of someone called Fiberesima. The people of Mesiba *póló* deny that they belong to Okuruama, instead claiming that the proper name of the *ámá* in which they dwell is Ayama.[55]

Members of Ikalile war canoe house have periodically litigated against the people of Mesiba. The first recorded dispute began in 1956 when the Mesiba people built a school without the permission of Ikalile war canoe house.[56] The Mesiba people attempted to prove that they had superior title by asserting that they had been granted the land long before by an enigmatic people called the 'Azua'. The judge, however, ruled that the 'Azua' were a fabrication, and found in favour of the Ikalile people.[57]

During this court case the Ikalile claimed that their title was based on a grant from the people of Abuloma, the neighbouring Okrika community, made at the start of the twentieth century. This admission has since been used against them by the people

[53]Ibid. The case ended up being appealed to the Supreme Court; *Oyah v Ikalile* [1995] SC 51.

[54] It is perhaps worth noting here that Okujagu *ọ́mụ́árụ́wárị̀* broke away from Kpeya *ọ́mụ́árụ́wárị̀* in 1986

[55] Cf. Obuoforibo, *Okrika History*, 403-4.

[56] PHC: P/78/56, *Okuru v Oruboko* (1957).

[57] In my own experience, I heard several conflicting accounts of the history of Mesiba *póló* and was never able to make much sense of them.

of Abuloma who have instigated their own litigation, a conflict which has led to violence and resulted in deaths.

The point I wish to make is that disputes are numerous and intricate, and yet, what they all have in common is a historical character. This character seems, in part, to be a symptom of the nature of the law. Whether land is held according to English or customary law, where several parties claim title to that land, the earliest title beats all later titles. In other words, the claim with the oldest origin is supreme. I pick this thread up below.

7.4 *An Ikwerre land dispute*

I now wish to look at an intra-Ikwerre land dispute to highlight some typical characteristics. Ogbogoro, one of the villages of Akpor, has been the site of a land dispute lasting several decades. The dispute is tied up with a conflict over the right to select the village's *nyénwé àlị̀*. This dispute has resulted in many court cases. Two of the most significant cases were consolidated by the Port Harcourt High Court and received a judgment in early 2022.[58]

The first case sought to confirm who was the 'owner' of 142 acres of land. Both the plaintiffs and defendants claimed that they represented Rumukpalikwuada, one of the seven patrilineages, or 'compounds' as the proceedings call them, which make up Ogbogoro village. The plaintiffs claimed that they were entitled to a portion of the land 'in accordance with native law and custom' and sought a declaration from the court that it is the 'custom and tradition' of Ogbogoro that the *nyénwé àlị̀* is chosen by Rumukpalikwuada, the most senior patrilineage. The defendants counterclaimed that the plaintiffs were not in fact members of Rumukpalikwuada, but instead members of a junior patrilineage by the name of Rumuehiosi, or simply Ehiosi.

The plaintiffs and defendants agreed that Kpalikwuada was the eldest (*ọ̀kpnàrná*) of the seven sons of Akpalikunga, the founder of Ogbogoro. They disagreed over the constitution of Rumukpalikwuada. The plaintiffs noted that there are seven 'compounds' (i.e. patrilineages) which make up Ogbogoro. They also averred that the founder of the village, Akpalikunga, had seven 'biological sons' and one 'adopted son'.[59] The eight sons formed five compounds after six of the eight paired to form three merged compounds. One of the merged compounds was that formed by Kpalikwuada, the eldest 'biological' son, and his younger brother, Ehiosi. This compound was called Rumukpalikwuada. Later, two strangers joined the village, each forming their own independent compound. The five compounds formed by the sons of Kpalikwuada and these two new compounds established by the integrated strangers makes a total of seven compounds. The seven compounds of the village are represented by seven seats in the *òhnà*, the council of Ogbogoro village, and by seven *ọ̀whọ́*.

[58] PHC/1161/2009, PHC/1097/2009 (consolidated), *Amadi v Amadi* (2022).
[59] A euphemism for *óhù*.

The plaintiffs admitted that they are the descendants of Ehiosi, but as Ehiosi had joined with his elder brother, Kpalikwuada, they claim to be bona fide members of Rumukpalikwuada and therefore entitled to the lands of Rumukpalikwuada. They also claimed to be entitled to produce candidates for the position of *nyénwé àlị̀*, Rumukpaliwuada being considered the 'royal family of Ogbogoro'.

The defendants, who said they represent the descendants of Kpalikwuada, disputed this account. They admitted that the descendants of Ehiosi and Kpalikwuada share a single seat on the *òhnà*, but denied that they are inseparably merged. The defendants averred that Rumukpalikwuada has its own *ọ̀whọ́, ǹfú*,[60] *òbìrì* and *rụ̀kánị̀* distinct from Rumuehiosi, and that there are in fact ten *ọ̀whọ́* in Ogbogoro.[61] In relation to the right of Rumukpalikwuada to produce candidates to become *élénwé àlị̀*, the defendants sought a declaration that according to 'Ikwerre customary law' when two patrilineages or 'compounds' are merged together they share property (in this case the right to produce *élénwé àlị̀*) according to the seniority of their progenitors, and not according to the age of contemporary members of the compound—i.e. descendants of Kpalikwuada have precedence over any descendants of Ehiosi, even when the latter are older. Lastly, they claimed that land holdings are distinct.

The essence of the dispute was the constitution of Rumukpalikwuada. This term refers to two things: (i) the descendants of Kpalikwuada and (ii) the descendants of Kpalikwuada *and* Ehiosi. The defendants favoured the former meaning, the plaintiffs the latter.

In support of their interpretation, the plaintiffs noted that several of the *élénwé àlị̀* of Ogbogoro had been descendants of Ehiosi. The defendants countered this by noting that this only occurred when there was no suitable candidate among the descendants of Kpalikwuada. The first *nyénwé àlị̀* who was a descendant of Ehiosi was installed in the 1960s because all suitable descendants of Kpalikwuada were underage and unmarried. Another descendant of Ehiosi, Sam Dike, became *nyénwé àlị̀* for the same reason, although he was obliged to step down from the office after his brother, Jim Dike, killed his wife, a terrible crime which tainted the entire kin group.

As a consequence of this, the office was filled by a member of Manyanwada, the second 'compound' in Ogbogoro, established by the second 'biological son' of Akpalikunga. After *àlị̀* had been appeased, the candidate from Manyawada relinquished the office, and *ọ̀whọ́ àlị̀*, and Sam Dike reassumed the position of *nyénwé àlị̀*. After Sam Dike's death, his kinsman, another descendant of Ehiosi, Ishmael Dike, became *nyénwé àlị̀*. Soon after Ishmael assumed office, Felix Amadi, a descendant of Kpalikwuada, came of age. According to the testimonies of both the plaintiffs and defendants it was when Felix Amadi set about claiming his 'birth right' that the conflict arose.

[60] A drinking horn used to pour libations and one of the trappings of a patrilineage.
[61] I.e. those of the eight sons of Akpalikunga and the two adopted strangers.

The defendants claimed that the descendants of Ehiosi had not reigned as true *élénwé àlị̀*, but as 'regents'; the right to become the *nyénwé àlị̀* of Ogbogoro was the preserve of the descendants of Kpalikwuada, the *ọ̀kpnàrná* of the founder of the village. According to the defendants, when Felix Amadi became eligible to hold the office, he summoned Ishmael Dike before the *òhnà* of Akpor. The *òhnà* of Akpor confirmed Felix Amadi's right and asked Ishmael Dike to relinquish *ọ̀whọ́ àlị̀*.

At the same time, Felix Amadi and other members of Rumukpalikwuada were challenged by Manyanwada, the second patrilineage of Ogbogoro, to swear before of an *ágbàrá* in the Ikwerre community of Ogbakiri situated on the other side of the New Calabar River. Emboldened by their brief tenure of the office of *nyénwé àlị̀*, the descendants of Manyanwada asserted that their ancestor was the first rather than the second son of Akpalikunga. Felix Amadi was made to swear on the name of the *ágbàrá* that he was descended from the first son of Akapalikunga—a false declaration results in death. After surviving one year (the period in which *ágbàrá* are believed to be operative) Felix Amadi was declared to have spoken the truth. Not content with the outcome of the oath-swearing, some descendants of Manyanwada sued Felix Amadi. Simultaneously, the descendants of Ehiosi instigated the case against Felix Amadi and other descendants of Kpalikwuada which I have been describing.

What the court proceedings fail to note is that Felix Amadi was unpopular with many of the inhabitants of Ogbogoro. The animosity between Felix Amadi and his faction and their detractors boiled over into violence in 1998. Two chiefs were killed and several houses were burnt. The local papers dubbed the episode the 'Ogbogoro Crisis'.[62] Felix Amadi was held responsible and driven from the community by youths. He was charged with murder and a warrant for his arrest issued. However, the police were uncooperative and did not act on the warrant. Dissatisfied, Ishmael Dike and other Ehiosi descendants petitioned senior police officers in Lagos who sent a team to arrest Felix Amadi. Despite attempts to obstruct the team from Lagos, Felix Amadi was eventually arrested but promptly bailed after one his supporters stood as his surety.[63] He eventually returned to Ogbogoro in 2004 with the aid of the State Governor. The violence, however, did not cease. There were more murders and reprisals.[64]

Amadi and the other defendants accused the plaintiffs, all Ehiosi descendants, of partitioning and selling the lands of their patrilineage while they were living in exile. Whether the lands had been wrongfully occupied and sold depended on whether Rumukpalikwuada was constituted of the descendants of Kpalikwuada and Ehiosi who

[62] C. Igbokwe, 'Conflicts in Ikwere Worry Leader', *P.M. News*, 27 April 2001.
[63] Anon., 'War in Ikwerre Land' *Tempo*, 17 May 2000.
[64] A. Ogbu, 'Human Skulls, Mutilated Bodies Recovered at Ogbogoro says Omehia', *This Day*, 10 September 2007; 'Six Chiefs, Community Leaders feared Killed in Ogbogoro', *This Day,* 7 September 2007; J. Onoyume, 'Ogbogoro, Rivers State—How a Cultist Supervised the Killing of His Grandfather', *Vanguard*, 15 September 2007; J. Onah, 'Rivers Cult Massacre: Had Soldiers Arrived in Time, Three Chiefs Would Have Lived' *Vanguard*, 16 September 2007.

held property jointly, or whether the descendants of Kpalikwuada and Ehiosi held property separately. The property in question was not just land but the right to the headship of the village, the right to choose the *nyénwé àlị̀*.

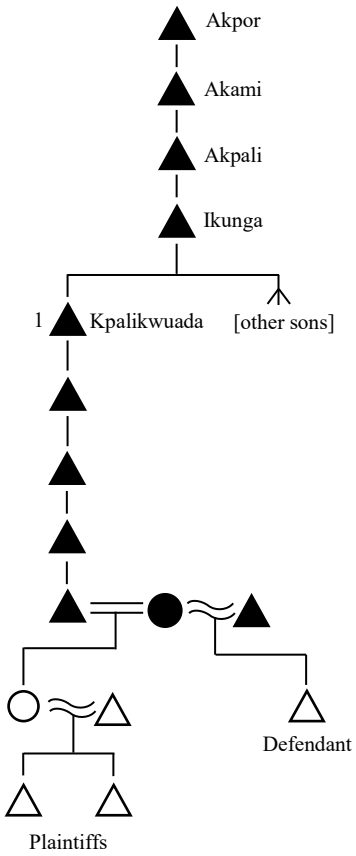
In support of their case, the defendants demonstrated that some of the lands in the community were held by Rumuehiosi separate from the descendants of Kpalikwuada and that a similar state of affairs subsisted in the other conjoined 'compounds'.

A point in favour of the plaintiffs' broader interpretation, which was not noted in the trial, is that *rụ́mụ̀*, which literally means 'descendants', is used by the Ikwerre as a catch-all for certain groups of persons. For instance, the women of a particular village or patrilineage are known by the phrase *rụ́mụ̀ rìnyà*, among whom number women who have married into one of the patrilineages of the village as well as unmarried women. In one village in Akpor I heard the term used as part of a collective noun for those persons descended from *óhù*; the term used was *rụ́mụ̀ òbìrì*—'the descendants of the meeting hall'. In both these cases the group referred to are not literal descendants. *Rụ́mụ̀* is here used in a broader way to refer to a collective, the relationship the term implies being metaphorical rather than actual.

7.4.1 *The politics of the patrilineage in court*

At more or less the same time as the descendants of Ehiosi brought proceedings against Felix Amadi and the other descendants of Kpalikwuada, another group of Kpalikwuada descendants sued Felix Amadi saying that he had no right to be the *nyénwé àlị̀*. This was because, they alleged, he was the product of *ámú nụ̀ órò* of the illicit sort or, as the court proceedings put it, the 'child of concubinage'. Felix Amadi's reputed 'biological father' belonged to a different patrilineage (Bisiobasi). He consequently lacked the 'royal blood' necessary to be the *nyénwé àlị̀*. In support of their claim they noted that Amadi had been born after the death of his pater and that in another court case, Amadi had testified that his genitor was in fact a member of another patrilineage.

To complicate matters, some of the plaintiffs were *ámú nụ̀ órò* of the licit sort. Felix Amadi's elder half-sister had been 'married' by her father. The relationship between these plaintiffs and the defendant, Felix Amadi, can be illustrated as such:



In some of the testimonies in the court proceedings the earliest generations are telescoped. Akpali and Ikunga become a single person, and Akpalikunga is said to be one and the same person as Akami, the son of Akpor who founded the community of Ogbogoro.

Focussing on the other end of the genealogy, observe that the plaintiffs and defendant are *ámú nù óró*, but of different sorts (according the plaintiffs' account). Without using the phrase, the plaintiffs accused the defendant of being *rụ́mù óyí*.

The two cases, the one brought by the descendants of Ehiosi against Felix Amadi and other members of Rumukpaliwkuada, and the one just described between members of Rumukpaliwkuada and Felix Amadi, lumbered through court for almost three decades before a judge decided that they pertained to the same matter and consolidated them into a single case.

A judgement was delivered in February 2022. The judge adopted the minimal definition of Rumukpaliwkuada and held that Felix Amadi was the rightful *nyénwé àlị*, the descendants of Ehiosi having no right to the office or the lands of the patrilineage, despite admitting that the descendants of Kpalikwuada and Ehiosi shared one seat in the *òhnà* of Ogbogoro. The judge dismissed the accusations of other members of Rumukpalikwuada that Felix Amadi was not entitled to be *nyénwé àlị* because he was

a stranger, noting that in the case between members of Rumukpalikwuada broadly defined and Rumukpalikwuada narrowly defined, Amadi was sued in his capacity as a representative of the latter, therefore whether one adopts the broad or the narrow definition, Amadi is a legitimate member of Rumukpalikwuada. In a further statement, which has an even stronger flavour of legal sophistry, the judge said that in the second case the members of Rumukpalikwuada sued the defendant as Felix Amadi, Amadi being the name of his pater (and claimed genitor). The judge reasoned that had the plaintiffs truly believed him to have been fathered by a man from a different patrilineage they should have sued him under the name of his putative genitor. In his concluding remarks the judge observed that in the time the case had been in court, more than three quarters of the land under dispute had been portioned, sold and developed.

The judgement did not resolve the dispute. In January 2024 protesters from Ogbogoro interrupted a meeting of the *òhnà* of Akpor at the chief *òbìrì* of the village group in Ozuoba. Felix Amadi, speaking to journalists after the interruption, said that the protesters came from three groups in Ogbogoro: Rumuehiosi, Rumumanyanwada and Anaka. The first two groups, he explained, were dissatisfied with the recent judgement. The last group, one of the seven principal 'compounds' of Ogbogoro, had sold a patch of mangrove they claimed to 'own' to an oil company in order to build an oil depot in exchange for ₦45 million. The members of Anaka became angered after Felix Amadi and the *òhnà* of Ogbogoro deemed the land to be communal and ordered that the ₦45 million be shared,[65] despite Felix Amadi testifying in court that land was never held communally.

7.5 *Conclusion*

Intra-Ikwerre land conflicts differ from intra-Okrika land conflicts in the extent of the land disputed. As in the above case, intra-Ikwerre disputes usually relate to farmland or former farmland, whereas intra-Okrika land disputes typically relate to small plots.[66] There are also different conceptions and associations of land, which I discussed in chapter four, and different ways of transmitting and gaining land rights, which I discussed in chapters five and six.

Official customary law is sensitive to some of these differences and will admit a certain amount of unofficial customary laws. The cases of customary law of the courts in action described above illustrate this. For instance, official customary law recognised the need for the *ọ́kọ́lọ́bà píkē* rite to be performed to make legitimate the construction of permanent dwellings according to Okrika practice and acknowledged the significance of *ọ̀whọ́* and *òbìrì* among the Ikwerre.

[65] O. Nwaoku, 'Rivers Community, Monarchs Bicker Over Land Ownership', *The Guardian*, 9 January 2024.
[66] See Appendix 3.

However, this sensitivity is limited. After a point, official customary law starts to reduce, simplify and ignore the differences and particularities of unofficial customary law. In the Ogbogoro case, without using the term, the court recognised the category of *ámú nụ̀ órò*. However, it failed to distinguish between *ámú nụ̀ órò* of the licit kind and *ámú nụ̀ órò* of the illicit kind, descendants of the latter being *rụ́mụ̀ óyí*. The court failed to grasp how some of the plaintiffs who were *ámú nụ̀ órò* could argue that they were full members of the patrilineage while the defendant, also *ámú nụ̀ órò*, was a quasi-member and consequently denied its full rights and privileges.

It needs to be appreciated that the primary language of customary law (as opposed to customary laws in the plural) is English. The use of English categories muddles those which are otherwise distinct. For instance, the word 'chief' is used to refer to both *álápụ̀* and holders of *ọ̀whọ́*, figures who have more differences than similarities. And the word 'family' or 'compound' can apply equally to an Ikwerre patrilineage or an Okrika war canoe house. Of course, in some ways this is what anthropology does when it tries to shift from the emic to the etic—it reduces, simplifies and sometimes confuses categories. The difference is that the Ikwerre and the Okrika are compelled to engage with the categories and concepts of official customary law in pursuing actions in the law courts.[67]

In asserting their differences and manifesting their general animosity for each other in the courts, the Ikwerre and the Okrika have undergone a conceptual rapprochement. In the next chapter I examine precisely which legal categories the Ikwerre and the Okrika share and how this sharing has brought these antagonistic peoples (conceptually at least) together.

[67] Whereas there is no compulsion to read works of anthropology, by contrast.

8

TEMPORALITY OF THE LAW

8.1 *English legal concepts and the ambiguity of the law*

In the last chapter we saw how unofficial customary law, what the Ikwerre call *òménụ̀ẹ̀lị̀* and the Okrika *ólókó* in their own languages, is not equivalent to what Nigerian law identifies as customary law, what I call official customary law. Even though the latter partakes of and adapts the former, there is no identity between the two.

Yet, there is also a process by which unofficial customary law is coloured by official customary law. Consequently, while it is possible to analytically distinguish official from unofficial customary law, in practice it is tricky. When official customary law is to one's benefit, one may assert its identity with unofficial customary law. Yet, when it is not to one's benefit it is possible to declare the artifice of official customary law and the fact that it is not truly 'customary'. Official and unofficial customary law therefore variously coalesce and diverge as the situation demands. It is because of this ambivalence, or fluctuation, that I identified the existence of a legal fiction—that official customary law is identical to unofficial customary law—and that the potency of this fiction is that it can either be believed, or it can be seen for what it is, a fiction.

The implication of this is that it is very difficult to definitively separate official from unofficial customary law. As such, chapters four, five and six, which considered Ikwerre and Okrika concepts of land and how rights in land are gained and transmitted, should not be taken as accounts of a residual 'indigenous' practice. The practices and concepts described belong to official customary law, as much as they belong to unofficial customary law.

Building on this idea of ambivalence, the purpose of this chapter is twofold. First, I examine English legal terminology like 'sale', 'title', 'estate' and 'tenure' and argue that we ought to consider this terminology as ethnographic and not merely analytical. Second, I describe the legal ambiguity of land in Port Harcourt. In the next chapter I show how this ambiguity perpetuates and creates disputes. I arrive at this second point through the discussion of the first; specifically, through the examination of the concept of tenure I show the essential duality of Nigerian law. Let us first consider what I mean when I say that legal terminology applicable to land ought to be considered as ethnographic in this context.

In discussing land it is easy to unwittingly adopt legal terminology without giving much thought as to the consequence of doing so. In older ethnographies one often finds a chapter headed 'land tenure' or, if not, the term 'tenure' is likely to be encountered at some point in the text. It is not just older works that are guilty of this; recent ethnographies have used terms like 'title' and 'estate' without pausing to describe what they mean.[1]

Although it would be impossible to scrutinize every term without turning the analysis into an etymological dictionary, in this case it is imperative to consider these English legal terms explicitly. The reason for this is because they are not analytical categories retrospectively applied, but categories which contemporary Ikwerre and Okrika employ. In other words, they are ethnographic terms.

Many Okrika war canoe house chiefs and Ikwerre lineage heads I met were trained lawyers and barristers.[2] These professional qualifications do not exclude holding traditional roles. In fact, legal training is viewed by many as essential for the aspirant urban chief owing to the fact they will inevitably appear in court to prosecute and defend disputes over land and its concomitant rights.

Even ordinary Ikwerre and Okrika people are reasonably learned with regards to basic legal categories as they pertain to property. Litigation is so commonplace that almost no one will go through life without having been involved in at least one suit (and very often this litigation is about land, whether directly or indirectly, as in the case of marriage disputes).

Describing the legal concepts used by both English law and customary law is necessary to understand the Port Harcourt Question as it is these concepts which are deployed by those making claims to land. This chapter should not be taken for a list of legal glosses of the sort found in a legal textbook, but as a discussion of how these terms are used in Port Harcourt. Thus, in certain cases, the meaning and instrumentality of these concepts differs from the received, legal understandings. My topic may be legal, but my purpose is to attend to these concepts as matters of fact as much as of those of law.

8.2 *Sale*

I mentioned in the previous chapter how a certain personality of laws operated in Nigeria, with 'Europeans' being governed by English law and 'natives' being governed by customary law. This dual system was also territorialised. In the Township of Port Harcourt, as in other Nigerian colonial cities, English law applied. Outside its bounds, customary law reigned. However, the integrity of these two sub-systems was not to be maintained. Just as it proved impossible to stop the urban sprawl, the categories of English law contaminated customary law.

Colonial administrators, Nigerian legal scholars and anthropologists have emphasised that the chief characteristic of customary law is that sale of land is

[1] See, for example, Kapila, *Nullius: The Anthropology of Ownership*.
[2] The very first Ikwerre person to be admitted to university went on to become the very first Ikwerre lawyer.

unknown. Green, an anthropologist, writes of the Igbo that 'no form of outright sale of land is recognised by native law and custom. This cannot be too strongly emphasised.'[3] Lloyd, writing of the Yoruba, states that sale of land is not merely illegal but inconceivable under customary law.[4] Elias, a legal scholar, affirms that 'there is perhaps no other principle more fundamental to the indigenous land tenure system throughout Nigeria than the theory of inalienability of land.'[5] In contrast, others assert that the sale of land is not only possible under customary law but that it was widely practiced even before colonial occupation.[6]

It would be wrong to state that these scholars' differing views contradict one another because they are not necessarily writing about the same 'customary law'. Among those who avow that sale is unknown or forbidden refer to unofficial customary law (like Green and Lloyd) and others refer to official customary law (like Elias). And it is likewise among those who say sale is known—some refer to unofficial and others to official customary law.

As I described in the last chapter, these two types of customary law are not separate systems, but two aspects of a single sub-system which is itself part of a larger system (i.e. Nigerian law). The two sub-systems are customary law and English law. The intractable problem is that those scholars who confidently write of what they apprehend as pre-colonial 'customary law' are describing the customary law which exists as a sub-system of Nigerian law. The hundreds of peoples which comprise Nigeria had law prior to the arrival of the British and the creation of the entity known as Nigeria. But to confidently attempt to explicate this pre-colonial law is to be misguided. Official customary law is irrevocably mingled with the pre-colonial customary law it pretends to be.

My Ikwerre interlocutors would tell me that formerly land was never alienated and that as the sale of land was inconceivable it was consequently impossible for their ancestors to ratify the 1913 Agreement because they did not understand what they were giving their assent to. This is why the Ikwerre still 'own' Port Harcourt. From this we might deduce the following conclusion: the Ikwerre neither knew of, nor practised, the sale of land till 1913 when it was forcibly introduced by the British.

This conclusion is, however, misleading. Accepting it leads us to a paradox: if the 1913 Agreement was invalid precisely because the notion of 'sale' was inconceivable, we must presume that the Ikwerre remained 'owners' of the land; but here we must recognise that the concept of 'ownership' is as alien as 'sale' and

[3] Green, *Land Tenure in an Ibo Village*, 26.
[4] Lloyd, *Yoruba Land Law*, 11-12.
[5] T. O. Elias, *Nigerian Land Law and Custom* (1962), 181. For other instances of this view, see C. K. Meek, *Land Law and Custom in the Colonies* (1949), 17, 151, 156, 298; L. T. Chubb, *Ibo Land Tenure* (1961).
[6] For instance, P. Hill, *Rural Hausa* (1972), 62-4, 240, 263, a study of a Hausa community in northern Nigeria, demonstrates the prevalence of land sales and evidences their occurrence prior to colonial occupation. See also, J. O. Field, 'Sale of Land in an Ibo Community', *Man*, 45 (1945); A. A. Dike, 'Land Tenure System in Igboland', *Anthropos*, 78, 5-6 (1983); G. I. Jones, 'Ibo Land Tenure', *Africa*, 19, 4 (1949).

that if the 1913 Agreement was indeed invalid, they cannot possibly have *remained* owners of the land. I do not believe that this conclusion is wholly wrong. Rather, I believe that this conclusion is too crude. It is worth noting that when the Ikwerre challenged the 1913 Agreement they never actually challenged the fact that they sold the land, rather they challenged the amount received for the sale.[7]

If we do accept that 'sale' was inconceivable, we must also accept that it became conceivable. How did this happen? To answer this I think we must first acknowledge that the alienation of land was in fact known and practiced. Ikwerreland before 1913 was sparsely populated with sporadic nucleated villages; land was certainly not in short supply.[8] People, rather than land, was the scarce resource. Land was exchanged through a system of pledging, a system which involved not just land, but persons.[9]

Whether persons or land was pledged, the pledgor (usually) received money in the form of manillas. Land may have been abundant, but was pledged nonetheless, as it was a means to access persons. Piot, writing of the sale of children for cowries among the Kabre of Togo, notes how the practice of loaning or pledging land is used by all Kabre as means of gaining rights-in-persons, even those who are land-rich—they say that 'it is not good to die without having eaten off someone else's plate'.[10] I suspect similar sentiments were at work among the Ikwerre before 1913.

The critic will note that pledging land is not equivalent to sale because the land is redeemable. This is not, however, always true. The savvy pledgee would acquire land from parties they believe would fail to remember or from a small lineage on the verge of extinction. Pledging land creates a conflict between the pledgors, who seek to remember the pledge, and the pledgees, who seek the pledge to be forgotten: oblivion enables the pledge to become total alienation.

In England, before the statute of *Quia Emptores* (1290) the 'sale' of land was legally impracticable—to get round this, those wishing to alienate their land for a sum of money or other payment subinfeudated the buyer.[11] We might therefore (wrongly in my opinion) conclude that 'sale' of land was inconceivable in England before 1290, just as it was among the Ikwerre before 1913. My point here is that it is necessary to realise that the *de jure* absence of a practice does not preclude its *de facto* existence.

The other point I wish to note is that the Ikwerre, like all peoples of the Niger Delta, bought and sold persons. I refer not to pledged persons, who may be subsequently redeemed, but those sold outright and absolutely. Contemporary Ikwerre may aver that the sale of land was unknown, but the idea that sale was inconceivable does not hold. Insofar as the Ikwerre exchanged land for money, that

[7] *Wobo v Attorney General* (1953) PC 18
[8] See Morgan, 'Farming practice, settlement pattern and population density in south-eastern Nigeria'.
[9] For a discussion of pledging see Appendix 3.
[10] C. Piot, 'Of slaves and the gift', *Journal of African History*, 37 (1996), 31-49, 37.
[11] Simpson, *History of the Land Law*, 15.

the system of pledging occasionally operated to totally alienate land, that the sale of persons was widespread and that pledging of land and persons operated as part of a continuum, the sale of land, far from being inconceivable, seems a perfectly easy conceptual jump to make.

What of the Okrika? They too practised the pledging of land and were dealers in slaves. It is entirely possible that the sale of land was practised by the Okrika prior to the arrival of the British and even if not, it would have been a small leap to make. The difference between the Okrika and the Ikwerre is that the Okrika were familiar with the British mode of sale earlier than the Ikwerre.

This is evinced by the fact that in 1911 Daniel Kalio and some other Okrika chiefs recorded the purchase of land from the people of Oyigbo, a village on the Imo River to the northeast of Port Harcourt, for a sum of money (15,029 manillas) given twenty years previously, in an English deed which they registered with the government.[12] In 1913, it was not that the Okrika knew of the sale of land and that the Ikwerre did not, but that the Okrika were more familiar with the English mode of sale (i.e. writing) than the Ikwerre.[13]

I contend that the idea that land was unsaleable where land was held according to customary law was a doctrine contrived as means for the British to monopolise control over the purchase of land and the conversion of land from one system of tenure to the other (i.e. from customary to English tenure). A look at the early case law confirms this. For instance, in a case of 1910 a British mercantile company claimed it owned a stretch of beach in fee simple in Brass, a town in the Niger Delta, on the basis of a treaty it had signed with its king and chiefs was rejected by the Supreme Court.[14] Much of Nigeria's earliest legislation was concerned with preventing the sale of land to anybody save the government.[15] To understand the attempt to monopolise the sale of land and, by extension, the conversion of customary tenure to English tenure, the category of tenure in Nigerian law must be explained.

8.3 *Tenure*

Tenure is perhaps the most fundamental category of Nigerian land law. The term, which has become a kind of shorthand for land law, comes from the verb 'to hold' in French. A central doctrine of English law, and thereby a doctrine of Nigerian law, is that all land is ultimately held of the sovereign and so all land 'owners' are tenants (mediately or immediately) of the Crown.[16]

The doctrine of tenure has led some legal scholars to suggest that English law, and those systems of law derived from it, technically admit no concept of

[12] PHC: PHC/1531/2000, *Oputibeya v Njoku* (2013)
[13] See § 8.4 below.
[14] *Dede v African Association Ltd* (1910) 1 NLR 130.
[15] See § 8.3.2 below.
[16] 'Every acre of English soil and every proprietary right therein have been brought within the compass of a single formula…*tenet terram illiam de…domino Rege*…every acre is "held of" the king'; F. Pollock and F. W. Maitland, *The History of English Law*, (1923), i, 232.

'ownership' as all bar the sovereign are tenants.[17] The doctrine of tenure asserts that all land holdings originate in a grant from the Crown, which in turn ostensibly rests on the historical fact of the conquest of all England by William the Conqueror. This is why land holdings are called fees—their holders have been enfeoffed. The term is also the origin of the word feudal, the adjective we now use to describe this peculiar system of land holding and its concomitant social structure.

The feudal system disappeared, but its legal system of land holding was bequeathed to Nigeria. The extension of the doctrine of tenure to Nigeria proved conceptually tricky for colonial lawyers as much of the country had never been occupied by the British, let alone conquered. Nigeria was acquired more by pen and paper than fire and sword: the colony was really just a tapestry of different territorial treaties.[18]

All lands were deemed to be 'held of' the Crown, even those whose inhabitants had never heard of Britain nor its monarch. Yet, in order not to overstretch the government's bureaucratic machinery, it was decided to leave the majority of existing land holdings and the local laws that supported them as long as they were not repugnant to English law.[19]

Nigerian law lumps this multitude of pre-existing systems of land holding together and understands it as a single system which it calls 'customary tenure', which is opposed to 'English tenure'. We must not be misled by the word tenure in this context; land held by customary tenure and English tenure were all still 'held of' the Crown, and presently of the State[20]—here 'tenure' is being used to mean a land holding system.[21] Thus, customary tenure means land held according to customary law and English tenure means land held according to English law, both of which are sub-systems of Nigerian law. Thus, in Nigeria it is possible to speak of a dual system of land tenure.

Nigerian law, despite having created this dual system, lacks a clear-cut way of recognising whether land is held according to English or customary law. The main theoretical difference which Nigerian lawyers see between English tenure and customary tenure is in the nature of ownership. Under English tenure land is owned individually. Under customary tenure land is owned collectively. The issue with this characterisation is that it neglects the fact that 'ownership' can mean something quite different under customary tenure as opposed to English. And there are exceptions to this characterisation—English law admits 'tenancy in common' as a form of collective ownership and individual ownership, while rare, is not unknown under customary law.[22]

[17] Rostill, *Possession, Relative Title and Ownership*; it is also this doctrine which means that when the holder of a freehold estate dies without heirs the land 'escheats' back to the Crown.
[18] Cf. M. van der Linden, *The Acquisition of Africa* (2016).
[19] D. Sanderson, 'The Residue of Imperium', *University of Toronto Law Journal*, 68, 3 (2018): 327.
[20] See §8.3.4 below.
[21] Further confusion is caused by the term 'Crown Land' which is used in Nigeria to refer to land held directly by the Crown under English law; see § 7.3.2 below. Of course, all land is technically Crown Land insofar as it is 'held of' the crown.
[22] Park, 'Dual System of Land Tenure', 3.

The means by which the courts recognise whether land is held according to English law or customary law in practice relates to evidence submitted to prove title. If title[23] to land is demonstrated using written documents—a deed, an entry in a register, etc.—a judge will likely assume the tenure is English. Should title be proved by oral history and the recitation of genealogy the judge will probably take the tenure to be customary. I am using tentative language here for this judgement is aesthetic as much as it is legal. From what I have been able to discern from the case law, there are no rigid guidelines which a judge follows to discern the category of tenure. Rather the nature of the tenure is determined by its feel, its air. There is no certainty to this.

Adding to this uncertain state of affairs is the fact that there may be cases where customary tenants rely on written documents and where English tenants have lost their deeds and must rely on oral accounts. All this makes the status of land ambiguous. This ambiguity is intensified by the fact the law allows for land to shift from one category of tenure to the other. The conversion of customary tenure to English is logically prior so I will consider this first.[24]

8.3.1 *Conversion of customary tenure to English tenure*

The chief method which the courts admit of converting customary tenure to English tenure is through the means of written documents. A deed of conveyance which states that it grants land in 'fee simple' is sometimes enough to achieve the conversion.[25] But there are exceptions to this. Some judges have deemed written instruments not to have effected any conversion. For instance, in one case the judge deemed the use of the words 'fee simple' on a deed of conveyance inappropriate because customary law knows no such thing, and to grant such would offend the principle of English law that one cannot give what one does not have. The judge ruled in this case that the deed of conveyance was effective but that it merely conveyed 'ownership' under customary law.[26]

Another element which determines the category of tenure is the status of the tenant. As mentioned, customary law is only applicable to what Nigerian law defines as 'native' persons. A European or a commercial company (i.e. 'non-native persons') cannot hold land under customary law. Therefore a conveyance of land to an oil company, for instance, will necessitate a change in the kind of tenure.

While the law admits conversion from one system to another, this fact puzzles theorists.[27] As mentioned, a central doctrine of English law is that nobody can give what they do not have. The creation of English tenures, like an estate in fee simple, from customary tenures presents a challenge to this doctrine and a conceptual difficulty.[28]

[23] That is, the right to ownership; see §8.5.
[24] In discussing the way land can shift between the different categories of tenure I rely on the analysis and interpretation of the case law of Park, 'Dual System of Land Tenure'.
[25] Ibid., 11.
[26] *Thomas v Holder* (1946), 12 WACA 78; cited ibid., 13.
[27] Ibid., 15.
[28] Ibid.

As an anthropologist, rather than a lawyer, I aim not to reconcile these two systems of tenure together according to the logic of English law but to simply observe. My observation is that customary law, while ultimately a creation of English law, has not been, and likely never will be, fully rationalised by English law and, as such, land holdings in Nigeria remain legally ambiguous.

8.3.2 *Crown land*

This ambiguity can be grasped most readily in the category of 'Crown land', a difficult term which has meant different things in different British colonies.[29] It was first used in Nigeria, or regions which would become Nigeria, to refer to lands that the Crown had acquired a direct interest in, usually by treaty. The first area of Crown land in what would eventually become Nigeria was Lagos. In 1861, Docemo, the ruler of Lagos, signed a treaty in which he promised 'with the consent and advice of [his] council' to give to Queen Victoria 'her heirs and successors for ever… the port and island of Lagos with all the rights, profits, territories and appurtenances whatsoever… and absolute dominion and sovereignty of the said port, island and premises.'[30] The result of the grant was that Lagos was now 'owned' by the Crown. Consequently the government was empowered to grant estates in fee simple and for terms of years following the feudal pattern. Between 1868 and 1912 approximately 4,000 Crown grants were made in Lagos.[31] These lands granted by the Crown were held according to English tenure. While it was not originally conceived of in the following way, lawyers held the treaty which granted Lagos to the Crown was one of the first instances of conversion from customary to English tenure.

With time, the colonial government became concerned that vast tracts of land would be absolutely alienated to unscrupulous Europeans by means of private treaties. Cases which came before Nigerian colonial courts indicated that allowing private treaties to be made unchecked caused serious problems.[32] The government therefore acted to curb the conversion of customary tenure to English tenure. The Native Lands Acquisition Proclamation (No. 1 of 1900) decreed that 'no person other than a Native should either directly or indirectly acquire any interest in or right over land without the written consent of the High Commissioner' and the Public Land Acquisition Ordinance (No. 4 of 1903) codified how communal land held according to customary law could be conveyed to the Crown.[33]

[29] C. K. Meek, 'A Note on Crown Lands in the Colonies', *Journal of Comparative Legislation and International Law*, 28, 3-4 (1946).
[30] Linden, *Acquisition of Africa*, 108-109; the treaty's words that Docemo gave all with the 'consent and advice of his council' indicates that the British were aware that Docemo might not be the sole and absolute owner of the territory and may consequently lack the right to grant it to the Crown by himself.
[31] Meek, 'A Note on Crown Lands', 89.
[32] Cf. Elias, *Nigerian Land Law*, 66.
[33] The 'Head Chief' of the community was empowered by this Ordinance to convey the land in fee simple or for a term of years to the government and the government was required to pay compensation to the Head Chief who was then expected to distribute the compensation among the

The procedure detailed in the Public Lands Acquisition Ordinance provided the government with the obvious method to acquire the land which would become Port Harcourt. Yet, for the sake of expediency, this procedure was not followed. The government feared that the judges 'would not issue the necessary certificate of title until the compensation payments were complete… while the fact that the government wanted the land for a town and a railway would drive the price up.'[34] Accordingly, the government sought to acquire the land by negotiation.

The product of this negotiation was the 1913 Agreement or the 'Hargrove Agreement', named for the principal government negotiator, Reginald Hargrove, DO of Degema. Hargrove explained in a memo to another colonial administrator that once the land had been acquired by this private agreement in 1913, the government were to apply the Public Lands Acquisition Ordinance 'to ensure to Government an indefeasible title, and to cover any possible defects which might be thought to exist in the power of chiefs and people to convey the rights.'[35] This never happened. I consider the contemporary status of Port Harcourt land in detail below.[36]

8.3.3 *Conversion of English tenure to customary tenure*

There is little case law on the conversion of land held according to English tenure to customary tenure. The little there is shows that written words, as found in legal documents of English form, are capable of achieving this conversion. For instance, a written will or conveyance has the ability to turn English tenure into customary tenure. In one case concerning a will written in English, the testator, who held an English estate in fee simple, left his lands to his 'children and their issue jointly' and expressed that the land should never be sold and should remain as 'family property' in perpetuity. His children tried to argue that the will created an English tenancy in common but a judge determined that the wording of the will created a customary estate.[37]

Most curiously, the courts have also allowed English tenure to be converted to customary tenure without ownership changing, as when, for instance, members of a family who are English law joint tenants choose to abandon English tenure through the use of a deed and continue possession of the same land but according to customary law.[38]

It is also possible to convert land from English tenure to customary tenure without the aid of written instruments. The courts have recognised cases that when 'natives' who hold an estate in fee simple (i.e. according English law) die intestate

community according to custom; A. E. W. Park, 'The Cession of Territory and Private Land Rights: A Reconsideration of the Tijani Case', *Nigerian Law Journal*, 1, 1 (1964): 38.

[34] TNA: CO 583/154/16, Acquisition of Port Harcourt Site (1927-1928).

[35] Cited in G. I. Nwaka, 'The Nigerian Land Use Decree', *Third World Planning Review*, 1, 2 (1979): 198.

[36] See §8.3.5.

[37] *Jacobs v Oladunwi Bros* (1935), 12 NLR 1; cited in Park 'Dual System', 4.

[38] *Giwa v Otun* (1932), 11 NLR 160; cited ibid., 10.

leaving issue, rather than the heirs inheriting as joint owners of the fee simple estate, they hold the land according to customary law.[39]

8.3.4 *The Land Use Decree*

The Land Use Decree (No. 6 of 1978) sought to modernise the dual system of tenure inherited from the British. Before 1978, land holding had been determined by the Land Tenure Law of 1962 which simply reproduced the earlier colonial legislation mentioned above.[40] The Land Use Decree, which was an attempt to redress some of the issues with the system of dual tenure, vested all the lands of each state in the governors of those states. Much was made of the Decree at the time and in the years following, with several scholars considering it revolutionary.[41] The Decree made the state governors the sole 'owners' of the land in their respective states and persons within the state became mere 'occupants'. It also divided states into urban and non-urban (i.e. rural) land and left it up to the discretion of individual governors to determine what category land fell under.

The idea behind the Decree was to replace all previous forms of title to land with the new 'rights of occupancy' which were to be divided into two categories, statutory and customary, which were identical with the categories of English and customary tenure. Statutory rights of occupancy, associated with urban areas, were to be granted by the governor, while customary rights of occupancy were to be granted by the Local Government. The approval of the Local Government was required before the holder of a customary right of occupancy was entitled to alienate their right (i.e. to sell land held according to customary tenure), while the approval of the governor was required when alienating a statutory right of occupancy.

With the hindsight of almost half a century, we can conclude, with some confidence, the Decree's concrete effects have been minimal. And for this reason I do not want to get bogged down discussing its intricacies. Nevertheless, there are some changes the Decree introduced I wish to note.

The terminological change which turned landowners into holders of a 'right of occupancy' has created an ambiguity because the occupants of a piece of land are not necessarily the holders of the right of occupancy. For instance, an Ikwerre patrilineage which leases a plot to tenants according to customary law are the holders of the right of occupancy rather than the tenants (the actual occupants). This ambiguity created the conditions for an interesting, and still ongoing, land dispute in Port Harcourt.

Between 1957 and 1959 Shell (then Shell-BP) acquired from several patrilineages belonging to the villages of Rumuibekwe and Rumuokorshi a tract of land of approximately 400 acres which was developed into a site to accommodate its workforce. The area is known today as Shell Residential Area (see plate 29). In

[39] *Miller Bros v Ayeni* (1924), 5 NLR 82; cited ibid., 5.
[40] P. Francis, 'Consequences of the 1978 Land Nationalization', *Africa*, 54, 3 (1984): 6.
[41] A. N. Allott 'Land Use Decree, 1978', *Journal of African Law*, 22, 2 (1978); I. Okpala, 'The Land Use Decree of 1978', *Journal of Administration Overseas*, 18, 1 (1979); L. K. Agbosu 'The Land Use Act and the State of Nigerian Land Law', *Journal of African Law*, 32, 1 (1988).

1987 Shell ceased paying its annual rent and in 1999 clandestinely acquired the Certificate of Occupancy for the site from the then Governor.

The original deeds which the Ikwerre patrilineages signed with Shell agreed to lease the land for a term of 99 years. When the Ikwerre patrilineages discovered that Shell had acquired the Certificate of Occupancy, they took them and the government to court to seek a declaration that they were the 'owners from time immemorial' of the land and that Shell remained their tenants, there being more than fifty years before the lease expired. Extraordinarily, the courts found in favour of the Ikwerre patrilineages who brought the case against Shell.[42] However, Nigerian law is ponderous, and this has been used to Shell's favour; they appealed the decision several times and used every opportunity to slow matters down. When the case finally reached the Supreme Court, it was determined that the acquisition of the Certificate of Occupancy was in error, but that Shell should remain in possession of the Residential Area.

I also saw how the Land Use Decree could be wielded as a political tool. The legislation gives governors the power to revoke rights of occupancy for reasons of 'overriding public interest', and this power was used, whilst I was conducting fieldwork in 2022, by the incumbent Governor of Rivers State to revoke the Certificates of Occupancy of the residences and businesses of his political opponents in Port Harcourt ahead of the presidential and gubernatorial elections.[43]

8.4 *The status of the land of Port Harcourt*

What exactly was the interest the government acquired in the land on which Port Harcourt was built when they executed the 1913 Agreement, assuming that it was in fact valid? This is a tricky question to answer. What is certain is that the interest and rights of the government in the land were ambiguous. This ambiguity was both *de jure* and *de facto*. Let me consider the *de jure* aspect first.

When the government acquired the land by treaty it became Crown Land. At first Crown Land was legally considered the Crown's demesne, which is to say its absolute property. The Crown 'owned' the land and could dispose of it as it wished. However, a historic court case changed this view.[44] In 1913 Amodu Tijani, a Lagosian chief, took the government to court after his land was acquired under the Public Lands Acquisition Ordinance. Tijani did not dispute the acquisition itself, but the amount of compensation. He had been compensated on the basis of his possession of 'seigneurial' rights over the land rather than as an 'owner' of the land.

The land in question was part of the area which had been ceded to the Crown in 1861 and at the time the courts ruled that the government could not compensate Tijani as an 'owner' as the Crown was the legal owner of the lands—the idea that there were multiple owners was repugnant to English law.

[42] PHC: PHC/1198/2005, *Amadi v SPDC*; PHC/321/2006, *Elewa v SPDC*.
[43] D. Naku, 'Wike revokes Atiku campaign chairman's plot', *Punch*, 4 November 2022; O. Ofiebor 'Wike revokes Sen. Maeba's plot of land for supporting of Atiku', *PM News*, 4 November 2022; . J. Onoyume, 'Revocation of land title as political weapon', *Vanguard*, 5 August 2017.
[44] *Tijani v Secretary Southern Nigeria* (1921), 2 AC 399, PC 80.

Tijani appealed the decision and travelled to London in 1920 to appear before the Privy Council who were to decide the case. The Privy Council determined that the 1861 treaty granted the Crown 'radical title' which gave the government the mere right of administrative interference and left the original rights of the occupants of the land in question unaffected.[45] This meant that Tijani was entitled to compensation as the 'owner' (although the Privy Council added that it was in fact Tijani's community who owned the land and that as their 'Head Chief' and representative he was obligated to distribute the compensation amongst the members).[46] This ruling did not change the fact that the government had acquired an interest; the notion of radical title recognised the difference between territorial sovereignty and the ownership of land.[47]

Was the 1913 Agreement simply the acquisition of radical title too? The area ceded in the Agreement was at the time part of the Southern Nigerian Protectorate. As such, the government already possessed radical title—i.e. the right of administrative interference—over the territory of the Protectorate.[48] The 1913 Agreement was an attempt to acquire a greater interest in the land, to convert a territorial holding into a direct land holding.

After the 1913 Agreement was executed, the c. 25 square miles of land which were ceded were always described in contemporary documents as 'Crown Land'. The Crown Lands Ordinance (No. 7 of 1918) defined Crown Land as 'all public lands in Nigeria which are for the time being subject to the control of His Majesty by virtue of His Majesty's Protectorate, and all lands which have been or may hereafter be acquired by or on behalf of His Majesty for any public purpose or otherwise howsoever.'

But all the land in this area did not have the same status. In the Township (the European Reservation and the Native Location) the government directly held the land and those who dwelt within its bounds were recognised as holding property under English law. However, beyond the Township little actually changed and most of the inhabitants were likely unaware that the ground on which they dwelt had become Crown Land. Nevertheless, the position of the government seems to have been that, while it only occupied the Township, it still 'owned' all the land which it acquired by deed. It treated the inhabitants of the area outside the Township as its tenants at will.

As described above, written deeds are the principal means by which land held according to customary law is converted to English tenure. So the assumption that the 1913 Agreement converted customary land into English land seems reasonable. It is tempting to imagine drawing a large colour coded map of Nigeria with one colour indicating land held by customary tenure and another indicating

[45] T. O. Elias, 'Nigeria's Contribution to Colonial Law', *Journal of Comparative Legislation and International Law*, 33, 3-4 (1951): 51.
[46] It being assumed that individual owners of land were unknown under customary law.
[47] On the notion of territory, as distinct from land, see S. Elden, *The Brith of Territory* (2013).
[48] The preamble of the 1913 Agreement acknowledges as much: '[the land] in the Colony and Protectorate of Southern Nigeria is part of His Majesty's Dominions'.

land held according to English tenure. Such a map could be drawn for any year in Nigeria's history and if strung together chronologically the series would show a steady incursion of English tenure. As tempting as such imaginary cartography may be in theory, in practice customary land cannot be geometrically separated from English law.

To understand this we need only look at the 1913 Agreement. Although the original deed ceded approximately 25 square miles to the government, and ostensibly converted customary land holdings to English tenure, initially the government only occupied a portion of this land—the Township. Outside of that area, landholdings were undisturbed. The inhabitants of Amadiama, Abuloma, Elekahia and Okuruama, which were within the c. 25 square miles, continued to occupy their lands in the same way as prior to the 1913 Agreement. Their disputes, including those about land, continued to be settled in Native Courts which practiced customary law. Customary tenure subsisted underneath and became intermingled with English tenure.

We might suppose that the 1913 Agreement granted the government radical title to the land and, having acquired it, they were able to actualise this into direct and legal occupation of the area that became the Township. Outside the Township, but within the c. 25 square miles, the government retained radical title alone. However, as I understand the matter, this is not accurate.

The government arguably already possessed radical title to the land by 1913 and the Agreement was merely an instrument to permit them to develop a portion of land through the eviction of 'native occupiers' who by law were required to be compensated for their 'right title and interest'. This same outcome could have been achieved through the workings of the Public Lands Acquisition Ordinance, but the desire for expediency and keeping costs down meant that the government circumvented this legislation. Only that area (the Township) which the government occupied saw customary tenure extinguished. Yet, as I show, customary tenure is never truly extinguished—there is always the potential for it to be revived, or even, invented.

8.4.1 *Tenurial ambiguity*

Let me give an example of the tenurial ambiguity in Port Harcourt. The watersides of Borikiri are situated within the c. 25 square miles acquired by the government and the land is ostensibly still 'owned' by the government. Nevertheless, most of the inhabitants of the watersides hold their crude dwellings by oral contract from Okrika landlords, to whom they pay rent. The interest that these Okrika landlords have in the watersides are occasionally conveyed by deed.

It was such a deed that was used as the principal evidence in a court case in which an Okrika woman sued a group of Okrika men, all members of Wakirike Port Harcourt Aborigines, led by a man calling himself the chief of Wakirike *póló* of Sekini-ama[49]. The woman claimed the men had trespassed and erected a building

[49] The reputed Okrika name of this waterside.

on a section of land which she had recently purchased.[50] She produced the deed as evidence of her ownership.[51] In the proceedings it emerged that the plaintiff was the lover (*lèkìrìàbọ̌*) of the vendor and that the vendor had executed the deed for the benefit of a son he had by her.

After being granted the property, the plaintiff erected a blockhouse to accommodate a tenant and gave control of the property to her son. A dispute started when the tenant erected another building on the land. When the plaintiff attempted to prevent the tenant's construction, she was physically intimidated by the defendants.

In the court case, the plaintiff derived her claim to ownership (title) from the deed, and as the deed itself recites, the claim to ownership of the vendor derived from a Temporary Occupation Licence (TOL) issued by the government. A TOL entitles the holder to build a temporary hut but forbids them from subletting the property and further stipulates that the structure must not be fit for human habitation. Many structures in the waterside, like the one in this case, are made from permanent materials and almost all are residential. The government generally overlooks these illegalities. That the plaintiff's 'ownership', which derived from a TOL, was not voided (considering she declared before the court that she built a block house and that it was sublet), is evidence of this toleration.

The nature of the tenurial relations in this case are ambiguous. The plaintiff holds the land from the government under the terms of the TOL but whether this tenurial relation is recognised by English law is unclear. From the court case I am also not able to deduce whether the plaintiff's tenant, who by an oral agreement with the plaintiff's son agreed to rent the room, is a tenant at customary law or English law. The group of Okrika men belonging to Wakirike Port Harcourt Aborigines, who tried to claim the tenant as their own, sought to position themselves as customary landlords by identifying themselves as the chief and elders of a *póló* within an Okrika *ámá*.

Why does the kind of tenure matter? It matters because official customary tenure lacks a feature of English tenure. Under English law, possession of property gives the possessor certain rights. Even squatters—unlawful occupiers of land—have rights.[52] Should a squatter possess land long enough without challenge their unlawful occupation becomes lawful. Under customary law unlawful possession does not become lawful possession by the passage of time. In other words, under customary law 'ownership' is uncoupled from 'possession'.

This case exemplifies more than the ambiguous legal status of the Port Harcourt watersides. It speaks to the curious reality that customary tenures co-exist alongside English tenures, or at least that tenure is categorically ambiguous across the entire city. Even if I have misunderstood the law, it cannot be refuted that the Ikwerre and the Okrika themselves understand that customary tenures exist in the

[50] PHC: PHC/452/2006, *George v Nene* (2006).
[51] For the wording of the deed, see Appendix 4.
[52] Rostill, *Possession, Relative Title and Ownership*, 3 and *passim*.

same areas of land as English tenures. The government recognizes these customary land holdings when it pays compensation to the Ikwerre and the Okrika when it takes actual possession, as when the Trans-Amadi Industrial Estate (see map on p. 34 above) was developed in the 1950s and 60s and the neighbouring Ikwerre and Okrika villages were compensated despite being within the area ostensibly acquired by the 1913 Agreement. The surrounding Okrika and Ikwerre villages certainly did not possess a title at English law to the lands for which they were compensated.

The intent of the 1913 Agreement was to compensate the Ikwerre and Okrika villages for their interest in the land and in so doing convert the land to English tenure. I have mentioned how the courts determined that some deeds written by 'natives' were defective and failed to convert the tenure. I think this is true of the 1913 Agreement—it is a defective deed. The difference here is that the 1913 Agreement cannot be defective in law as the government was the author. Rather it is defective in fact.

8.4.2 *A predecessor to the 1913 Agreement*

The deficiency of the 1913 Agreement is one of the reasons why it continues to be discussed today in Port Harcourt and why the Port Harcourt Question goes on being asked. One of the sticking points is why the Okrika were paid a larger sum than the Ikwerre. I believe that this has to do with their greater familiarity with deeds and writing generally. Recall that literacy arrived in Okrika via Bonny several decades before 1913, whereas for most of Ikwerreland literacy only arrived following 1913.

The 1913 Agreement stipulated that the people of Diobu were to receive £2,000 for their lands, Rumueme £150, Rumuomasi £100, Rumuobiakani £100, Oginiba £300 and the Okrika £3,000. Owing to the vagueness of the original deed, which does not specify exactly which lands which villages sold, the Okrika assert that the amounts received relate to the size of the areas sold. They claim that because they received 53% of the total purchase money, they gave 53% of the land and therefore are the majority 'owners' of Port Harcourt.[53] Needless to say, this argument does not go down well with the Ikwerre. I believe that the reason the Okrika were paid more is due their familiarity with deeds and writing generally.

Daniel Kalio who, as mentioned earlier, was the facilitator of the 1913 Agreement and the government's 'Political Agent' for the area, was literate. In 1911 Kalio and a number of other Okrika chiefs had a deed written to retrospectively recognise their purchase of some land at Oyigbo, about 15 miles to the northeast of Port Harcourt, not far from the Ikwerre village of Iriebe, in 1891.[54]

This deed demonstrates that the Okrika, particularly their *de facto* leader, Daniel Kalio, were familiar with deeds of conveyance prior to the signing of the

[53] A. S. Abam, *The Status of Port Harcourt* (1994), 5.

[54] PHC: PHC/1531/2000, *Oputibeya v Njoku* (2013). The inhabitants of Oyigbo are the Etche, another hinterland dwelling people like the Ikwerre who speak an Igboid language. See Appendix 4 for the wording of the deed.

1913 Agreement. I believe the extra money the Okrika received relates to this fact.[55] This earlier deed is not interesting only because of the perspective it brings to the 1913 Agreement but because of its intrinsic qualities. The deed records that it was 'not then customary for transactions of the kind to be committed to writing', indicating the flexibility of customary law.

Flexibility was a trait of customary law recognised by colonial jurists. It was this trait which permitted a judge to reject the claim by the Ikwerre of Diobu that 'customary law made it impossible to sell land or that a sale was so unprecedented a measure it could not be supposed that the chiefs understood what they were doing' and retort that customary law was 'not so inflexible as to render a sale of land to the government illegal'.[56]

8.5 *Title and estate*

'Title' is a concept used by English and official customary law to refer to a person's right of ownership. It is sometimes qualified with the adjectives 'good' or 'bad'. Someone with 'good title' has adequate evidence to establish their right. Evidence here really means historical evidence, for a right of ownership depends on time. The stronger right is the older right. The converse, 'bad title', refers to a lack of adequate historical evidence. The category of title is both backwards looking and relative: a 'better title' is an older title.

'Estate' is the other central concept of English and customary law related to land and ownership. Whereas title looks backwards, estate looks ahead. The word comes from the Latin *status* and refers to the amount of interest which a tenant has in their land. This interest is measured in time. The greatest possible estate under English law is an estate in fee simple. It is the greatest because it lasts in perpetuity. Other estates, like a leasehold, are for a term of years. They are therefore lesser estates insofar as their duration is finite. For lawyers, estates in land are really futures in land.[57]

The title of this chapter refers to the intrinsic temporality of these concepts and the workings of land law more generally. The historicity of title, its quality of temporal backwardness, is amplified by the fact customary law does allow for title to be acquired by adverse possession. Let me explain what this means.

8.5.1 *Title by prescription*

A curious principle of English law is that possession grants title. A commonly met legal maxim is that possession is the 'root of title'.[58] It is this which gives a squatter an estate in the land they occupy or a thief a right in the stolen property they possess. The title of a squatter or a thief can, however, be trumped by someone with a better

[55] As far as I was able to discover, Daniel Kalio and his war canoe house had no proprietary interest in the c. 25 square miles being sold. The only explanation for his presence on the 1913 Agreement is as a kind of fixer: perhaps the additional money represents Kalio's 'fee' for brokering the purchase.
[56] *Wobo v Attorney General* (1953) PC 18.
[57] Simpson, *History of the Land* Law, 85-87.
[58] The validity of this maxim is still disputed; see Rostill, *Possession, Relative Title and Ownership*.

(i.e. older) title. In the case of land, should the holder of a better title fail to exercise their superior right the squatter will, after a certain time, acquire 'good title' and all other better titles to the land are extinguished. This process, by which an occupier becomes an owner-occupier, is called adverse possession.[59] In Nigeria, the length of time which land must be occupied in order to extinguish better titles is twelve years.[60]

But this only applies to land recognised as being held according to English law. Official customary law knows no principle of adverse possession.[61] Consequently it is impossible to acquire ownership by long possession of land according to customary law, even if that possession is for hundreds of years. Much, therefore, hinges on whether land is recognised as being held according to English law or customary law.

Because the holders of the customary titles are not necessarily the occupiers of the land, all courts have to go by when determining title to land is tradition and history. We can, therefore, see why traditions and histories proliferate in Port Harcourt.

8.5.2 *Making histories, making titles*

In the 1990s an oil company (Inter Oil Services Ltd) received a Certificate of Occupancy from the government for a patch of mangrove to the west of Amadiama village which they proceeded to sandfill and develop. Soon afterwards, several Okrika men representing a war canoe house claimed that they, and not the oil company, were entitled to the statutory right of occupancy because the land was an *ámá* established by their ancestor Kurosiediema Orupabo (a signatory of the 1913 Agreement) and that they were entitled to damages for trespass. Rather than risk lengthy court proceedings, the oil company settled the matter by paying the claimants several million naira.[62]

Kurosiediema has already been mentioned twice before: first as the progenitor of many of the inhabitants of Azuabie and second as the purported founder of his eponymous waterside in Borikiri.[63] It is hard to catch traditions in the process of being invented for the fact that traditions present themselves as age-old but it can, as this case shows, be done. Note that in inventing their title to the patch of mangrove the Okrika men asserted that the area was *ámá*, not merely *kírí*. And note also their claim that their ancestor was a signatory of the 1913 Agreement. In this case, as in many others of recent date, the 1913 Agreement is, somewhat paradoxically, used as evidence for customary tenure of land, whereas formerly it was used by the government as evidence of a conveyance at English law and consequently the non-existence of customary tenure.

[59] It is also called title by prescription.
[60] This period was set by the Limitation of Actions Act of 2004 but state legislation can vary the limitation period.
[61] A. M. Olong, *Land Law in Nigeria* (2011), 37; Elias, *African Customary Law*, 163; J. A. Omotola, 'The Adverse Possession of Registered Land', *Nigerian Law Journal*, 7 (1973).
[62] PHC: PHC/1034/1999, *Orupabo v Inter Oil Services Ltd* (2004).
[63] See § 2.5 above and n. 53 in the same chap.

Of course 'invented' traditions are never entirely invented.[64] It may well be that a progenitor of these Okrika claimants did establish an impermanent camp among these mangroves. Yet, it was certainly not a village (*ámá*) and it is improbable their ancestor was the Kuroseidiema mentioned in the 1913 Agreement. The Okrika men did all they could to make their claim as 'customary' as possible. They even claimed that the mangrove was the site of the shrine (*dụ̂ọ́ịnwárị́*) of the supposed ancestor. The tradition invented must be credible[65]—that the war canoe house claimed a patch of former mangrove is plausible. For them to claim an area of upland close to Ikwerre villages would be implausible.

We must realise that the claim to ownership of the land was not about actually acquiring the land. They had no interest in dispossessing the oil company. 'Ownership' is less about possession than it is about rights (which may or may not be the right to possess). Here, as in many of the disputes regarding land in Port Harcourt, it principally concerned the right to be compensated.

8.6 *Conclusion*

Let me summarize what has been ascertained so far as a series of points:

(i) Land is held according to customary or English law.
(ii) Nigerian law recognises the fact that land can be converted from one system of tenure to another.
(iii) It is unclear whether these conversions are always successful.
(iv) Customary tenure is logically prior to English tenure and so all tenure was initially customary.
(v) Customary tenure and English tenure can co-exist.
(vi) At customary law, possession never ripens into title.
(vii) Holders of customary titles to land are not necessarily the possessors.
(viii) Assertions to tenure being customary depend on tradition (which may be invented).

In the eighth point tradition refers to history: to claim customary title to land is to assert a particular history. The second point refers to the use of written instruments to transform one kind of tenure into another. Writing is of great importance to the Ikwerre and the Okrika and it is the medium of legal disputes. However, customary title almost never derives from a written instrument. To base a claim to customary 'ownership' of land on a deed is paradoxical. Ikwerre and Okrika landlords in Port Harcourt never have title deeds because to have any sort of deed would be to undermine their very title. The Ikwerre and the Okrika, as the 'natives' of Port Harcourt, derive their title from history—that is unwritten history; only 'native strangers' and Europeans or their companies derive title from deeds—that is written history. Historical documents abound in the proceedings of Ikwerre and Okrika

[64] Cf. T. Ranger, 'The Invention of Tradition in Colonial Africa' in E. Hobsbawm and T. Ranger, *The Invention of Tradition* (2012).
[65] Cf. A. Appadurai, 'The Past as a Scarce Resource', *Man*, 16, 2 (1981).

legal disputes but these writings, like the 1913 Agreement, are used as evidence of 'ownership' prior to the advent of writing, rather than evidence of the title itself.

The second and fifth points refer to the accommodation of two separate but permeable systems of tenure by Nigerian law. The third point refers to the ambiguity of tenure—it is never completely clear which system applies. I believe the reason for this tenurial ambiguity comes down to, at least in part, the ways the two systems of Nigerian law—the English and the customary—understand space.

At English law space is absolute, it can be fixed. Space can be represented as a map, the kind appended to deeds of conveyance, whose limits are described by concrete posts or markers whose position is, in turn, described by coordinates which derive their position from further fixed (astral) points. For customary law, space is relative. At customary law space is mapped not by absolute points but by persons. Customary law, as mentioned, is bound to status, specifically the status of 'native'. English law in contrast is bound by lines on maps.[66]

Although their relationship with space differs, customary and English law share a common understanding of time. The concepts of title and estate are a testament to what I see as the temporality of the law or its concern with time. This is what the title of this chapter refers to. This concern with history is not specific to law pertaining to land, or to anything intrinsic to Okrika or Ikwerre society, but to the workings of law more generally. In granting a specific remedy for a breach of a plaintiff's rights, whether those rights are customary or English, the law does not view its remedy as the gift of something new but as the restoration of the state prior to the defendant's wrong. In other words it seeks to restore the past, or what it would call the *status quo ante*.[67]

The disputes over land in Port Harcourt which I have studied invariably take the same form: the plaintiffs seek (i) a declaration of title, (ii) damages for trespass and (iii) a perpetual injunction restraining the defendants entering or interfering with the land under dispute; and the defendants usually counterclaim the same trio of remedies against the plaintiffs. These remedies correspond to the past, the present and the future: a declaration of title is simply the interpretation of the court (and therefore of the law) on history; the damages are an effort to restore the present to its proper status; the perpetual injunction is to prevent future disputes. However, such legal prognostications rarely curb future interference and the imposition of damages rarely restores the present to the *status quo ante*.

[66] Cf. P. Bohannon, '"Land", "Tenure" and Land-Tenure', in *African Agrarian Systems*; Cf. Le Roy, *La Terre de l'autre*.
[67] Benson, 'Philosophy of Property Law', 754-5.

9

DISPUTE IRRESOLUTION

9.1 *The nature of land conflicts*

This chapter concerns the ways in which Nigerian law does not resolve land disputes in Port Harcourt. The anthropologist James Holston, in studying land disputes in Sao Paulo in Brazil, observed how the legal system prolonged and even produced problems.[1] The case of Port Harcourt is similar. It is not simply that the operation of Nigerian law is ponderous. However slow the workings of a legal system may be, courts do eventually issue judgements, and these judgements are meant to be final (in that to disregard them, and begin further litigation, is to be in contempt of court). Yet, the judgements of Nigerian courts are seldom final with regard to land, they never truly preclude further litigation. This is, in part, to do with the ambivalence of tenure described in the last chapter. It also has to do with the fact that claims to ownership are really claims about history.

Holston writes that land disputes are really 'struggles over the meaning of history because they oppose interpretations about the origins of rights' and that 'the legal heart of such cases is title search, a search for origins which justify or debunk claims.'[2] Making titles legal at Nigerian law is conditional on making them historical.

To illustrate this, and the way land disputes in Port Harcourt are not judicially resolved, I discuss several specific cases. I begin by describing a dispute over a small plot in Amadiama which has lasted more than half a century and shows no signs of stopping, despite several court judgements, including one from the Supreme Court. I then discuss the ongoing dispute between the Okrika of Abuloma and the Ikwerre of Elekahia over a large tract of land in Port Harcourt. Following this, I show how the dispute over a tiny plot of land in Amadiama relates to this larger scale dispute.

Specifically, I describe how the judgements over land cases, which are fundamentally interpretations of history, are used to initiate further litigation. Petty intra-Ikwerre and intra-Okrika land disputes, squabbles over tiny plots, of which

[1] J. Holston, 'The Misrule of Law: Land and Usurpation in Brazil', *Comparative Studies in Society and History*, 33 (1991).
[2] Ibid., 696.

the Amadiama case is exemplary, are therefore not discrete occurrences. Judicial decisions begin a process of ramification, whereby affording official credence to a particular historical interpretation permits this interpretation to be exploited, leading to further litigation.

The failure of the Nigerian courts to resolve land disputes means that alternative means of resolution are sometimes used. One such method is the swearing of oaths on the names of deities. I describe this practice and how it shows why the Port Harcourt Question is essentially unanswerable.

9.2 *A petty dispute in Amadiama*

During my time in Amadiama, one of the Okrika villages of Port Harcourt, I came to hear about a long-standing land dispute between two of the seven compounds that make up the village. It concerned a small patch of ground, roughly 100' x 50'. Each side of the conflict, Amadi and Ogbanga (alias Agbaka)[3], claims the land as their own, and each has a different story upon which they rest their claim.

Both assert that the disputed land (and the village land more broadly) was originally granted to them by the Ikwerre of Diobu. The difference relates to which party was granted land first. The Ogbanga people say that they were the first arrivals to the area and that the land forms a part of their compound. The people of Amadi say that the reason the land is called Amadi Aruwari Kiri is because it was originally where their progenitor kept his canoes and that the people of Ogbanga were later arrivals who begged them for a patch of land on which to settle, a fact which gave them their name: Ogbanga is said to be corruption of *ọ́ngbọ́n ángâ*, 'to beg to stay'.

An attempt to resolve the conflict out of court was made in 1959. The other compounds suggested that Ogbanga, who had erected dwellings on the disputed land, be allowed to remain and that a border of *óḍúmḍúm* trees be planted to demarcate the area and prevent further squabbles. Soon, however, this boundary was encroached which caused Ogbanga to summon Amadi before Port Harcourt High Court.

Although litigation was paused for the duration of the Civil War (1967-1970), the dispute continued in this period, with one of the compounds siding with the Biafrans and the other with the Federal forces. When litigation resumed the two compounds recited their histories before a judge whose role was to decide which was true and which false. In the end the judge found in favour of Amadi, primarily because he believed their claim as to the origin and meaning of the name Ogbanga.[4] Yet, in concluding the judge presciently added that his determination 'will not fully settle the matter.'[5]

In 1975, a year after this judgement was given, Amadi took Ogbanga to court seeking the usual three reliefs: a declaration of title, damages for trespass and injunction against the defendants. The case lumbered through the courts for another

[3] See § 2.4 above.
[4] When I questioned an Ogbanga elder on the origin and meaning of the name of his compound he was evasive; all I was able to ascertain was that no ancestor bore the name.
[5] PHC: P/107/1967, *Agbaka v Amadi* (1974).

five years, by which time the Land Use Decree had come into force. The judge once again found in favour of Amadi compound and affirmed their 'customary right of occupancy'.[6]

Dissatisfied, members of Ogbanga compound took the case to the Court of Appeal in Enugu, which again reaffirmed the decision of the lower court. So they then took the matter to the Supreme Court, which also found in favour of Amadi compound.[7] Still the litigation did not stop.

In 2001 Ogbanga compound sued Amadi compound, alleging that they were using the Supreme Court's decision to intimidate them and encroach on their land. While this case slowly rolled on, in 2006 Amadi compound initiated their own suit against Ogbanga claiming that half a century after the initial dispute, Ogbanga people were still dwelling on the area despite all the legal decisions showing they had no right to do so.[8] At the time of my visit, almost three quarters of a century since the dispute commenced, the issue was still a touchy subject.

9.3 *The Port Harcourt Question manifest*

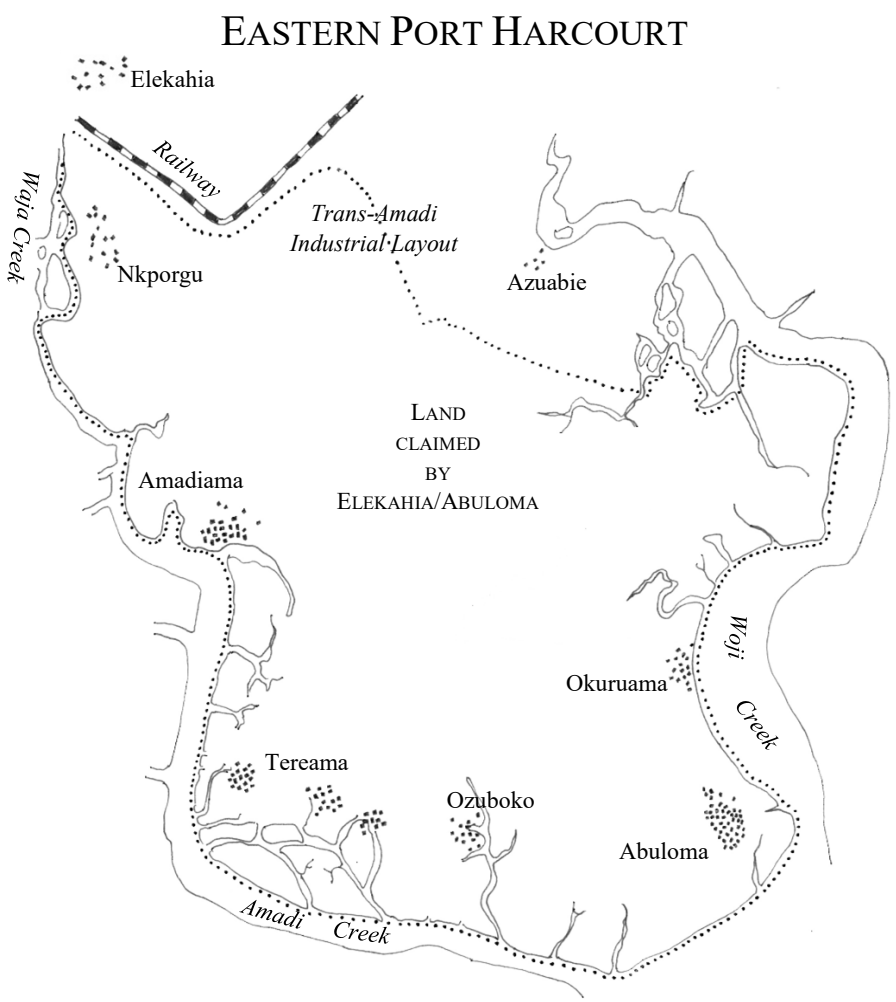
When I first visited Abuloma I was received by its *ámányánábǫ̆* at his home. He had gathered the chiefs of the village to help with my research. This initial meeting consisted mostly of introductions and my formal presentation of a bottle of hot drink. On returning to properly begin the research, I was surprised to find that the two dozen or so chiefs had become two. I later found out that the chiefs, knowing I was a *bèkèníbǫ*, had expected me to lavish them with gifts of money, and on discovering that I was an impecunious student, thought it was not worth their while.

The two chiefs that remained proved to be patient and knowledgeable informants on the history of Abuloma. On my fourth, or perhaps fifth, visit to meet them, I was presented with a large bundle of documents—court judgements, maps and miscellaneous memoranda dating from the 1920s to the present. At the time I was unaware of the significance of these documents; I had only just commenced my fieldwork and was not then researching the Port Harcourt Question.

Later I realised that the information about Abuloma the chiefs told me and the collection of documents did not speak to the trivial history of a single village, but were the substance of the Port Harcourt Question. And that they had given me this history not for the sake of antiquarian interest, but to present Abuloma's interpretation of the Question.

Among the bundle of documents was a 'Declaration of ownership of land lying between Amadi and Woji Creek' written by representatives of Abuloma village in 1955. The area between Amadi and Woji Creek refers to the tract in eastern Port Harcourt which was the subject of litigation between Elekahia and Abuloma and is illustrated below, showing the land before it was urbanised:

[6] PHC: PHC/63/75, *Amadi v Agbaka* (1980).
[7] *Agbaka v Amadi* (1998) 11 NWLR 16.
[8] PHC: PHC/209/2006, *Amadi v Ogbanga* (2008).



The document recites that the founder of Abuloma, Obulom, had arrived in the area 'over 700 years ago' and that there had been no other settlers till c.1900 when chief Amadi of Ogoloma 'came and begged our forefathers and was given that portion of the bush now called Amadi village'. It also notes that around 1905 'the late chief Okujagu led late chief Okuru…to Abuloma and begged for that portion of land now called Okuru village'. The petition was, in effect, an assertion that Amadiama (and by implication the other Ogoloma new villages), as well as Okuruama, were the customary tenants of Abuloma.

The document mentions several court cases from the 1920s and improbably declares that the people of Abuloma only realised that this land was part of the land ceded to the government under the 1913 Agreement when the DO informed them of the fact in 1955. The document concludes with a plea that 'Abuloma, the only farming town in Okrika' should be allowed to continue to farm undisturbed as otherwise they would be unable to support their growing population and pay their taxes.

9.3.1 *Abuloma v Elekahia*

In the late 1950s, around the same time as the Amadiama land dispute began, the government began plans to construct what it called the Trans-Amadi Industrial Layout. This was to occupy a large swathe of Crown Land to the east of the Township on the other side of the Amadi Creek, the southern portion of which was in dispute between the Ikwerre of Diobu (particularly Elekahia village) and Abuloma.

Previous disputes in the 1920s over the land between Elekahia and Abuloma had been dismissed by the colonial authorities on the basis that it was Crown Land and therefore could not be owned by either village. Back then the area was rural and the dispute concerned the right to cultivate crops. But by the 1960s, with the construction of the Trans-Amadi Industrial Layout, the dispute concerned who had the right to receive government compensation.

In 1966 the people of Elekahia sued the people of Abuloma claiming ownership of a tract of land they called Ozugboko which constituted the southern part of the Trans-Amadi Industrial Layout. The Ikwerre of Elekahia claimed that, as the owners of the land, they farmed yams and cultivated palms, and that the ancestors of all the Okrika inhabitants of the area, including the defendants, were latecomers to the land and were therefore their customary tenants.

As evidence of their title, the plaintiffs pointed to the existence of two shrines on the land—'Oriokaramini' and 'Eliewku'. Eliekwu is the name Diobu people give to what other Ikwerre villages call *rùhnù ẹ̀lị̀*, 'the face of the land', or earth deity. Shrines, along with human remains, are the closest thing to physical title deeds. And proving the non-existence of a shrine of the earth deity is difficult given that such places are simply trees or groves, a fact which makes them a tempting way for litigants to try to prove title.

Indeed, in a previous dispute between Abuloma and Elekahia over the same area in the 1920s, the people of Abuloma had claimed that there was a shrine of *their* god, Ede, on the land. The word *èdè* means 'land' in Obulom, the language of the people of Abuloma, and, like *ẹ̀lị̀* in Ikwerre, refers to the deity of the earth.

Courts often accept statements regarding the existence of shrines at face value. I, of course, cannot refute the existence of an Ikwerre shrine to the earth goddess on the land subject to litigation between Elekahia and Abuloma, however there are reasons for me to be sceptical of its existence. Ideally, each village in a

village group possesses its own shrine to *ẹ̀lị̀*; the absence of this among the Diobu village group, as discussed in chapter three, relates to the fact that Diobu became a village group relatively recently and was formerly one of the villages of Apara. As far as I know, Diobu village group has only ever been served by a single land shrine.

The alleged shrine on Ozugboko land also seems improbable to me given that the land in question is across the Waja Creek and on therefore on the frontier of Diobu territory—Ikwerre land shrines are usually at the centres of territories. In my time in Diobu I never heard mention of any land shrine other than the one at the centre of the village group. Of course, the fact that all land is *ẹ̀lị̀* and that there is no prohibition against establishing a shrine to the goddess means that it is impossible to preclude the existence of the shrine claimed by the Elekahia litigants, yet, even if such a shrine did exist, its use certainly would not be regularised.

The other shrine mentioned in the court proceedings by the Ikwerre, Oriokaramini, evidently derives its name from *òkárnámīnī* which is the general word used for a deity in the Obio dialect, equivalent to the word *ágbàrá* in the Akpor dialect. More particularly, *òkárnámīnī* refers to all those deities other than *ẹ̀lị̀*, whose shrines are always located (or were formerly located) in the bush, outside the village. Their shrines are where oath swearing ordeals are performed, whose outcome allows the settlement of disputes, including disagreements over land. This means of dispute resolution was appropriated by the Native Court system and when one reads of litigants being made to 'swear juju' it was, at least for the Ikwerre, upon *òkárnámīnī*.

Other than claiming the existence of shrines, both sides called witnesses to affirm their claims. The Ikwerre of Elekahia called the head of Evo village group who testified that the villages of Elelenwo and Oginiba had, until the 1950s, small colonies of Okrika merchants, who were permitted to settle after being 'shown' a patch of shoreline.[9] Elekahia claimed that the situation was identical with the Okrika settlements along the shore of Amadi Creek.

Abuloma called a fisherman from Okuruama as a witness who testified that his ancestor, Okuru, was settled by the people Abuloma, not Elekahia. Another witness was a son of Fimie, the founder of Fimieama, who claimed likewise and went on to say that he had never once seen anyone from Elekahia on the farmlands surrounding his village.

Elekahia claimed the compensation they had been paid by the government during their development of the Trans-Amadi Industrial Layout as evidence of title. Abuloma countered this by alleging that the compensation was wrongly paid and they had filed a suit in regard to this in 1963 but the civil war caused the case to be abandoned. Further, Abuloma pointed to the fact that they had built a church and school on the land claimed by Elekahia without their permission or protest till now.

This back and forth continued for nearly a decade till a judge ruled in favour of Elekahia, his decision based on his acceptance that Ozugboko was an Ikwerre rather than Okrika word (which neatly illustrates why the etymologies of toponyms

[9] On the practice of 'showing' land, see Appendix 3.

are so contentious in Port Harcourt). The case was heralded as a great victory by the people of Diobu, especially because the judge was an Ijaw man, it being the assumption that judges, like any other Nigerian public official, would show favour toward their own ethnic group.

Abuloma appealed and the case came before a court in Enugu which reversed the decision. Elekahia appealed to the Supreme Court which, in 1981, decided in favour of Elekahia. The matter is still not resolved.

9.3.2 *Whether land disputes are a consequence of urbanism*

The Abuloma versus Elekahia land dispute is noteworthy for the fact that the disagreement over 'ownership' began long before the tract of land which the two villages claimed as their own became urban. It began as a conflict over farming rights. The introduction and spread of English legal ideas, like 'ownership', is usually taken as a consequence of urbanism.[10] The Port Harcourt Question, a question of 'ownership', exists because of a city. And yet here is a case of a dispute over rural land which remained a mixture of farm and forest till the 1960s.

I do not think that this land dispute refutes the conjecture that 'ownership' disputes are a symptom of the process of urbanism. I consider urbanism a conceptual phenomenon as much a physical fact. The area between Abuloma and Elekahia was urban insofar as its inhabitants had imbibed certain English legal concepts. Conceptually, therefore, urban is synonymous with legal—the land was governed and regulated by Nigerian law.

Nigerian law, as a dual system, gives the impression that English law applies to the city while the domain of customary law lies beyond its bounds. This impression is, as I have shown, a myth. The patchwork of pre-colonial legal systems were bowdlerized by colonial Nigerian law (i.e. English law) into an entity called 'customary law'. Customary law was imposed upon the societies that constituted Nigeria and the institution which did this was the Native Court; and, as such, the Native Courts, despite their association with the bush and rurality, should be considered urbanising forces.

As I have described, these institutions did not exercise the 'native law and custom' of the local people (which I call unofficial customary law) but 'native law and custom' as defined by Nigerian law. I make no claim to be the first to notice this distinction: there have been times when the fiction of the law dissolved, and the different types were discerned. For instance, writing of the Women's War of 1929 in the Port Harcourt area, the DO of Ahoada District said: 'In my opinion corruption was in the old Native Court system for the members were administering an alien and ill-defined law, and the procedure was contrary to native ideas.'[11] Here, then, there are two senses of 'native': the 'native' of the Native Courts and that of the

[10] Cf. S. F. Moore, 'Treating Law as Knowledge' in *Comparing Impossibilities* (2016), 130.
[11] NAE: AHODIST 9/3/4, D.O., Ahoada, to Resident, Owerri Province, memo in Obia Clan Intelligence Report.

people and their practices. It is my contention that, once the former began posing as the latter, the two systems become blurred.

Why, then, should we make the distinction between official customary law and unofficial customary law of the people? The answer is that the fiction that the customary law of the courts *is* the customary law of the people grants Nigerian law the potential appropriate any practice and make it official.[12] Here the word potential is key. The potential for official customary law to appropriate unofficial customary laws allows it to collapse the distinction between these two sorts of customary law. But this same potential is also the potential *not to* collapse the distinction, to not appropriate and therefore remain distinct. This potentiality creates a system of fluctuation, wherein this distinction can crystallise as easily as it can dissolve.

9.3.3 *A web of disputes*

The Amadiama court case, which concerned a little plot within the village, proved to be of great value to the people of Elekahia and to the Ikwerre of Port Harcourt more generally. Here was a case where Okrika plaintiffs and defendants testified under oath that they had been settled on the land by the Ikwerre.

On the back of this testimony, and with the initial decision already given by the Port Harcourt High Court, several chiefs and elders of Elekahia initiated a raft of suits against the occupants of newly built homes on the fringes of Amadiama.[13] The area claimed by Elekahia is shown on the map on p. 211 above, which is derived from a plan in the court records.

It needs to be understood that the purpose of the many court cases brought by Elekahia against the Okrika inhabitants of eastern Port Harcourt was not to evict the Okrika and settle the area themselves but simply to extract money—their customary title permitting them to claim damages for trespass. My Okrika interlocutors were generally indifferent towards the Supreme Court judgement which recognized the Elekahia as the 'customary owners' of the land: they would rhetorically ask me if I had come across any Ikwerre in the area.

We might suppose that the people of Elekahia have title to the land and that inhabitants of the Okrika villagers are customary occupants of the land. However, it is wrong to see the Okrika as 'occupants' or 'possessors' and the Ikwerre of Elekahia as 'owners'. The Okrika parties subject to the suits brought by Elekahia were not necessarily the actual occupiers; many of the Okrika 'inhabitants' of Amadiama and the other villages of eastern Port Harcourt were not resident in the area and rented the properties out to tenants.

Additionally, for me, the insouciance of the Okrika villagers with regard to the Ikwerre of Elekahia's 'ownership' of their villages suggests that there are several sorts of ownership. Here I am not simply suggesting we take the

[12] As discussed in chapter seven, it does this by prohibition as well as authorization.
[13] PHC: PHC/92/76, *Akarolo v Koko* (1976); PHC/93/76, *Akarolo v Olunwa* (1976); PHC/94/76, *Akarolo v Amadi* (1976); PHC/95/76, *Akarolo v Koko* (1976); PHC/96/76, *Akarolo v Tubobereni* (1976); PHC/97/76, *Akarolo v Iringe* (1976); PHC/98/76, *Akarolo v Altrade* (1976); PHC/99/76, *Akarolo v Nemi* (1976).

'ownership' of Elekahia as *de jure* and the 'ownership' of the Okrika as *de facto*. The ownership of the Okrika is as legal as that of Elekahia. Let me explain this.

9.4 *Ownership at customary law*

The 1981 Supreme Court judgement recognised Elekahia's title to the disputed land at customary law. Nevertheless, the Okrika remained in control of their villages and continued to collect rent from tenants, build and even sell houses and small plots of land during and after the case. Should such acts on the part of the Okrika be considered illegitimate? I suggest that we ought to consider the 'natives' of the Okrika villages owners of land at unofficial customary law, unofficial customary law being that which exists outside the courts.

It is not just the Okrika who ought to be considered 'owners' according to unofficial customary law. In several Port Harcourt villages, Ikwerre and Okrika, I surveyed and interviewed the occupants of shops and residences in an attempt to discover who lived there and what kind of interest they had in the property. The large majority of people I spoke with were strangers—migrants, or the descendants of migrants, who had come to the city in search of prosperity. In Port Harcourt it is within the Ikwerre and Okrika villages that constitute the city that most migrants make their homes. And whether the village is Ikwerre or Okrika, the 'natives' of these villages extract rents from the strangers.

Among the dozens of persons I spoke with, only a handful of migrants had written rental agreements. The majority paid rent to their landlords according to oral contracts.[14] Even those anthropologists who narrowly define the concept of law must recognise these contracts as 'legal'. The interesting question is: to which system of law do these contracts pertain?

I suggest they ought to be considered under what I refer to as unofficial customary law. Given the vast majority of such agreements are rarely brought before courts it would be inappropriate to consider these agreements as official customary law (as to recognised as a contract according to official customary law they must be brought within the purview of Nigerian law, that is, a dispute must arise which brings the matter before the court). When disputes do arise concerning these oral tenancy contracts they are generally settled locally by arbiters of unofficial customary law—a patrilineage or segment in Ikwerre villages and a war canoe house or one of its sections in Okrika villages. Furthermore, the precarity of the tenancy of strangers and ready money necessary to commence litigation ensures that these oral contracts, and any disputes regarding them, usually remain within the bounds of unofficial customary law.

Yet, such contracts are not necessarily illegal according to Nigerian law. Rather, they are extra-legal and belong to the Ikwerre and Okrika legal systems

[14] The handful that did have written contracts all rented their properties from strangers, who in turn either rented or purchased the property from the 'natives' of the village in which the property lay. Ikwerre and Okrika landlords I spoke with explained that as their title was based on descent written contract were generally treated with suspicion, being the contrivances of strangers whose title to city land could only ever being at English (rather than customary) law.

which operate outside official Nigerian law. It is these legal systems which exist outside the bounds of official law of the state which I refer to as unofficial customary law. That many of the oral contracts resemble official customary law comes down to the familiarity of the aforementioned arbiters with Nigerian law, and that these contracts may become official customary law relates to the permeability of Nigerian law.

Why should the existence of landholdings which operate accoring unofficial customary law matter? They matter because it means that the same land can have multiple 'owners', a fact repugnant to official customary law and Nigerian law more broadly.

9.4.1 *Oral rental agreements: official customary contracts*

The majority of the city's inhabitants rent their dwelling places from Ikwerre or Okrika landlords. Some of these landlords choose to live outside their 'native' village and dwell elsewhere in the city. Amadiama, for example, is a mix of Okrika locals and strangers, the latter renting their accommodation from the former by means of oral contracts described above.

Today, some Okrika dwell outside the village, but nevertheless describe themselves as 'of Amadiama'. Whether resident or absent, the 'natives' of Amadiama who rent property to strangers need to be considered as landlords. This is not an epithet I am imposing on them—it is how they describe themselves and a status which they bear with pride.

The Amadiama landlords speak regularly of their 'ownership' of the particular lands and properties they rent. The existence of this 'ownership', in addition to the ownership of Elekahia (as affirmed by the Supreme Court) and the ownership of the government (under the terms of 1913 Agreement), creates a state of affairs some legal scholars label 'multititular'.[15]

Whether ownership is an actual legal concept in this context, or not, it cannot be denied that it is a demotic one. Far from being an abstruse notion, ownership is a concept understood and spoken of by ordinary Ikwerre and Okrika. The lawyer can dispense with the demotic concepts, the anthropologist cannot. Be that as it may, I believe that ownership in this particular context can in fact be considered legal, even if it technically lies outside of the formal bounds of Nigerian law: its legality, its relation to official Nigerian law, is simply potential. Turning this potentiality into actuality requires the action of history. Let me explain this.

9.5 *The failure to extinguish titles*

The Nigerian courts sort rightful titles from wrongful, preventing those that are wrong from generating further claims. This is the ostensible purpose of the courts, but, as we have seen, they are unable to truly resolve disputes. The role of the courts in Nigeria, at least with regard to land disputes, oftentimes seems not to be to actually offer resolution, but to create delay and incur cost. As such, those with the

[15] Honoré, 'Ownership', 136-39.

wherewithal can frustrate rivals, even if their title is spurious. This is why those who genuinely seek expedient resolution will avoid the courts altogether, preferring for the matter to be settled according to unofficial customary law.

If one of the parties is dissatisfied with such a settlement, they often take the matter to court (i.e. before Nigerian law). This precipitates a deeper conflict than the one which began the matter, because in taking the matter to court they are not only challenging their rivals with regard to the patch of land which they contest, but calling into question the validity of official customary law vis-à-vis unofficial customary law.

The dispute between the two compounds of Amadiama over a small patch of land illustrates this. Even after the Supreme Court affirmed the title of one of the parties the matter is ongoing. I believe that this is because title is derived from the sphere of official customary law *and* the potentially legal sphere of unofficial customary law.

The Supreme Court's failure to extinguish the title of one of the compounds in Amadiama should be compared to the similar failure of the Supreme Court in the matter between Elekahia and Abuloma and, most significantly, the failure of the 1913 Agreement to extinguish Ikwerre and Okrika title to the large tract of land that forms the heart of contemporary Port Harcourt.

Titles to land under unofficial customary law differ in that they can be obtained by means illegal under Nigerian law. For example, violent usurpation is a commonplace method to control and gain 'ownership' of land in Port Harcourt. Yet, such methods should not necessarily be considered illegal.

All titles under unofficial customary law are *potential* titles at official customary law. We have described how official customary law works by selectively appropriating unofficial customary law. This appropriation is selective insofar as that which the law accepts as customary law must not contravene Nigerian law more broadly. Titles acquired by violence therefore pose a problem. They cannot become titles under official customary law, and be recognized by the courts, without being transformed. Such titles must be made historical.

The truly interesting cases are when there has been no occupation at all, whether violent or not—when title reveals itself to be pure history. To further understand what I mean by this it is necessary to describe the relationship between possession and ownership in Nigerian law.

9.6 *Possession and ownership*

English law of ownership rests on two principles: (i) relativity of title and (ii) possession as a source of title.[16] English law is, of course, but one part of Nigerian law, the other being customary law. It is unclear to me whether the first principle applies to customary law. If it does, it may make sense of how the title of Okrika villages of Amadiama can subsist alongside the title of the Ikwerre village of Elekahia.

[16] Rostill, *Possession, Relative Title and Ownership*, 2 and *passim*.

What is certain, however, is that at customary law possession is not a source of title. Customary ownership, under Nigerian law, is based solely upon history. Customary owners need only prove that their ancestors, however remote, occupied the land, whether the claimed act of possession actually happened or not. In determining good from bad title, courts are simply evaluating historical interpretations. Good title is equivalent to true history and bad title to fraudulent history. However, the courts are extraordinarily poor judges of history. In judging history what the courts are really judging are words. The clearest example of this is in the use of oaths.

9.7 *Juju oaths*

The Supreme Court of Nigeria recognises the oath as one of the principal forms of proof. The oaths I am referring to are not the conventional sort, but what Nigerian law refers to as 'juju oaths'.[17]

Juju oath swearing is characterised by invoking the name of a local deity. It is an ancient and widespread practice among the peoples of the Niger Delta and in Nigerian law represents an institution lifted from the domain of unofficial customary law. Formerly, the juju oath was the principal means of administering justice in the region. However, the appropriation is not total. The Nigerian Criminal Code contains a list of 'prohibited jujus', whose names are illegal to invoke.[18]

The old pidgin expression for swearing a juju oath was 'chopping doctor', that is, eating medicine.[19] And Okrika oaths are also something one ingests. The verb 'to swear' is *órúfị́*, literally 'to eat a deity'. In Ikwerre there are several ways of referring to the act of swearing an oath. One way is to say *òdú rísí* (lit. 'to point to the head'). The other, perhaps more common, way to refer to the swearing of a juju oath is *ọ́wụ̀ ọ̀knárnámīnī*. In this expression *ọ̀knárnámīnī* is the general name for a deity, but especially those whose name is suitable to swear upon. *Ọ́wụ̀* means 'to pour', referring to usual form of the act—a libation.[20]

The precise actions followed in juju swearing vary and are normally confidential; most oaths require the swearers to uphold vows of secrecy regarding the procedure. Nevertheless, there are several common features of all juju oaths in the Niger Delta. As swearing an oath is considered to be an act of consumption, food or, more commonly, drink are always used. These are consumed not only by the parties taking the oath but also by the deity upon whose name the oath is sworn.

[17] See A. A. Oba 'Juju oaths in customary law arbitration and their legal validity in Nigerian courts', *Journal of African Law*, 52, 1 (2008), 39-158. On juju oaths in Northen Nigeria see A. H. M. Kirk-Greene, 'On Swearing: an account of some judicial oaths in Northern Nigeria', *Africa*, 25, 1 (1955). For a discussion of oaths and judicial ordeals as broader African phenomena, see E. Tonkin, 'Autonomous Judges: African Ordeals as Dramas of Power', *Ethnos*, 65, 3 (2000)

[18] S. 207(2).

[19] Talbot, *People of Southern Nigeria*, 622-3.

[20] The Ikwerre swear oath upon many things, including the earth (*ẹ̀lị́*) or upon *ọ̀whọ́*. An Ikwerre folktale I was told involved swearing upon the hearthstone (*àgà ọ́kwụ́*). Besides confirming the fact that the act of oath relates to consumption, this story was particularly interesting as it suggested that oaths may be taken without consent or knowledge—in the story a part of hearthstone is secretly added to some soup and all those who consume are deemed to thenceforth be under oath.

The oath itself is a conditional self-curse.[21] The party swearing the juju oath declares something they hold to be true (i.e. the disputed matter which resulted in oath swearing being a necessary remedy), to which a further statement is appended to the effect that if the initial declaration is false, they should be struck down by such-and-such deity. The effect of the oath is usually not immediate. There is a period of time in which the deity will strike down the swearer, after which the substance of the statement is considered to be true and they are free of the oath. The time which oaths are operative depends on the deity whose name is invoked. The most common period is a year, although some deities have operative periods as short as six months.

After the oath has been sworn, but before the operative period has elapsed, the swearer must be circumspect. It is common for those that have sworn an oath to not cut or shave their hair, not to pare their nails and to only consume meals prepared at home for the duration of the operative period. It is feared that bodily leavings may be used to magically induce illness; food prepared by strangers is avoided for the same reason. Any illness contracted during the operative period will usually be taken as a sign of having perjured. Death is considered definitive evidence.

If the swearer survives the operative period without illness, their innocence and truthfulness is acclaimed. Among the Ikwerre, for whom oath swearing remains a regular way of settling disputes, a celebration known as *ónwù nzùgbárá* is held as means of publicly disseminating the fact that one is free of an oath and, by extension, a speaker of truth.

9.7.1 *Juju oaths at unofficial customary law*

The Niger Delta is a place of incredible linguistic and ethnic diversity. Amongst this diversity, the oath is a shared institution. Before the arrival of the British, the oath was the region's judicial institution par excellence. Part of the reason behind the ubiquity of the oath is down to the manner of the practice. Oaths are almost never sworn upon the names of deities whose shrines are within the village or locality of the disputants. When I asked about why this was so, I was always met with the same frank response: gods and their priests can be corrupted and so it is necessary to travel to deities that are based in different villages, the more remote the better. If travel to the shrine of a foreign deity is impossible, then the priest of the deity may travel with a token of that deity which disputants can then swear upon.

Even today there is a lively movement of people to various shrines around the region to settle disputes.[22] Indeed, the livelihoods of priests and their attendants depend upon this oath swearing trade. The swearing of oaths is expensive: priests and the deities themselves, like lawyers, have large fees.

[21] See H. Silving, 'The Oath', *The Yale Law Journal*, 68, 7 (1959).
[22] The Ikwerre still travel to Okrika to obtain the token (*ọ̀whọ́*) of a god (*ọ̀knárnámīnī*) to carry back to their own community to swear upon.

It is possible to swear oaths upon the names of most deities but some are considered more potent than others. There is also the matter of expediency to consider. I have mentioned that some deities offer operative periods of six months. Usually the most potent and the expedient deities have the highest fees. The thunder god, Amadiohna, whose chief shrine is located at Ozuzu, thirty miles to the north of Port Harcourt, is generally considered to be one the region's most powerful deities and is in high demand as a result.

In former times the Long Juju of Arochukwu, mentioned in chapter one, was the most powerful. In effect, it operated as the region's precolonial supreme court. Aro agents domiciled in the villages of the region would help disputants travel to Arochukwu if their dispute was of the gravity to merit it. These same Aro agents also offered oath swearing services themselves to settle petty disputes there and then by swearing upon the spears (*àrụ́*) they traditionally carried, which gave them their name and were symbols of the god at Arochukwu.[23]

Although the supremacy of the Long Juju of Arochukwu has ceased, the practice of resorting to more powerful deities after unsatisfactory oath swearing on a lesser deity remains the norm. In this way such deities operate as appeal courts.

9.7.2 *Juju oaths at official customary law*

Most of these oaths have nothing to do with Nigerian law. The disputants settle their differences without ever visiting an official court or contracting the services of a lawyer. Consequently, the justice these oaths realise is to be identified as unofficial customary law. The Ikwerre of Akpor continue to settle most of their grievances with this institution, although a great deal of consternation was caused while I was visiting due to the fact one of the groups involved in a tussle over the right to select a village's *nyénwé àlị* had resorted to the Port Harcourt High Court, rather than oath swearing—this was widely considered an unforgivable break with tradition (*òménụ̀àlị*).

The oath swearing that is brought within the purview of the official courts of the Nigerian state immediately becomes official customary law. Sometimes this appropriation is retroactive. The oath swearing may already have occurred and is simply reported to the courts. A judge may then affirm or challenge the validity of the oath.

Sometimes the official courts order juju oaths to be taken. Looking through the records of Native Courts, I was struck by how the vast majority of cases were settled by ordering one of the parties to 'swear juju'. The party which was not to swear was ordered to 'produce the juju' for the other—i.e. secure the services of a priest and either get him or her to carry a token of the deity they worship to the other party to swear upon or to pay the costs of the party which is to swear to travel

[23] I have mentioned how the Aro were the premier slave dealers of the Niger Delta. The slaves the Aro dealt were acquired not by war or violent capture but as a byproduct of the oath swearing trade: guilty parties being 'eaten' by the Long Juju.

to the deity's shrine.[24] Oath swearing continues to be used by Customary Courts, the contemporary successors to the Native Courts, as one the principal means of administering justice.

Rather than relying on the interpretation of various testimonies on history, the ordeal of the juju oath presents the more reliable, and less personal, method of producing a judgement.

9.8 *Conclusion*: *truth and history*

The purpose of the oath is to establish the truth of something that happened in the past, but this truth is only revealed in the future. Oaths therefore join past and future; the act of joining, of connecting, is at the heart of what the oath does.

The oath needs to be separated from the speech act to which it is appended. The oath prefaces or concludes a statement, declaration or pact. Its function lies not to affirm truth per se, but to institute a connection between certain words and certain things.[25] The oath serves to renew these bonds which fray with time.

Much more could be said about the institution of the oath. Here I shall limit my discussion to how the oath pertains to land disputes. I have already said the essence of ownership is history. What distinguishes ownership from mere possession is that ownership endures despite the absence of its referent. Of course, the idea of ownership presupposes some act of possession, yet this original act of possession is irretrievable—it is a purely historical fact and whether it actually occurred matters not. That the oath is the principal way disputes over land ownership are resolved points to my contention that ownership is essentially historical.

The oath reveals the weakness of language itself; namely, the ability of words to remain connected to their referents. The signifier and the signified become disconnected and the oath serves to re-establish the connection. In studying the land disputes that collectively constitute the Port Harcourt Question I realised that many are in fact disputes over language. One party alleges that a patch of land is called X and belongs to them, and the other party claims the land is called Y and belongs to them. Who is to say what the true name of a place is? The oath serves as a means, albeit a temporary one because language has a natural entropy, to answer such questions.

When we realise that words are our only means of accessing the past, that history without language is impossible, we can see why toponyms are so contentious in Port Harcourt. And when we realise that the connection between words and the world is not definitively fixed, we can see why the Port Harcourt Question goes on being asked.

[24] Some juju oaths ordered by courts or otherwise never reach the actual swearing phase—the party ordered to swear backs down in fear incurring the wroth of the deity for speaking falsely.
[25] Cf. G. Agamben, *The Sacrament of Language* (2017), 303.

10

CONCLUSION: THE MAKING OF HISTORY

10.1 *The Ikwerre and the Okrika of Port Harcourt*

The development of Port Harcourt has changed much. The lives and landscapes familiar to the Ikwerre and the Okrika five or six generations ago are gone. However, where there has been change there has also been continuity. We must remember that change is only possible and made intelligible by its assimilation into, and apprehension through, existing structures.

My efforts to describe these structures should not be taken as antiquarian. They were not to peel back the modern layers of the city to reveal a pre-colonial, pre-urban epoch. The city described is contemporary, it is the city as seen and inhabited by the Ikwerre and the Okrika today. Their city does not lie underground, in a previous stratigraphic phase. It is when Port Harcourt is considered purely as a city of strangers, a place held to be non-traditional and without history, that we overlook the city of the Ikwerre and the Okrika.

Of course, Port Harcourt *is* a city of strangers insofar as it is a city populated by migrants from all over Nigeria and beyond. This fact is as true today as it was when the city was founded. But it *is not* a city of strangers insofar as it is not a city built on virgin land, it was not raised from nothing and its residents are not all sojourners. The 1913 Agreement is testament to the fact that the land of the city was not only inhabited but already imbued with meanings and value. There was, and still is, tradition and history.

10.2 *Ownership and history*

The Ikwerre and the Okrika have turned the dual system of Nigerian land law to their benefit. They are assumed to own land under official customary law, and as such, their ownership can be defended in the courts. This kind of ownership cannot be usurped by loss of possession. The basis of ownership under customary law is history—rights of ownership belong to the descendants of the earliest possessor, the first comer. It is this which leads to the persistence of the oral over the written. The earliest period of possession belongs, according to the logic of the courts, to oral history, the phase which predates the arrival of the British and the written word.

Yet this same logic also creates conflicts, or at least prevents them being easily resolved, for official customary law, whose procedure is rooted in the written

word, is poorly equipped to interrogate and evaluate competing oral accounts. One recourse the courts have in such situations is the swearing of juju oaths, but on the basis of anecdotal information, litigants are increasingly reluctant to swear these oaths. In cases, then, where juju oaths are not sworn, litigation serves more as a means of dispute perpetuation than resolution.[1] This is why litigation can rumble on for decades and why the Port Harcourt Question, a metonym for the concatenation of land disputes in the city, remains unresolved.

The courts are also imperfect in distinguishing customary law from English law, particularly when it comes to land tenure. The ambivalence of this dual system and the fact that land owned under customary law can be converted to English tenure creates the situation in which the Ikwerre and the Okrika are free to occasionally sell land to companies (who cannot own land at customary law) or especially wealthy strangers and maintain their status as customary landlords of impecunious strangers, who constitute the vast majority of Port Harcourt's population. Where the land has lost its agricultural fertility, it has gained it financially.

It needs to be emphasised that where the conversion of customary to English ownership has occurred, when land has been sold to a company for instance, the conversion is never fully complete. This fact, in combination with the law recognising that land held at English law may revert to customary tenure and that the two forms of tenure may subsist in the same piece of land, creates legal and tenurial ambiguity. This ambiguity is to the advantage of the Ikwerre and the Okrika vis-à-vis strangers, be they companies or individuals. Because so many persons possess rights to land under customary law (whether by being part of an Ikwerre patrilineage or an Okrika war canoe house) it is almost impossible to definitively confirm whether all those possessing rights have consented to a sale and the concomitant conversion of tenure. This means that almost every contract involving land in the city is open to legal challenge. Moreover, the historical substance of customary tenure permits the invention and multiplication of legal claims made to any particular plot of land. In Port Harcourt, no land is definitively sold and no tenurial conversion is ever truly completed.

While this state of affairs benefits the Ikwerre and the Okrika vis-à-vis strangers, amongst themselves it amplifies competition to land rights and the wealth that such rights generate. Much of this competition for land rights ostensibly occurs in the sphere of kinship. That being said, land disputes should not be reduced to kinship relations, nor should kinship relations be reduced to property rights, especially with regard to land.[2] Kinship disputes, whether they are about if someone is, or is not, descended from an enslaved person, or whether they are about what sort of marriage one's ancestors contracted, are, like the title disputes that occur in courts, essentially historical; they pertain to events that can no longer be

[1] Holston, 'The Misrule of Law', describes how the law can be subverted to become a system for creating and exacerbating conflicts rather than a system for conflict resolution and administration of justice.

[2] Cf. Godelier, *Metamorphoses of Kinship*, 16-22.

apprehended other than as historical facts. My thesis is that the substance of ownership is history, which is to say ownership depends on knowledge of the past. This knowledge is never beyond reproach; it can, of course, be disputed in law courts and in the sphere of kinship. There are limits, however. There exist certain basic historical facts which one cannot easily challenge. For instance, one cannot deny that the Ikwerre and the Okrika are the landlords of the city.

This speaks to another element of the Port Harcourt Question. Owning the land of the city is not merely about financial gain; at stake are the very ideas of what it means to be Ikwerre and Okrika. Every resident of Port Harcourt knows that the Ikwerre and the Okrika are the landlords of the city. To own land, or to claim to own land, in Port Harcourt is to claim to be Ikwerre or Okrika. And to be Ikwerre or Okrika is to belong to a patrilineage or a war canoe house, respectively. This belonging, as I have shown in chapters five and six, depends on descent, on past genealogical facts. In other words, it depends on history. Belonging in this context is not simply a given, rather it is a matter of degree and the precise degree is contested.

The Ikwerre and the Okrika are the landlords of Port Harcourt, but they are not themselves static entities. The scholarship on ethnogenesis in African societies illustrates two central facts: (1) ethnic groups endure in time but they are not static, which is to say that ethnogenesis is never complete; (2) the essence of ethnic groups, their constitutive substance, is history.[3] As a result, what it means to be Ikwerre or Okrika is historical: both identities are based *on* history and both change *with* history.

History, as I conceive it, cannot be reduced to either change or continuity. It is, rather, the balance between the two. This balance was the reference of Claude Lévi-Strauss when he distinguished 'cold societies' from 'hot societies'.[4] It is frequently misunderstood that Lévi-Strauss, by making this distinction, was suggesting that there were societies with history and societies without. He later clarified what he actually meant: all societies have history, it is simply that their relationship with change is different: cold societies tend towards continuity (synchrony) and hot societies tend towards change (diachrony). History refers to the opposition between synchrony and diachrony and how societies approach this dialectic.[5]

I began this thesis by mentioning the work of anthropologists like Marshall Sahlins and John Peel who have thought a great deal about how societies process and assimilate change according to their culture, and yet, at the same time, how societies and their cultures do, nevertheless, change. When Sahlins pithily

[3] Peel, 'The Cultural Work of Yoruba Ethnogenesis' and Fardon, 'African Ethnogenesis: Limits to the Comparability of Ethnic Phenomena'.

[4] He first mentioned this distinction in an interview; S. Palmié and C. Stewart, 'For an Anthropology of History', *Hau*, 6, 1 (2016): 211.

[5] This is the argument made by Agamben, *Infancy and History* (1993), chap. 3, who was a student of Lévi-Strauss.

concluded: 'no history, then, without culture',[6] he seems at first to be saying that there is no change without continuity. More precisely, he is suggesting that change *and* continuity are constitutive of history. Anthropology distinguished itself from history by focusing on cultural forms and societal structures, a focus which perpetuated a style of writing known as the 'ethnographic present'. The presentism in anthropology, and historical scholarship's attention to change, created a stereotype of the two disciplines: the former was concerned with structure (and therefore continuity) and the latter with change. The work of Sahlins, Peel and others demonstrates that this stereotype is wrong: anthropology is about continuity *and* change. History should not be considered a shorthand for change, but rather a concept that refers to the way societies balance continuity and change, or structure and conjuncture as Sahlins would put it. It is this balance, and the ways different societies strike it differently, that Lévi-Strauss' notions of hot and cold speak to.

What I suggest allows history to straddle synchrony and diachrony is its potentiality. Knowledge of the past, of history, is a faculty which is the *potential* to know. An architect is a person with the faculty to design houses just as a poet is a person with the faculty to write poems; these persons are not defined by actually building houses or writing poems, but by their faculty to do so, in other words, their potentiality.[7]

In Port Harcourt, knowledge of the past is potent precisely because it is potential. As I discuss below, this faculty is not controlled by a particular class of specialists, but by all, albeit to different degrees. Let us first consider the idea of history as a kind of knowledge.

10.3 *History as wealth-in-knowledge*

A classic distinction, made by anthropologists specialising in Equatorial and West Africa, is the one between wealth-in-things and wealth-in-persons. These notions seek to help understand the difference one observes in wealth accumulation in African societies compared to societies in the West. A Western magnate gains wealth and influence from wealth-in-things, principally land and money. By contrast, his African counterpart accumulates wealth by gaining wealth-in-persons: he accumulates wives, children and dependents at the expense of things like gold and land.[8]

The complement to the notions of wealth-in-things and wealth-in-persons is the distinction between rights-in-things and rights-in-persons, a distinction which has its roots in Roman law. In the interstice between these two pairs of concepts is the figure of the slave. To own a slave is to have wealth in a person and a thing, to be the master of a slave is to have rights in a person and a thing.

The classic definition of the slave is a person who is property, in other words, a person who is owned. By this definition, property as a relation between

[6] Sahlins, *Apologies to Thucydides*, 292.
[7] These are the examples Agamben, *Potentialities*, 179-181, uses in his discussion of faculty and potentiality based on his reading of Aristotle.
[8] See J. Guyer 'Wealth in people, wealth in things', *Journal of African History*, 36 (1995).

persons with respect to a thing is logically prior; slavery is the extension of the relationship from a thing to a person. The problem with this classic way of defining the slave is that it defers the concept of property and ownership. Miers and Kopytoff, in their influential work on African forms of slavery, acknowledge this problem, but nonetheless abide by the classic definition. They follow the received understanding of ownership and consider slavery a 'bundle of rights' and speak of 'rights-in-things-and-persons' in relation to this institution.[9]

Rather than use the figure of the slave to defer the question of ownership and property, we might use the figure of the slave to interrogate these related notions. One way to do this is to stop treating the slave as a person who is property and instead consider property as a thing treated like a slave.

Thorstein Veblen, the great theorist of consumption and leisure, believes that the earliest form of ownership is slavery. He argues that ownership emerged initially as a set of rights over persons, rather than over objects, because a person and their labour cannot be easily and immediately shared. It is possible for a society practising a Woodburnian immediate-return system to engage in warfare—loot can be distributed immediately. But as soon as some of the booty are living persons, and these captives are kept, the immediate-return system disintegrates and a delayed-return system emerges. Societies that practice delayed-return systems are those in which rights, whether in things or persons, endure for long periods, even in the absence of the thing to which they pertain.[10]

In the past, the institution of slavery loomed large in Ikwerre and Okrika society. Among contemporary Ikwerre and Okrika, slavery is of course no longer practised. Land has taken the place of enslaved persons as the most valued commodity. We might suppose that there has been a shift from valuing wealth-in-persons (slaves) to valuing wealth-in-things (land). This is a transformation that has been posited to have occurred in much of modern Africa.[11]

I suggest that we should reject the widely held thesis that posits that rights-in-things have replaced rights-in-persons in significance in many African settings, especially cities, which are conceived to be the engines of modernisation. We should also reject the recondite Veblenian thesis that rights-in-things derive from rights-in-persons.

The development of Port Harcourt is not the story of a shift from an emphasis on rights- and wealth-in-persons to rights- and wealth-in-things. In examining one particular thing, namely land, we see that rights to it still depend on

[9] Miers and Kopytoff, 'African "Slavery"'.

[10] T. B. Veblen, 'The Beginnings of Ownership', *American Journal of Sociology*, 4, 3 (1898).

[11] J. Iliffe, *The African Poor* (1987), chap. 1; M. Chanock, 'A Peculiar Sharpness: An Essay on Property in the History of Customary Law in Colonial Africa', *Journal of African History*, 32 (1991); J. Goody, 'Land Tenure and Feudalism in Africa', in Z. A. and J. M. Konczaki (eds.), *An Economic History of Tropical Africa* (1977). The conventional thesis is that African societies are land rich and labour poor and that they consequently value rights-in-persons more than rights-in-things (like land). Modernisation and urbanisation, which puts pressure on land resources, are posited to have caused a transformation whereby rights-in-things have become more significant that rights-in-persons.

persons. The converse is true: in the decades and centuries before the development of Port Harcourt, rights-in-persons were acquired by gaining rights-in-things: gunpowder, firearms, manillas, palm oil, etc. These facts dissolve the utility of the analytical distinction between rights/wealth-in-persons and rights/wealth-in-things.

I think we might instead consider wealth-in-knowledge, a concept which encompasses both things and persons.[12] My purpose has been to show how one particular kind of knowledge, knowledge of the past, is used by the Ikwerre and the Okrika to gain and manipulate rights in land. Of course, knowledge of the past is used for more than just claiming and disputing land rights. One of the uses of this knowledge of the past, of history, is the construction of ethnic identity.

10.4 *Who makes the past?*

Who makes use of this knowledge of the past? Historical knowledge is not, of course, evenly spread. Some persons have greater access to this wealth than others. Nevertheless, what struck me in the course of my research is that all Ikwerre and Okrika persons I spoke with took not only an interest in the Port Harcourt Question, and therefore history, but had an opinion on it. In trying to learn about the histories of the villages of Port Harcourt I was naturally led to persons deemed to be endowed with especial knowledge of the past, usually village elders and chiefs. Given that the people I spoke with were generally men who were middle aged or older, we might assume that it is senior men who control and have the greatest access to knowledge of the past.

My experiences challenge this assumption, however. In order to try to counteract the skew caused by collecting ethnographic data from such persons, I always tried to speak with young persons, both men and women, whenever I got the chance.

Some young persons I met had extraordinarily extensive historical knowledge of their families, villages and Port Harcourt more generally. One such example was a man in his twenties from Amadiama called Community. He acquired this nickname as he is a kind of living phone book: he knows the name of everyone in the village, both living and dead. He became my guide and my friend and aided me when I visited Amadiama as well as accompanying me on trips to the surrounding Okrika villages of Port Harcourt.

African societies are frequently typified as gerontocracies, societies which are ruled by elders, whose rule, in turn, is usually said to be based upon their control of knowledge.[13] In Port Harcourt, among the Ikwerre and the Okrika, it is certainly true that elders are respected and that they possess a certain amount of authority. However, it would be wrong to say that they monopolise knowledge of the past. History in Port Harcourt is not made (and disputed) by a coterie of elders. This is

[12] On this idea see J. Guyer and S. M. Eno-Belinga, 'Wealth in Persons as Wealth in Knowledge', *Journal of African History*, 36 (1995).
[13] See, for example, W. P. Murphy, 'Secret Knowledge as Property and Power in Kpelle Society' (1980).

not to say that all have an equal share in the wealth-in-knowledge of the past, it is rather to say that all have rights-in-knowledge of the past.

Elders are nevertheless considered to be those persons endowed with more knowledge of the past than youths. It is, of course, to be expected that those who have lived longer acquire more knowledge. But being an elder among the Ikwerre and the Okrika, as in many African societies, is not merely a matter of age. As I have already described above, it is not uncommon for Ikwerre and Okrika youths to be persons we would identify as middle aged. Certain criteria beyond age must be met for a person to be considered an elder. The most notable criterion is marriage.

Sometimes, however, abundant wealth-in-knowledge is sufficient to promote one to the status of elder where criteria, like age and marriage, are absent. Soon after I left Port Harcourt, my friend Community informed me that the chief of his war canoe house had died and that he had been selected as the next chief. This news initially surprised me as I had learnt that to be a chief of war canoe house one must be an elder; my friend was an unmarried youth in his twenties. The reason for his selection, he informed me, was his prodigious knowledge. This speaks to the importance of this quality beyond others: his youthful years can be overlooked and his unmarried status can be rectified (his war canoe house has agreed to raise funds so that he can pay his girlfriend's bride price and be married before his installation as chief). Knowledge of the past may not be controlled exclusively by elders, but, as this case shows, substantial bearers of this knowledge tend to structurally become elders.

10.5 *Ownership reconsidered*

Ownership as conceptualised by English law depends on possession.[14] I have tried to show that this possession is historical rather than actual. The difference is that when possession is a historical fact, it remains potential, its actuality or non-actuality remains irretrievable. It only ever may have happened.

One of the best definitions of ownership was that propounded by Pospíšil, who was both a trained lawyer and anthropologist. He considers ownership as a relation

> with regard to some subject matter, which is typified by the tendency of an automatic increase of rights on the part of the owner at times when those rights cease to be exercised by other individuals. Thus, for example, the owner of the land is identified by an automatic gain of the right to cultivate a plot of land when the individual who made a garden on it ceases to use it. An owner of a house would be a man who gains, automatically, the right to use it exclusively after his brother, who had the right of residence, moves away.[15]

[14] See Rostill, *Possession, Relative Title and Ownership*.
[15] L. Pospíšil, *Kapakau Papuans and Their Law* (1964), 176-7.

Although he does not state it explicitly, Pospíšil's idea of ownership is temporal. Ownership are rights which have duration and continue to persist in the absence of the thing to which they pertain. The rights of ownership are residuary, they activate when the actual possessor of the thing owned loses possession. The difference between ownership and possession is absence, which is paradoxically present in ownership but not in possession.

Ownership is routinely understood as possession ripened by time. Yet there are plenty of examples where even the longest periods of possession do not develop into ownership—think of a thousand-year lease, for example. The provision in English law which stipulates that long possession transforms into ownership is the formalisation of a process that would occur naturally and benefits the functioning of the law by avoiding excess litigation. That no such provision exists at customary law is why the Port Harcourt Question goes on being asked and will never really be answered.

Just as there are examples where possession does not ripen into ownership, there are examples where ownership emerges without actual possession. Ownership might be seen as the ghost of some original act of possession. This phantom first comer may have actually existed, but equally they may be utter invention.

10.6 *The Port Harcourt Question and the making of history*

Berry, in the conclusion to her collection of essays about land rights in Kumase, Ghana, suggests that ownership ought to be considered a process, something 'continually in the making'.[16] What this means in fact is that the histories which, as she demonstrates, underlie ownership or claims to property must be recurrently forged. Other scholars have proved this to be the case elsewhere in Africa and beyond.[17]

It is clear that ownership in Port Harcourt is grounded in history. This point is, I believe, uncontroversial. What is unusual is my insistence that ownership ought to be linked to absence, rather than possession, as is ordinarily the case. When I say this, I do not mean that history, upon which ownership is based, is insubstantial, or merely an invented 'mythical charter' in the sense of Malinowski. Rather, I mean that ownership is absent in that history is potential.

In the first chapter I mentioned the work of Peel, who spent much time considering the role of history in societies. One of the trickiest questions he poses is why, in most places, present rights and relationships are justified in terms of the past?[18] In the case of Port Harcourt, it is evident that contemporary ownership of land is legitimized by history. The Port Harcourt Question also shows that history can be used to challenge present relationships. As such, history can be used to legitimate the order of things but also to legitimate transformations. History, then, can be used in the present to legitimate continuity and change.

[16] Berry, *Chiefs Know Their Boundaries*, 199.
[17] E.g., Lentz, *Land, Mobility and Belonging*.
[18] Peel, 'Making History', 112.

Peel believes that the relationship between the past and the present is reciprocal.[19] That is to say, these temporal entities create one another. Yet, it is important to realise that this mutual conditioning is not symmetrical: whereas the past provides its own justification, the present cannot justify itself fully, it needs the past to legitimate it.[20] What causes this imbalance? What underlies the difference between the past and the present? The difference, for me, is that the past is absent, while the present is, of course, present. This is just a way of saying that the past is potential and the present is actual.

10.7 *The repetition of history*

In the first chapter I wrote a little about the relationship between anthropology and history. Let us end by describing how the Port Harcourt Question turns our attention to this relationship.

To say that history and anthropology are similar pursuits is to court no controversy. Their aims are broadly the same: 'to represent the way of life of society other than their own'.[21] Their methods are also broadly the same: anthropologists and historians rely on documents and records of past events. The critic will note that most anthropologists conduct extensive fieldwork where they observe the phenomena they describe: the reply to this is that such ethnographic observations become historical as soon as they are written—the anthropologist (as opposed to the ethnographer), then, is identical to the historian because their representation of human society is derived from historical documents.[22]

If the methods and aims of anthropologists and historians are broadly similar, what, then, is the difference between the two disciplines? For Lévi-Strauss, the difference has to do with orientation or perspective: anthropology is directed towards the unconscious—anthropologists endeavour to go beyond the face value of the statements of their interlocutors; whereas history considers 'conscious expressions of social life'.[23] Here Evans-Pritchard, who also spent considerable time reflecting on the relationship between history and anthropology, concurs with Lévi-Strauss.[24] I find this distinction unsatisfactory.

My dissenting view came about by studying the Port Harcourt Question. The Port Harcourt Question, as I have repeated throughout, is an issue of history: ostensibly a dispute over land rights, the Port Harcourt Question is, at root, a dispute over different interpretations of the past. Yet, in my efforts to elucidate the fundamental nature of this contemporary phenomenon, it became necessary to present my own interpretation of the past. To truly understand the Port Harcourt Question, I could not just content myself with Ikwerre and Okrika representations of the past and study this ethnohistory as a fact of the present; to understand how,

[19] Ibid., 113-114.
[20] See Valeri, *Rituals and Annals*, 124-125.
[21] J. Pitt-Rivers 'Anthropology and History' (1963), 254; C. Lévi-Strauss, *Structural Anthropology* (1968), 16.
[22] Evans-Pritchard, *Anthropology and History*, 4-5.
[23] Lévi-Strauss, *Structural Anthropology*, 18.
[24] Evans-Pritchard, *Anthropology and History*, 21.

synchronically speaking, the root or essence of the Port Harcourt Question is history, it became necessary consider to its (diachronic) roots or origins.

An examination of the Port Harcourt Question is an examination of Ikwerre and Okrika presentations of the history of the city but it is also, out of necessity, an interpretation of the history of Port Harcourt.

There is therefore, on the one hand, history as an ethnographic thing to be described and analysed. Then, on the other, my own history, whose presentation was necessary before I could properly interpret and understand the histories of the Ikwerre and the Okrika. It is the latter sort of history which I focus on here and which Lévi-Strauss refers to when he says that the orientations of the work of anthropologists and historians are different.[25] He stated that the difference between these two disciplines was that anthropology studies people spread in space whereas history studies people spread in time. My object has been space itself, *land*—that substrate upon which humans live and upon which they depend—and how it gains meaning. We have seen, in this particular context, how land derives its meaning from the past, from history. In this way, the study of space becomes the study of time. A problem which began as an anthropological one—to understand contemporary disputes over land in the city, became historical. In writing the history of Port Harcourt, or at least a part of it, I have considered the 'conscious expressions' of the Ikwerre and the Okrika, as the good historian must, but I have also, as the anthropologist must, considered the unconscious and unarticulated ideas and notions.

I do not pretend that this thoroughly historical anthropology (or anthropological history?) is anything new. Anthropologists such as Sahlins and Peel, whom we have discussed, have written venerable works of this sort. But these great scholars are shy about mentioning something that the study of the Port Harcourt Question points to: 'anthropology will have the choice between being history and being nothing'.[26] This statement, written by the legal historian F. W. Maitland over a century ago, has been periodically discussed by anthropologists.[27] And yet, while to remark that history and anthropology are 'inseparable' is trite,[28] to affirm that anthropology is history—and vice versa—is to still shock. I think this view, as with history itself, ought to be repeated.

[25] M. E. Harkin, 'Lévi-Strauss and History' (2009), 40-1.
[26] F. W. Maitland, 'The Body Politic' (1911), 295.
[27] Evans-Pritchard, *Anthropology and History*, Harkin, 'Lévi-Strauss and History', 57; B. S. Cohn, 'Toward a Rapprochement' (1981).
[28] Lévi-Strauss, *Structural Anthropology*, 23.

APPENDICES

APPENDIX 1:

THE 1913 AGREEMENT

AGREEMENT made the eighteenth day of May in the year of our Lord one thousand nine hundred and thirteen between CHIEFS and HEADMEN set out in the Schedule to this Agreement (and all others set out therein) for and on behalf of themselves and their people, and ALEXANDER GEORGE BOYLE, Companion of the Most Distinguished Order of Saint Michael and Saint George, Deputy Governor of the Colony and Protectorate of Southern Nigeria for and on behalf of His Majesty the King.

The District of Degema in the Colony and Protectorate of Southern Nigeria is part of His Majesty's Dominions. Certain land is required therein for the Services of the Colony and Protectorate as follows:—All that piece or parcel of land bounded on the south by the waterway known as Primrose Creek or Bonny River for a distance of three and a half miles more or less, on the west for a distance of five and half miles more or less by the waterway known as Primrose Creek or Bonny River, thence in a northerly direction for a distance of one mile eight hundred yards more or less by the west bank of the creek known as the Ilechi Creek, following the bends of the said Creek, to a Boundary Post marked "A" at Ilechi Waterside, thence for a distance of one mile one thousand and seventy-three yards due north to a Boundary Post marked "B," on the north by a straight line measuring approximately five miles more or less from the Boundary Post marked "B" to in a direction due east to a Boundary Post marked "C" on the creek known as Woji Creek, on the east by the said Woji Creek for a distance approximately of one and half miles more or less, thence by the waterway known as Okrika Creek for a distance of six and a half miles more or less to the southern boundary referred to above, containing in all an area of twenty-five square miles more or less, and which is more or less accurately set out and described on the plan attached to this agreement and coloured in pink, AND there are many native occupiers on the land so required and as it is just and expedient that all such native occupiers should be paid compensation for their right title and interest upon the land so required, WE the Chiefs and Headmen and others in the Schedule attached to this Agreement do agree in consideration of the payment and sum of money set out against our several names in the Schedule on behalf of ourselves and our people to grant and sell unto the said Alexander George Boyle, Companion of the Most Distinguished Order of Saint Michael and Saint George, Deputy Governor of the Colony and Protectorate of Southern Nigeria, all the right title and interest to which we and our people are entitled by native law and custom in the said land, AND WE FURTHER AGREE that should any person or persons dispute our sole right to the disposal of all interests in the said land any claims they make shall be met and settled by us, who by the acceptance of the monies set out in the Schedule attached hereto and hereby declare ourselves to be at the date of this

Agreement the sole possessors of all interests in the said land and agree to hold ourselves solely responsible for all claims which may hereafter be made in respect of it.

(*Diobu*)

Chief Wobo His X mark
Chief Ejubuwan His X mark
Chief Aluku His X mark
Chief Wokekoro His X mark
Chief Atakos His X mark
Headman Ajoko Amadi His X mark
Headman Chinwa His X mark

Witnesses

Before us

(Sgd.) HARGROVE
District Commissioner

Chief Marian Braid of Bakana His X mark
Chief Lulu Will Braid of Bakana His X mark
Chief Bagshaw Yellow His X mark
Chief Wm. Davies Braid (Sgd.)

(Sgd.) Paul Ogudire
A.C.C.
Omokoroshi

And I certify that the above Agreement was correctly read over and interpreted by me to Chiefs Wobo, Ejubuwan, Aluku, Wokekoro, Atakos and Headmen Ajoko Amadi and Chinwa, all of Diobu, who appeared to clearly understand the same and made their marks thereto in my presence and in the presence of Chiefs Marian Braid, Lulu Will Braid and Bagshaw Yellow, whose marks I hereby witness, and Chief William Davies Braid and Paul Ogudire, Assistant Native Court Clerk, and Hargrove, District Commissioner.

(Sgd.) G. A. Yellow
District Interpreter,
Degema

(*Omo Eme*)

Chief Chima of Omo Eme His X mark

Chief Otu Inya of Omo Eme His X mark
Chief Amadi of Omo Eme His X mark
Chief Amadi Baluku of Omo Eme His X mark
Chief Woke of Omo Eme His X mark

Witnesses
Before us
(Sgd.) R. H. W. HUGHES
Commander "Ivy"

(Sgd.) HARGROVE
D. C.

And I certify that the above Agreement was correctly read over and interpreted by me to Chiefs Chima, Otu Inya, Amadi, Amadi Baluku and Woke, all of Omo Eme, who appeared to clearly understand the same and made their marks thereto in my presence and in the presence of Commander R. H. W. Hughes of the Government Yacht "IVY" and Hargrove, District Commissioner.

(Sgd.) G. A. Yellow
District Interpreter,
Degema

(*Omo Amassi*)
Chief Adele of Omo Amassi His X mark
Chief Walu Amadukwe of Omo Amassi His X mark

(*Omobiakpan*)
Chief Ejerimele of Omobiakpan His X mark
Chief Onyegorum His X mark
Chief Ojoko His X mark

(*Oguniba*)
Chief Ngawa of Oguniba His X mark
Chief Amadi of Oguniba His X mark
Chief Dike of Oguniba His X mark

And I certify that the above Agreement was correctly read over and interpreted by me to Chiefs Adele and Walu Amadukwe of Omo Amassi, Chiefs Ejerimele, Onyegorum and Ojoko of Omobiakpan, and Chiefs Ngawa, Amadi and Dike of Oguniba, who appeared to clearly understand the same and made their marks thereto in my presence and in the presence of David Tyson, Chief Engineer of the Government Yacht "IVY" and Hargrove, District Commissioner.

(Sgd.) G. A. Yellow
District Interpreter,
Degema

(*Okrika Lands & Villages*)

Chief Daniel Kalio	(Sgd.)
Chief David Aluwa Koko	His X mark
Chief Okorio Okujagu	His X mark
Chief Fyenemika	His X mark
Chief Amiejubodiema	His X mark
Chief Okuru	His X mark
Chief Okpo	His X mark
Chief Orieki	His X mark
Chief Kurosiediema	His X mark
Chief Idango	His X mark
Chief Sowarunim	His X mark
Chief Amengo	His X mark
Chief Biotari	His X mark
Chief Toipirima	His X mark
Chief Iyoyo	His X mark
Chief Igbisikalama	His X mark
Chief Fimia	His X mark
Chief Eresofiari	His X mark

Witnesses
Before us
(Sgd.) HARGROVE
District Commissioner

(Sgd.) E.S. OGANG
C.N.C. Okrika

And I certify that the above Agreement was correctly read over and interpreted by me to Chiefs Daniel Kalio, David Aluwa Koko, Okorio Okujagu, Fyenemika, Amiejubodiema, Okuru, Okpo, Orieki, Kurosiediema, Idango, Sowarunim, Amengo, Biotari, Toipirima, Iyoyo, Igbisikalama, Fimia and Eresofiari, who appeared to clearly understand the same and made their marks thereto in my presence and in the presence Hargrove, District Commissioner and Ephraim Stephen Ogang, Clerk to the Okrika Native Council.

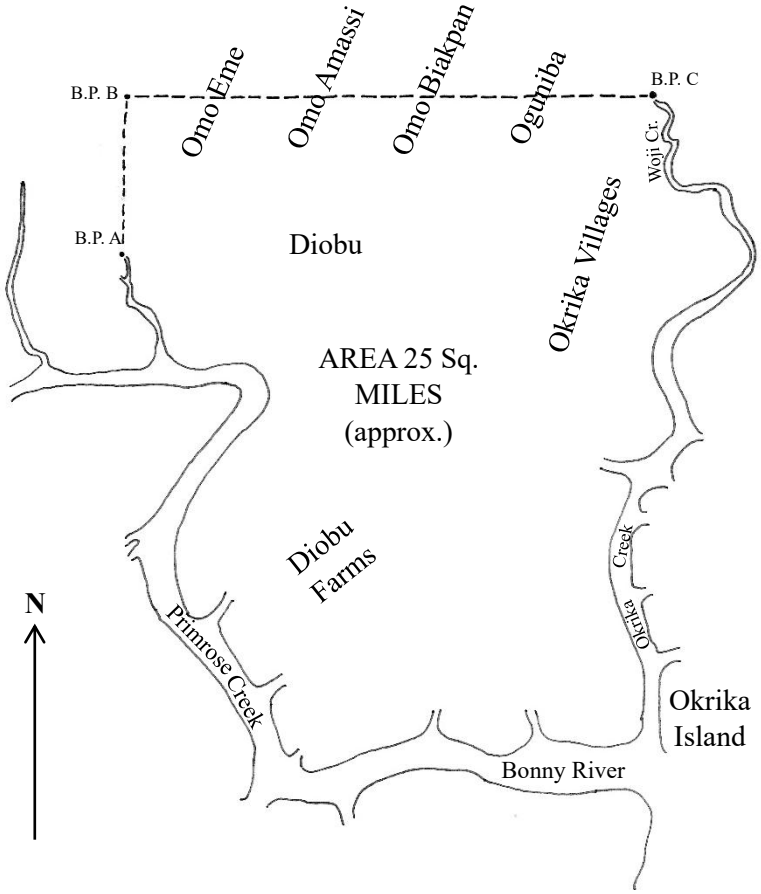
(Sgd.) G. A. Yellow
District Interpreter,

Degema

(Sgd.) ALEXANDER GEORGE BOYLE

Signed by the Above named Alexander George Boyle in the Presence of:—

(Sgd.) P. C. Cameron
Priv. Asst. Secy.



APPENDIX 2:

THE 1928 AGREEMENT

AN AGREEMENT made the 2nd day of May 1928 Between Chiefs Wobo, Ejebuwan, Obonda Aluku, Wokekoro, Atakos and Headmen Ajoko and Chima for and on behalf of themselves the chiefs and headmen and people of Diobu hereinafter called the chides and headmen (which expression shall include the said chiefs headmen and people and their successors in office and their heirs executors and adminstrators) of the one part and Sir Graeme Thomson Knight Commander of the Most Honourable Order of the Bath Governor (which expressions shall include hi successors in office) of the other part

WHEREAS these presents are supplemental to Agreement registered as No. 16 of 1913 in Volume 7 of the Registry of Deeds at Calabar (hereinafter called the principal agreement) dated the 18th day of May 1913 and made between the Chiefs and Headmen and certain other chiefs, headmen and other persons as in the Schedule thereto set out of the one part and Alexander George Boyle Companion of the Most Distinguished Order of Saint Michael and Saint George Deputy Governor of the Colony and Protectorate of Nigeria of the other part for the sale and purchase upon the terms therein mentioned of the land situate in the district of Degema and bounded on the south by the waterway known as the Primrose Creek or Bonny River for a distance of three and a half miles more or less, on the west for a distance of five and a half miles more or less again by the waterway known as the Primrose Creek or Bonny River, thence in a northerly direction for a distance of one mile eight hundred yards more or less by the west bank of the Creek known as the Ilechi Creek, following the bends of the said Creek, to a Boundary Post marked "A" at Ilechi Waterside, thence for a distance of one mile one thousand and seventy three yards due north of a Boundary Post marked "B," on the north by a straight line measuring approximately five miles more or less from the Boundary Post marked "B" in a direction due east to a Boundary Post marked "C" on the Creek known as the Woji Creek, on the east by the said Woji Creek for a distance approximately of one and a half miles more or less, thence by the waterway known as Okrika Creek for a distance of six and half miles more or less to the southern boundary referred to above, containing in all an area of twenty five square miles more or less.

AND WHEREAS the Chiefs and Headmen and the Governor desire to vary the terms of the principal agreement in the manner hereinafter appearing.

NOW IT IS HEREBY AGREED as follows:—

The purchase money to paid to those Chiefs and Headmen shall be an immediate payment of the sum of £7,500 and thereafter a sum of £500 per annum payable on the 18th day of May in each year commencing on 18th day of May 1928 and continuing for all time hereafter instead of the purchase money fixed by the original agreement.

AND IT IS FURTHER AGREED and the Chiefs and Headmen hereby indemnify the Governor against all claims and demands in respect of the said purchase money by themselves and their people or any person or persons claiming through or under them.

LASTLY, subject only to the variations herein contained, the principal agreement shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of these presents were inserted therein by way of addition or substitutions as the case may be.

IN WITNESS whereof the parties aforesaid have hereunto set their hands and affixed their seals the day and year first herein written.

Signed Sealed with the Public Seals of Nigeria and delivered by the Governor in the presence of:

(Sgd.) C. A. L. CLIFFE, Private Secretary

(Sgd.) GRAEME THOMSON, Governor

Signed by the making of their marks, the foregoing having been read over and interpreted to them when they appeared to understand same and sealed by the said chiefs and Headmen in the presence of:

(Sgd.) J. O. NKEMANZE, Chief I. of Police
(Sgd.) O. W. FIRTH, Acting Resident, Owerri Province

Chief Wobo His X Mark
Chief Ejebuwan His X Mark
Chief Obonda Aluku His X Mark
Chief Wokekoro Wali His X Mark
The Successor as Chief to Wokekoro since dead.
Chief Atakos His X Mark
Headman Ajoko Amadi His X Mark
Headman Chima His X Mark

I certify that the above agreement was correctly read over and interpreted by me to the above Chiefs and Headmen who appeared clearly to understand the same.
(Sgd.) F. O. ALLAGOA, Interpreter

OATH OF PROOF

I, FRANCIS OSSAMADE ALLAGOA of Port Harcourt make oath and say that on the 29th day of October 1927 I saw persons whose names are specified below duly execute the instrument now produced to me and marked "A3 and that the said persons cannot read and write and that the said instrument was read over interpreted

to them by at the time of the execution and that they appeared to understand its provisions:

Chief Wobo of Diobu
Chief Ejebuwan of Diobu
Chief Abonda Aluku of Diobu
Chief Wokekoro of Diobu by Wali his successor
Chief Atakos of Diobu
Headman Ajoko Amadi
Headman Chimua

Sworn at Port Harcourt this 29th day of October, 1927
Before me,
(Sgd.) O. W. FIRTH
Acting Resident

(Sgd.) F. O. ALLAGOA

APPENDIX 3:

SOME FEATURES OF OFFICIAL CUSTOMARY LAW OF LAND

Kola tenancies and the showing of land

One feature of the 'common' customary land law of Nigeria (i.e. official customary law) is 'kola tenancy'. The term captures various practices whereby land is held in return for a tribute. Tributes may be substantial but are often tokenistic, for instance a gift of kola nuts (hence the name of this type of tenure). This type of tenure bears some resemblance to the 'peppercorn rents' of English law, insofar as the grantee enjoys some rights of 'ownership' but the ultimate 'ownership' remains with the grantor. These tenancies were formally defined and regulated by the Kola Tenancies Ordinance (No. 25 of 1935).

A closely related practice, and one which often comes under the heading of 'kola tenancies', is 'showing'. This involves a party being 'shown' a portion of land in exchange for a token payment. The characteristic specific to showing is that the tenancy is defined. This kind of holding typically occurs for agricultural purposes: an area of land will be shown for a single season.[*]

As the urban sprawl of Port Harcourt has spread, this kind of showing has generally declined. However, land can be shown for longer periods and one might, for example, be shown a plot in order that the tenant could build a house upon it; when the tenant moves the land reverts to the grantor.[†] This kind of showing predominated in areas around Port Harcourt as it was an easy and informal way of accommodating newly arrived migrants in the city. This informality often laid the foundations for later conflict.

A typical example is a case which was brought before the Obio Native Court in 1946. The plaintiff, an Ikwerre 'native' of Rumuomasi sought to expel a stranger from their home which they had been 'shown' because they claimed that the tenant had become 'palaverous', refusing to keep communal areas clear and hitting the plaintiff's brother with a stick. The defendant, a 'native stranger' from Onitsha, capitalised on the fact that his house was situated on a patch of land that was in dispute between two neighbouring villages, Rumuomasi and Rumuobiakani. He claimed that the land upon which his home was built was not in fact Rumuomasi land but Rumuobiakani land and that he had been 'shown' the plot by the people of Rumuobiakani and had paid them 5/- and a jar of tombo and so only the people of Rumuobiakani had the power to eject him. Nevertheless, after the plaintiff was able to prove that they and two others had 'sworn juju' that the land was in fact Rumuomasi (and not Rumobiakani) and survived the ordeal, the Native Court found in their favour and ordered the eviction of the defendant.[‡] It should be observed that the members of Obio Native Court were all Ikwerre from the villages that made up Obio and that it was rare for any Native Court to find in favour of strangers.

[*] Green, *Land Tenure in an Ibo Village*, 30-31.
[†] Ibid., 33.
[‡] NAE: PHDIST 10/1/242, *Wopara v Ogutum* (1947-53).

Consequently, the tenure of strangers in the metropolis of Port Harcourt was precarious. This continues to be the case today.

Land was not always 'shown' to 'native strangers', but could also be 'shown' by 'natives' to other 'natives'. For instance, a land dispute which came before the Obio Native Court in 1956 concerned land 'shown' by certain 'natives' of Oginiba to some members of the neighbouring village of Rumuobiakani who had fled their own village because their patrilineage was held collectively responsible for the murder of a pregnant woman. After the murder, members of the patrilineage sought refuge in all neighbouring villages of Evo. The dispute in Oginiba started when the refugees encroached on land that had not been 'shown' to them and so their hosts asked them to relinquish all their lands in Oginiba and return to their true home.[*]

Pledging land

Pledging is another important characteristic of the customary law of land. To pledge land is to give land in exchange for a payment—the pledgor is able to redeem the land by paying the pledgee a sum equal to the initial payment made by the pledgee to the pledgor. The pledgor retains this right of redemption indefinitely; their claim to the land they gave out for money never expires. Moreover, the right to redeem the land is heritable. Thus the heirs of the pledgor may redeem the land from the heirs of the pledgee, even when many generations (theoretically infinite) have passed. This characteristic of pledging is the root of many land disputes. Usually, when the descendants of a pledgor claim land from the descendants of the pledgee the latter will deny that the land was ever pledged and assert that they and their ancestors have always held the land.

In a dispute between inhabitants of Rumueme that came before the local Native Court in 1950, the plaintiff sought a 'declaration of title' to a piece of land and further claimed that the defendant had trespassed on said land. The Native Court recorded that the *òhnà* of Rumueme had already tried to settle the dispute by compelling the plaintiff to bring a juju for the defendant and to swear upon it that the land was rightfully theirs. The plaintiff failed to do this. The defendant stated before the Native Court that his patrilineage had pledged the land to one of the plaintiff's relations for 100 manillas and that the dispute started when he tried to redeem the land for 5s 0d, a sum he saw as equivalent to 100 manillas. The plaintiff's defence was that he had inherited the plot from his father and was ignorant of it being pledged land. On the basis of the failure of the plaintiff to produce a juju and the willingness of the defendant to swear an oath in affirmation of his claim, the court found for the latter.[†]

In the absence of written records, such disputes rely on memories and knowledge transmitted from one generation to another.[‡]

A few extra features complicate the practice of pledging. Trees and other crops can be pledged apart from the land. It is possible for the pledgor to give the

[*] NAE: PHDIST 10/1/270, *Ariolu v Woke* (1959).

[†] NAE: AHODIST 14/1/66.

[‡] The head of a family is often careful to show his or her descendants the land that belongs to them but is pledged and therefore not possessed; Green, *Land Tenure in an Ibo Village*, 27.

pledgee use of his pawpaw trees and tombo palms, for instance, while retaining use of the land upon which they grow. Whether land is pledged, or just certain trees or crops, the agreement between the pledgor and the pledgee invariably stipulates that the pledgee will not plant trees. As is the case in many parts of West Africa, trees are evidence of ownership among the Ikwerre and Okrika. Where land has been pledged for a long time and left unsupervised, trees will likely have been planted by the pledgees and when the heirs of the pledgor try to reclaim such land they will find it especially difficult owing to the presence of trees, trees are the closest things to title deeds. Trees are also used to mark boundaries between different plots of land.*

An actual case, which came before Obio Native Court in 1955, serves to illustrate the intricacies of pledging.† The plaintiff, an Ikwerre man of Diobu, claimed to hold a piece of land which had been pledged to him by a fellow inhabitant of Diobu twenty years ago which he had farmed on three occasions.‡ The plaintiff alleged that the defendant and some of his kinsmen trespassed on the land and started to cultivate it. The original pledgor of the land supported the plaintiff's claim. The defendant recorded that the pledgor came to him and asked for a loan so that he redeem the land on pledge to the plaintiff. The pledgor offered the defendant the land he redeemed as a surety for the loan (i.e. he repledged the land to the defendant). The Native Court recorded that the defendant had already summoned the Plaintiff before 'Diobu village council' (i.e. the *òhnà* of Diobu) and that it had ordered the plaintiff to 'swear on the defendant's juju' that he had not received redemption money from the land's owner, the pledgor. As the plaintiff refused to swear the village council found in the defendant's favour. This led to the plaintiff instigating proceedings in the Native Court, which ultimately affirmed the decision of the village council. The DO, who reviewed the case after the Plaintiff appealed, noted in a memorandum that the pledgor, who was at the heart of the land dispute, was notorious for 'frittering away family lands' and had been involved in several other cases in the Native Court.

The practice of pledging land reveals several facts about land holding. First, before Port Harcourt was built land tenure was flexible and mobile. Contrary to the assertions that one hears from the Ikwerre and Okrika today, namely that land has been held since 'time immemorial', there was a lively and constant exchange of land enabled by the pledging system. The other fact it teaches us is that land had a monetary value. Land was pledged in exchange for sums of manillas (or later pounds, shilling and pence, and later still, Naira).

Manillas, legal tender in Nigeria till 1949, were made in Europe and exchanged for slaves, gold, palm oil and ivory all along littoral West Africa. They were first received by coastal middlemen like the Ibani, Kalabari and Okrika and then exchanged in the hinterland with people like the Ikwerre. Today the manilla

* The Ikwerre and Okrika use the same tree for marking boundaries—*Newboldia laevis*; the Ikwerre call it *ísísí íkēnì* and the Okrika call it *ódúmdùm*. Barbed wire and walls are now the most common boundary markers in Port Harcourt.

† NAE: PHDIST 10/1/251, *Abel v Ejege* (1955).

‡ Diobu farmland was usually left fallow for seven years; W. B. Morgan, 'Farming practice, settlement pattern and population density in south-eastern Nigeria', *The Geographical Journal*, 121, 3 (1955): 325.

has become a symbol of the (pre-British) past.[*] The Ikwerre and Okrika both use the same word, *àbí*, to refer to manillas indicating its status as a medium of exchange. The obsolescence of manillas was the cause of many disputes over pledged lands. It was difficult for land originally pledged for a sum of manillas to be redeemed for another currency as the pledgor and pledgee seldom agreed what the conversion rates were.[†]

The expansion of Port Harcourt gave rise to unscrupulous practices with regard to pledged land. It was, for instance, common for pledgees to sell the land to newly arrived migrants. A case which came before the Resident of Port Harcourt in 1953 concerned an Ikwerre man of Diobu discovering that land he pledged had been 'sold' to a stranger who had proceeded to build several houses on it.[‡]

The expansion of Port Harcourt generally led to a decline in pledging. This is because pledging is primarily associated with agricultural land. And this is why most of the examples I have mentioned are from the first half-century after Port Harcourt was established, when significant amounts of agricultural lands around the city remained. It is also for the same reason that pledging was never practised much by the Okrika due to a dearth of agricultural land. Most intra-Okrika land disputes relate to kola tenancies and showing land.

The practice of pledging is now obsolete in Port Harcourt. Of the Ikwerre areas of the metropolis, Obio has almost no farmland left while what little remains in Akpor is quickly being developed. However, pledging as a category of offocial customary law is still relevant. It continues to be relevant because of one its features: pledged land is redeemable in perpetuity. This means that courts entertain claims to land which are purported to be pledged. In other words, possession, and even long possession, is no indication of 'ownership'.

While pledging is a feature of official customary law ('common customary law'), the practice is not pure invention and appears to be based on pre-colonial practices. Among the Ikwerre, for instance, the category of pledging captures what they call *ágbá ígbē*; an Ikwerre pledgor may say to the pledgee: *ḿ mà éjī ẹ̀lị̀ ḿ gbá ígbē* ('you will use my land as collateral'). The Okrika call the practice *pákḷ́*.[§]

Yet, there is one kind of pre-colonial practice which the category of pledging does not admit: the pledging of persons.[**] This widespread practice, known to the Ikwerre, Okrika and many other neighbouring peoples, entailed pledging a person (usually kinfolk) in exchange for a loan, the person's labour acting as interest on the debt. Among the Igbo, the same word (*óhù*) was used for enslaved and pledged persons.[††] Pledging of persons was considered as slavery and so was prohibited under the criminal code in the nineteenth century. However, it seems to have

[*] I frequently encountered stylised representations of them on the letter heads and business cards of traditional rulers.

[†] NAE: PHDIST 10/1/232, *Amafula v Menwa* (1951).

[‡] NAE: PHDIST 10/1/241, *Omidu v Duruwoneri* (1953).

[§] Pledging land usually only occurs when land is abundant and when it has an economic value which can be derived from grain crops. Such land is in short supply to most Okrika communities and it therefore very rare to come across Okrika land disputes relating to pledging.

[**] Elias, *Customary Law*, 171.

[††] Green, *Land Tenure in an Ibo Village*, 26.

continued for some time afterwards.[*] I was not able to ascertain exactly how long, and to what extent, the pledging of persons subsisted among the Ikwerre and Okrika of Port Harcourt. The difficulty in obtaining information about the practice was twofold. First, as it was a crime, and therefore outside the purview of the Native Courts, their written records contain no mention of it. Second, contemporary Ikwerre and Okrika generally disdain speaking about anything related to slavery.

[*] Cf. F. D. Lugard, 'Memoranda No. 6—Slavery Questions', *African Economic History*, 40 (2012): 164-65.

APPENDIX 4:

TWO DEEDS

Waterside Deed

This DEED OF CONVEYANCE is made the 26th Day of July 1996 BETWEEN: MR. GOGO MOSES of Ambeme biri, Okrika…("The Vendor")…of the one part; and MADAM NENE DAVID GEORGE of George-ama, Okrika…("The Purchaser") of the other part…WHEREAS:

1. The Vendor is the owner in possession of the piece of land at Okrika Waterside behind the University of Port Harcourt Teaching Hospital fence…vide a Temporary Occupation Licence.
2. The Vendor has agreed to sell and the Purchaser has agreed to buy the said piece or parcel of land measuring approximately 31.3m x 5m for the sum of ₦20,000.

NOW THIS DEED WITNESS as follows:—

In consideration for the sum of ₦20,000…the Vendor as beneficial owner hereby CONVEY UNTO the Purchaser ALL THAT piece of land situate, lying and being at Okrika Waterside…granted to the Vendor vide a Licence for Temporary Occupation of State Lands TO HOLD same UNTO the Purchaser free from all incumbrances customary or otherwise.

[signed in presence of witnesses]

1911 Deed

THIS DEED made the fourteenth day of September 1911 between Chiefs Wanfo Wanolo, Okwu Wanfo, Wanchuku Wanolo, Wanfo Ota Mini, Wankuo Okuri, on behalf of the people of Emebele hereinafter called the grantors which terms includes the successors in title of the grantors where the context so admits of the one part and Chief Daniel Kalio, Chief Stephen Ogan, Chief Ikiriko Daka, Chief Wakama Oriobo, Chief Joseph Dikibo on behalf of the people of Okrika hereinafter called the grantees which terms includes the successors in title of the grantors where the context so admits of the other part.

WITNESSETH:—

Whereas about twenty years ago the people of Emebele including the grantors did for the sum of 15,028 manillas then paid to them by the people of Okrika including the grantees sell and convey unto the said people of Okrika the land more particularly hereinafter described situated at Emebele and being then in property of the said grantors and people of Emebele and whereas the said grantees and people of Okrika have since that time remained in undisturbed possession of the said land and whereas it was not then customary for transactions of the kind to be committed to writing and whereas the parties now consider it advisable for the said transaction to be committed to writing now therefore this deed witnesseth that in consideration of the aforesaid payment of fifteen thousand and twenty eight manillas which the grantors hereby admit to have been paid by the people of Okrika and received by the people of Emebele the grantors do and each of them doth hereby confirm unto the grantees the sale that ALL THAT piece of parcel of land situated at Emebele…now about to be surveyed and the plan thereof attached hereto hold the same unto and to the use of the grantees absolutely for ever.

And the grantors do hereby assure unto the grantees that they the grantors and the people of Emebele have done no acts whereby the rights and title of the grantees to the said piece of land have been prejudiced or adversely affected and further covenant with the grantees that they the grantees shall at all times peacefully and quietly enjoy possession of the aforesaid piece of land free from all claims from any person or persons claiming from or under the grantors or any other people of Emebele.

[Signed and interpreted to the vendors by Samson Adoki]

APPENDIX 5:

FORGETTING HISTORICAL KNOWLEDGE

Forgetting Historical Knowledge: The Ikwerre, Aro and Igbo population

Here I briefly consider the population of Port Harcourt, particularly the Ikwerre areas of the city. I also consider the Aro population of Port Harcourt and their 'disappearance' from the city. The Aro were once spread all across the Niger Delta. This geographic distribution was owed much to their former status as the premier slave traders of the upland region. Most upland peoples, including the Ikwerre, had groups of Aro traders living among them, who assimilated, to different degrees, with their hosts. By the beginning of the twentieth century, most Aro had been resident with their hosts for several generations.

In the course of my fieldwork in Port Harcourt I never came across anyone who identified themselves as Aro; indeed, I first properly came across the Aro people when I visited the National Archives in Enugu and found mention of them in the records pertaining to the Ikwerre population of Port Harcourt. For this reason, the discussion of the Aro is prefaced by a consideration of the Ikwerre demography of Port Harcourt. I then go on to suggest that the Aro the previous presence and dominance of the Aro has been intentionally forgotten. I also suggest that the intentional forgetting of the Aro population has been practised alongside a larger project of forgetting the era of Igbo dominance in the city.

Ikwerre Population Growth

All the Ikwerre villages of Port Harcourt have been overwhelmed by the rising tide of urban growth and are now neighbourhoods of the city. The deluge of the urban into the rural means it is very difficult for an outsider to perceive the end of the territory of one village and the start of another save when is helped by the signboards which proclaim one has entered a new village. It can, however, be readily apprehended when one is in the centre of what were formerly discrete villages. Properties in the old centres of habitation, as opposed to the newly developed areas, are characterised by their smaller size and high density. The hearts of the old villages tend to be warren-like clusters of zinc-roofed bungalows and contrast to the larger spacious compounds built at periphery on former farmland. The old centres are now often cleaved by busy highways, the new motorable roads following the routes of old bush paths between the once separate villages.

An idea of the size of these once rural villages can be gained from adult male population data taken from the tax records for 1929/1930[*]:

[*] The figures for Akpor come from NAE: AHODIST 10/1/18; those for Obio come from NAE: AHODIST 9/3/4.

Akpor	*Approx. adult male population in 1929*
Ozuoba	80
Rumuokparali	30
Rumuosi	21
Rumualogu	14
Rumuokwachi	17
Choba	60
Ogbogoro	65
Rumuekini	60
Alakahia	20
Rumuolumeni	81

Obio	*Approx. adult male population in 1929*
Woji (Oroevo)	270
Rumuoloku (Rumuomasi)	74
Elelenwo	233
Rumuokoroshi (including Iriebe)	284
Rumuokoro	119
Oroigwe	114
Atali	49
Rumuigbo	162
Rumuola	63
Rumuadaolu	38
Rumuokwuta	134
Rumuepirikom and Rumueme	146
Rumuorosi	7
Rukpokwu	177
Eneka	274
Diobu	474
Aros Diobu	148

Several observations need to be made about these figures. First, they doubtlessly underestimated the size of the male population. The British had instituted a poll tax on adult men and charged warrant chiefs of the local Native Courts with collecting

it. The latter were often castigated by the British for concealing male adults and consequently failing to collect adequate tax.* Second, the figures have certain quirks. The original records list the name of the village as well as the 'kindreds' (i.e. lineages) that made up each village. Under the village of Woji are grouped all of the other villages of Oroevo and are listed as 'kindreds'. So the listing for Woji is actually the figure for Oroevo. Why this should be is unclear especially given that Rumuorosi, under Apara, is listed as its own village when its male population is a mere seven.

The figure for Rumeme and Rumuepirikom are given together, indicative of the fact that at this date Rumueme had yet to establish its autonomy.

The figure for Diobu is the highest of any of the villages in either Obio or Akpor. It was the first of the rural villages to become suburban being just outside the original Township of Port Harcourt. Even by 1929, the Township was cramped and its population overflowed into the Diobu, where they dwelt is hastily built huts. The transition of Diobu from rural to urban was marked by incessant complaints of its Ikwerre to the DO of how strangers living their village or in the Township proper were stealing or trampling their crops, helping themselves to firewood in the woods without permission and swindling them out of their lands.† Diobu was the first of the Ikwerre villages to become urban and become a part of the metropolis of Port Harcourt but its inhabitants clung onto their agrarian livelihood—the Diobu continued to farm until the 1960s when the last vestiges of rurality were extinguished with the construction of the Trans-Amadi Industrial Estate.

After Diobu, the villages of Evo and Apara were the first to become urban. The spread of the metropolis was hastened by acquisitions and development of other tracts of lands for military barracks, an airfield, several schools and universities, industrial areas as well as new residential layouts.

Akpor remained largely rural till the last couple of decades. Some inhabitants of Akpor villages still have the odd undeveloped plot where they may cultivate yams or cassava but very few persons are full time farmers whereas twenty years ago the majority of the population were full time farmers.

Precise figures on the populations of the villages of Obio and Akpor are not readily available. Anecdotal figures are to be mistrusted. Just as there was a tendency to underestimate figures in the time of the poll tax, today there is a tendency to inflate figures owing to the notion that greater population will lead to greater political representation and rewards. Demography is highly political in contemporary Nigeria. One of the village heads of Apara confidently told me that he had in excess of one million persons living within the precincts of the village. This gross exaggeration aside, the contemporary populations of villages of Obio and Akpor now number in the thousands or tens of thousands, whereas a century ago they were in the tens or hundreds.

* NAE: AHODIST 14/1/297, Okpo Mbu Tolu petitions (1939-45).
† The references to their petitions in the colonial records are too numerous to cite.

The 1991 census figure for the total population of Obio-Akpor LGA is 263,017 and 440,399 for Port Harcourt LGA, giving a total of 703,356 for the metropolitan area. The figures for the 2006 census are 462,350 for Obio-Akpor LGA and 538,558 for Port Harcourt LGA giving a total of 1,000,908.[*] Both the 1991 and 2006 censuses were considered undercounts. An estimate of the size of the population of Obio-Akpor LGA in 2022 put the figure at 1,461,953.[†] Treating the population of Port Harcourt LGA as more or less equivalent produces a rough estimate of the contemporary total population of Port Harcourt metropolis: 3,000,000 to 4,000,000. In my experience, Port Harcourt feels like a city of a few million rather than several hundred thousand.

The Aro and their 'disappearance'

The adult male population figures for 1929 recorded the number 'Aros' living in Diobu. The Aro were strangers, but unlike the newly arrived strangers who had come to find work in the new city, the Aro had been resident for many generations. Consequently their status was altogether different from the new city migrants.

The Aro are a people of mysterious origin. There is much speculation as to who they are.[‡] One certainty is that they had a close relationship with a particular deity which is called many names, but is most commonly known Ibini Ukpabi or Arochukwu, which had its shrine situated in modern day Abia State. To the colonial government this deity was the 'Long Juju'. The deity was renowned and feared across large tracts of the Niger Delta for its ability to swiftly adjudicate disputes. The practice of consulting alien deities from neighbouring peoples was, and still is, a common means of resolving issues that internal means cannot. When consultation of neighbouring deity failed to resolve the problem, or if the issue was deemed too big, the Long Juju's judgement was sought. The Long Juju was in many ways the pre-colonial supreme court of the Niger Delta and the Aro were its clerks and agents.

The Aro helped convey litigants to the site of the shrine of the Long Juju. Once there, the Aro acted as the deity's oracular interpreters and priests. The Long Juju would determine the case by 'eating' the guilty party. What 'eating' actually meant was that the guilty were secretly bundled away and sold into slavery. There was consequently a two-way traffic: litigants travelling inland towards the shrine of the Long Juju and slaves travelling in the other direction towards the coast where they would be sold. To facilitate this traffic the Aro established outposts in many large villages throughout the Niger Delta.[§] The fees they collected from aiding

[*] Data from National Bureau of Statistics, Federal Government of Nigeria.

[†] M. T. Page and A. H. Wando, *Halting the Kleptocratic Capture of Local Government in Nigeria* (2022), 8; their data derives from 'World Pop' at the University of Southampton.

[‡] Cf. K. O. Dike, *The Aro of Southeastern Nigeria* (1990); A. O. Nwauwa, 'The Evolution of the Aro Confederacy in Southeastern Nigeria', *Anthropos*, 90 (1990).

[§] They did not, however, live among the Riverine peoples, despite the demand for the slaves among the latter. Each seems to have respected the domain of the other, the Aro being traders of goods and people by land and the Ijaw and the other riverine peoples being traders of goods and people by water.

litigants on their journeys and for dealing in slaves made the Aro wealthy. This wealth meant that Aro often became money lenders in the villages in which they dwelt and gained considerable influence as a result. Yet, their influence was not only pecuniary in nature. Most Aro agents carried a symbol of the Long Juju, an object called *ọ̀fọ́ chúkú* (or *ọ̀whọ́ chúkú* as the Ikwerre called it), which afforded them the authority to settle petty disputes within their host communities. The influence of the Aro meant that many acted as councillors to village heads.[*]

As the premier brokers of slaves in the Niger Delta, the Aro attracted the ire of the British. In 1902 a military campaign was launched with the purpose of destroying the Long Juju which it was hoped would lead to the cessation of the Aro traffic in slaves. The British blew up the shrine of the Long Juju at Arochuckwu and dispersed the deity's priests. The two-way traffic declined but did not totally cease. It is worth realising that no amount of dynamite can destroy a deity. The Long Juju persisted and the so too did the various Aro communities throughout the Niger Delta.

Among the Ikwerre villages that would become Port Harcourt, Diobu, Rumigbo, Rumuokoroshi, Woji, Ozuoba, Choba and Rumuolumeni all possessed significant Aro populations and there were doubtless much smaller numbers of Aro in the other villages. However, judging by the fact only those in Diobu merited their own entry in the population statistics in the Intelligence Reports the Aro populations in the other villages must have been comparatively small.

The Aro among the Ikwerre of Obio and Akpor succeeding in maintaining their pre-colonial authority and some even increased it under the new colonial regime. Some shrewd Aro wrangled warrants enabling them to sit in the recently established Native Courts at Rumuokoroshi and Choba. The well-to-do Aro were mistaken by British for chiefly caste of their hosts not as a group of resident strangers.

The Ikwerre villages grew resentful of being ruled by the Aro who they continued to perceive as strangers. The Aro, while having lived among their host communities for several generations,[†] maintained a distinct identity even though they adopted the languages or dialect of their locality—Aro men living among the Ikwerre would marry Ikwerre women but never allow their own daughters to marry Ikwerre men. Ikwerre resentment against the Aro culminated in attack of Rumuokoroshi Native Court in 1929, an attack which was part of the wider event known as the Women's War in which gangs of local people (mostly women) vandalised Native Courts and harangued and sometimes assaulted their members, the so-called 'warrant chiefs'.[‡] The cause of uprising was partly a rumour about a plan by the colonial government to extend the poll tax to women and partly the culmination of years of resentment at Native Courts and their warrant chiefs for corruption and abuses. The Native Court in Rumuokoroshi had a reputation for

[*] NAE: AHODIST 9/3/4, Intelligence Report on the Obio Clan (1930).
[†] The Aro told the Assistant DO of Ahoada District that they had arrived in Obio in the time of their great-great grandfathers or great-great-great grandfathers; Ibid.
[‡] See Afigbo, *Warrant Chiefs*.

being especially corrupt and was identified by colonial Government as the 'worst in the Province' at the time of the uprising.* The Ikwerre, the 'natives' who the Native Court was meant to serve, blamed the Aro. After the uprising had been quelled, the British arrested some of the Aro members of the court and charged them with embezzling funds and accepting bribes.†

The Native Court system was reformed following the revolt. In Obio, the Native Court was moved from Rumuokoroshi to Woji as it was the most senior village in Obio and village heads (*ndénwé ẹ̀lị*) were chosen to be its members, with the head of Evo as President and the head of Apara as Vice-President. However, the government was left with a problem as there was still a significant Aro population in Obio. The Aro threatened that if they were not represented, they would withhold their tax payments. They were, however, ignored.

Nonetheless, the Aro did not go away and they remain visible in the colonial records. For instance, in 1950 a group in Rumuigbo calling itself the 'Youth Improvement Association' attempted to force the Aro out of their village to take back the land that had been granted to them.‡ This makes the contemporary absence of the Aro in Port Harcourt all the more conspicuous. Nobody identified themselves or others to me as Aro. An exception to this was when someone criticised the then Governor of River State (who is Ikwerre and from Rumuepirikom) and called him an Aro. This was clearly meant to insinuate that he was not really Ikwerre. Aside from the odd mention like this, I never was never able to satisfactorily answer the question of what happened to the Aro of Port Harcourt. My suspicion is that the Aro have been intentionally forgotten. What follows is what I have been able to piece together.

The Igbo population

The largest ethnic group in Port Harcourt was for most of its early history Igbo.§ The Civil War (1967-70) saw the Igbo population flee the city. Some Ikwerre identified the Aro as Igbo and tried to compel them to abandon their homes. Of course, unlike the Igbo migrants who had their own villages and localities to return to, the Aro had been resident among the Ikwerre for generations and new no other home. In Igwuruta, an Ikwerre village a few miles to the north of Port Harcourt the Aro were attacked and their property burnt and destroyed. In Rumuokoro in Port Harcourt, the location of another Aro population, Ikwerre women married to Aro men were compelled abandon their husbands. Many Aro fled to the Anglican Mission to north of Port Harcourt where they established a refugee settlement, which became known as Aro Camp.**

* NAE: AHODIST 15/1/94.
† NAE: AHODIST 9/3/4.
‡ AHODIST 14/1/67.
§ The Igbo were not merely demographically dominant. Older generations of Ikwerre who were schooled before the Civil War recall being forbidden from speaking Ikwerre which, at the time, was seen as an aberrant dialect of Igbo. Beside Pidgin and English, Igbo was the chief language of the city, and many churches conducted their services in the language.
** Anon., 'Social Welfare commissioner on Aro-Ikwerre Problem', *The Tide*, 11 July 1977.

Of course, not all Ikwerre villages treated their Aro populations in such a way. In Isiokpo the large Aro community remained unmolested and remain to this day. But what happened to the Aro communities of Obio and Akpor, i.e. those who dwelt in Port Harcourt and its immediate surrounds? After discovering so many references to the Aro population of Port Harcourt in the archives, I was surprised by total their absence from oral accounts of the histories of Ikwerre villages and lineages I collected. On the occasion I directly asked my interlocutors about the Aro they generally expressed ignorance.

I suspect the conspicuity of the Aro in the archives and their absence in the present may well be down to an intentional project of forgetting among the Ikwerre. In this thesis I have argue that right to land depend on historical knowledge. It is important to note that historical knowledge ought not to be taken in the positive sense only. Forgetting is just as important as remembering, and forgetting is not a failing or an unwanted by-product of memorialisation. Memories, and knowledge more generally, would be impossible without oblivion.[*]

In chapter three I mention the fact that the Ikwerre of Port Harcourt were not the first arrivals in the region: there were earlier settlers who were conquered and the remainder of their populations were absorbed by the villages of Obio, Akpor and Diobu and constitute their own patrilineages. I never succeeded in meeting a representative of one of these assimilated lineages. Even if had been able to do so I likely would have learned little: if I met with representatives of these stranger lineages alone, they would be reluctant to speak of their status as strangers as to do so would undermine their status in their adoptive village and were I to meet representatives of these stranger lineages in the company of representatives of the lineages descended from the actual children of the village founder, both parties would be circumspect in speech for fear of upsetting the other. I almost never spoke to my informants individually. Information is meant to be conveyed publicly and I was never quite sure which lineages had representatives present when information was being shared. Among the Ikwerre, a tête-à-tête is a sinister act performed by witches and malcontents.

Another more fundamental fact, one which relates to our discussion about forgetting, stood against me learning about these earlier inhabitants of the area which is now Port Harcourt. Namely, that their descendants do know their own history or little history they may preserve is history according to their conquerors. Their history is made secret because its existence threatens the status of the current Ikwerre villages of Port Harcourt as first comers. I came to know of it only by fragments and slips of the tongue. On of the very rare occasions I was able to openly discuss this history, with a chief of Diobu I had gained the confidence of, he revealed that one of his retainers, who was then with us, was in fact descended from these conquered peoples. Later, this retainer explained to me that he was totally ignorant of the fact, but that this new knowledge made sense to him as one his late

[*] Cf. P. Connerton, 'Seven types of forgetting', *Memory Studies*, 1, 1 (2008).

relatives had, to his bemusement, always defiantly asserted that he was not a descendant of Rebisi.

I mention this example because it shows that where rights depend on historical knowledge, certain knowledge can be restricted or even intentionally forgotten. I suspect that the absence of the Aro in contemporary Port Harcourt is not because the population suddenly disappeared in the Civil War. I imagine that there are many Ikwerre today who belong to lineages descended from Aro. But the history of these lineages, their previous status as Aro, is forgotten or at least suppressed.

This active forgetting is not just something practised by the Ikwerre. The Okrika practise it too. The Port Harcourt Question is a contest between the Ikwerre and the Okrika. Yet, the early history of Port Harcourt was dominated by a third group—the Igbo. Until the Civil War, the Igbo were by far the largest group in the city and owned the majority of the property in the Township and much land outside of it. The work of Howard Wolpe, which I mentioned in chapter one, analyses this Igbo domination and describes how they gained political control of the city.[*] As mentioned above, the Civil War resulted in the Igbo fleeing the city and abandoning their property and this abandoned property was quickly claimed by the Ikwerre and the Okrika. The Ikwerre and the Okrika claiming this abandoned property considered their acts not as gaining something new, but of restoring what had always rightfully been theirs.

Before commencing my fieldwork in Port Harcourt I knew of the role and dominance of the Igbo in the early history of Port Harcourt, I was therefore surprised that in the field very little mention of this period was made. It was as if this period never occurred. Were this period of Igbo dominance remembered and emphasised it could challenge Ikwerre and Okrika title to the lands and properties. There is, it seems, an effort to intentionally forget this epoch in Port Harcourt's history. Part of the way this has been done is toponymic. The Ikwerre villages which lent their names part of the city used to be known by names which followed Igbo convention and orthography: Umuigbo, Umueme, Umuomasi etc., *ụ́mụ̀* being the Igbo word for 'descendants'. Today the Ikwerre villages of Port Harcourt are known as Rumuigbo, Rumeme, Rumuomasi, etc. and are prefixed by the Ikwerre word *rụ́mụ̀*. The older spellings can be seen on many of the older maps I reproduce in this thesis and official government records made use of the Igbo spellings. It is not just the Ikwerre parts of the city that have seen toponymic changes in an effort to erase the Igbo epoch. Many street names, especially in Diobu, have been changed from names which commemorated Igbo personages and politicians to those which are distinctively riverine. I believe the project of forgetting Igbo dominance of the city is bound up with the 'disappearance' of the Aro from the city.

[*] Wolpe, *Urban Politics in Nigeria*; see also 'Port Harcourt: Ibo Politics in Microcosm', *The Journal of Modern African Studies*, vol. 7, no. 3 (1969).

Umberto Eco, partly in jest, writes that it is possible to study techniques of forgetting, just as it is possible to study the art of memorialisation.[*] When studying how history is made it necessary to attend to history not just in the positive sense of memorialisation. We must be aware of how history is curtailed and forgotten. This example of the Aro and the Igbo shows that it is possible to, seemingly paradoxically, study the ways historical knowledge is forgotten.

[*] U. Eco, 'An Ars Oblivionalis?', *Publications of the Modern Language Association of America*, 103, 3 (1988).

GLOSSARY

IKWERRE

Àchámá	Junior wife.
Àdná	First daughter.
Ágbàrá	Deity (Akpor dialect); see *Òkárnámīnī*.
Ákámèrnù	See Kaikai.
Àkwnụ̀	See *Ẹ̀kwnụ̀* (Akpor dialect).
Àlị̀	See *Ẹ̀lị̀*.
Ámú nụ̀ óròò	Children born to a woman wed to her father; children born to a married woman by a man who is not her husband.
Ávnụ̀rnụ̀	Lineage.
Díàlị̀	See *Díẹ̀lị̀* (Akpor dialect).
Dìbìá	See *Dùbìá* (Akpor dialect).
Díẹ̀lị̀	A native of a particular community; indigene.
Dùbìá	Diviner.
Ẹ̀kwnụ̀	Wealth; property.
Ẹ̀lị̀	Land; goddess of the land.
Èpnàrná	First son.
Ézè	Chief; king.
Gbèké	White person.
Íkēnì	Sacred plant, used to carry *ọ̀whọ́* and perform sacrifices.
Írí íjí ìkhé	Festival celebrating the first yams of the year.
Ísnúámá	Igbo people (derogatory).
Ǹbàm	Village group.
Ńgbú	Compound; extended kin group.
Ńdá	Father.
Ǹfú	Drinking horn, used to pour libations.
Nsọ̀ ẹ̀lị̀.	Taboo; forbidden act.
Nwẹ́nẹ́	Mother.
Nwẹ̀rẹ̀	Wife.
Nyékwá	Priest, worshipper.
Nyénwé ẹ̀lị̀	Village head, sometimes also the priest of the land.
Òbìrì	Lineage meeting hall.
Òbòkóró	Kitchen; reception room.
Óbòtù	First wife.
Òdú rísí	Oath.
Ọ́gbá	Lineage.
Òhnà	Assembly of prominent members of a village.
Óhù	Person owned by another person; slave (derogatory).
Òkárnámīnī	Deity (Obio dialect); see *Ágbàrá.*
Ọ̀kpnàrná	See *Èpnàrná*.
Ókpōrò	Former settlement.
Òlú	Cadet daughter.
Ọ̀lụ́	Cadet son.
Òménụ̀ẹ̀lị̀	Tradition; custom; religion.

Ọ́nụ́márná	Lineage.
Órò	House, room.
Ósù	Person owned by a deity; slave (derogatory).
Ọ̀whọ́	Stick held by lineage head or a priest; token of a deity.
Óyí	Lover; concubine.
Ránwnù	See *Rénwnù* (Akpor dialect).
Rénwnù	Spirit; ghost; divinity.
Rìnyà	Female.
Rùhnù ẹ̀lị̀	Centre of a village; shrine of the land.
Rụ̀kánị̀	Ancestral deity.
Rụ́mụ̀	Descendants; children.

OKRIKA

Álábọ̌	Chief; war canoe house head.
Ámá	Village; land of a village.
Ámányánábọ̌	Village head or head of several of villages.
Ẹ̀kèníbọ	White person.
Bírí	Village section; quarter.
Ẹ̀òrìkírí	Fishing settlement.
Ẹ́írí	Charm; medicine; book.
Dụ̂ọ́ị̃ñ	Dead persons; ghosts; ancestors.
Dụ̂ọ́ị̃ñwárị̀	Ancestral shrine.
Fúrō	*Òkò* subdivision.
Ị̀kàsị́ọ́lọ̄bọ̌	Chairman; deputy to an *álábọ̌*.
Ị́wọ́ámá	New village.
Kírí	Land; earth; soil.
Kíríbíépùlò	Crude oil.
Lèkìrìá	Union between lovers.
Lèkìrìàbọ̌	Lover.
Nọ́ndọ́ámápụ̀	Autochthonous ape-like mangrove dwellers.
Nónjúámá	Mangrove where corpses of undesirables are disposed.
Òjū	Body.
Òkò	War canoe house subdivision.
Òkpòngá	Crude dwelling.
Ólómúámá	Old village.
Ómóníbọ̀	Slave.
Ọ́mụ́árụ́	War canoe.
Ọ́mụ́árụ́wárị̀	War canoe house.
Òpùwárí	Meeting house.
Órú	Deity.
Órúfị̄	Oath.
Órúkóró	Divination.
Ówú	Water deity; mask; masquerade.
Ówúámápụ̀	Water deities; see *Ówú*.

Póló	Ward; compound; *bírí* subdivision.
Sẹ́	Clan; entire people.
Sò	Sky; heaven.
Támụ́nọ́	Divine creatrix, now refers to the Abrahamic god.
Tẹ́mẹ́	Spirit; shadow.

PIDGIN

419	Fraud; corrupt or nefarious practices.
Batcher	Crude dwelling, usually made from scavenged materials.
Bunkering	Illegal theft and refining of crude oil.
Chop	To eat; embezzle; food.
Dane gun	Locally manufactured firearms.
Dash	To give; bribe; gift given in addition.
Hot (drink)	Distilled alcohol such as gin or whisky.
Japa	Flee; emigrate, especially to Europe or America.
Juju	Deity; charm; non-Christian religious practice.
Kaikai	Locally distilled alcohol.
Keke	Motorized tricycle, often used as a taxi.
Manilla	Metal bracelet currency, now used for ritual purposes.
Okada	Motorcycle taxi.
Palaver	Discussion; quarrel.
Self-contained	A small apartment, normally a single room, for rent.
Zinc	Corrugated metal roofing sheets.

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* The author, Kaizer Iringe, was for many years secretary to David Olunwa (d. 1946), one of the original founders of Amadiama village and one of the signatories of the 1913 Agreement. I was shown the MS, which is written in English and whose numbered pages were jumbled and not complete, by the author's nephew who is the current head of Iringe compound, one of the seven compounds which make up Amadiama village. The bulk of the manuscript is concerned with the genealogy of Iringe and Olunwa compounds.

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