Abstract

Perhaps we may begin by asking who the indigenous peoples are and what constitutes “indigenous rights”? How can the contemporary African leaders contribute to a prospect in which the indigenous peoples no longer suffer the consequences of dispossession of land rights? These questions are in response to the political and social concerns of the indigenous peoples’ quest for survival in Africa, upon historically entrenched injustice and social disadvantage. The study adopts John Lock’s theory of property of nature to understand the dynamic of rights and the denial of indigenous Peoples’ rights in Africa.

Introduction

The United Nations Permanent Forum on Indigenous Issues, called the United Nations-Indigenous Peoples’ Partnership (UNIPP), is a commitment to the UN Declaration on the Rights of Indigenous Peoples and calls for its full realization through the mobilization of financial cooperation and technical assistance (authors emphasis) (The Guardian Newspaper, Nigeria, May 24, 2011).

The above statement underscores the struggles of indigenous peoples, and the level of commitment by the United Nations which has the launched the ‘first global UN inter-agency initiative’ to promote and protect the rights of indigenous peoples. The United Nations commitment to the problems of indigenous peoples is instructive in many ways, particularly in the developing nations of Africa.

The last decade in Africa has seen a dramatic rise of a new social justice movement in Africa: A movement of the indigenous or first peoples of Africa. Specific communities from all over the continent have associated themselves with the United Nations’ efforts to create standards and mechanisms to protect the rights of indigenous peoples (Crawhall, 2006). The contemporary social movement is a direct response to the threats posed to their natural resources and ecosystems which have sustained them up until now. The main threat is the globalization of capitalism into rural Africa without recourse to people’s livelihood and culture.

The globalization process brings along it dominant view of development, which places a high premium on labour intensive agriculture or capital-intensive natural resource extraction that requires large farming land. This capital driven approach is in contradiction with peasant based farming in rural Africa. Whatever economic solutions adopted by the African government should take into account existing cultural transmitted knowledge and skills that exists among the local people.
African Governments has not grappled with the enormous problems of the indigenous peoples in Africa. This is curious, especially when statistics show that there are more than 60 communities of indigenous peoples scattered in 27 countries in Africa (ACHPR; 2006:15-16). The debate, since 1999, has been on-going over who are the indigenous peoples in Africa, notwithstanding that United Nations has recognized the struggles of indigenous peoples and provided indicators of who they are.

The Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities provided a clear conceptualization of indigenous peoples in Africa. The Working Group of Experts states thus:

… on self-definition as indigenous and distinctly different from other groups within a state; on a special attachment to and use of their traditional land whereby their ancestral land and territory has fundamental importance for their collective physical and cultural survival as peoples; [and] on an experience of subjugation, marginalization, dispossession, exclusion or discrimination because these peoples have different cultures, ways of life or modes of production than the national hegemonic and dominant model.” (emphasis in original) (Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities, 2003).

The analytical framework is placed on the people’s attachment to and use of their traditional land. Therefore, any developmental efforts premised on large-scale acquisition of rural land without viable alternative for sustaining the indigenous peoples live are threat to existence. Among other disadvantages they suffer are unequal accesses to social services, education and employment, and they are under-represented in government and decision-making bodies.

Given the contestation over the status of indigenous peoples in Africa, some have asked whether it is not more useful to treat indigenous peoples in Africa as ‘marginalised minorities’ instead of ‘indigenous peoples’ (Kidd & Kenrick, 2009:5). This paper disagrees with this assertion using John Locke’s ‘native property rights’ as articulated in his Second Treaties of Government, 1690 with respect to land and possession. It is the claim to ancestral land and territory that provides important distinction between the struggle of indigenous peoples and minority groups in Africa.

Statement of the Problem

Existing literature on Indigenous Peoples bring the plight of these groups of the world population to the attention of the international community. One common problem identified by most scholars is “the apparent fear of extinction” (Couillard & Gilbert, 2009; ACHPR, 2006), if we rely on the index of development around them. Related to this is the contestation of the concept of indigenous identity, particularly in sub-Saharan Africa (Barnard and Kenrick, 2001). Crawhall (2006) furthers the argument that the term ‘indigenous peoples’ may appear strange in the African context (Crawhall; 2006:3).

The dominant argument among African Governments is that all the peoples of Africa has indigenous identity (Lee, 2006), more especially when all the group or ethnic cleavages were colonized by European governments at different era. The claims being made about indigenous peoples’ status are coming primarily from farmers, hunter-gatherers and pastoralists whose modes of subsistence partly or fully exist outside the state capitalist mode of production. The
main claim is their right to land, which has been made scarce by the large-scale agricultural production or mining of natural resources. Therefore, the non-recognition of indigenous peoples by African Governments is a convenient state policy of marginalization.

The problem of indigenous peoples in Africa is traceable to European colonisers, even though African empires have risen and fallen with its internal colonization and domination. But the Europeans came and focussed their economic and political control on the surplus-producing capacity of those Africans who controlled the means of agricultural production. Europe needed to extract resources and wealth from Africa to feed its own growth and eventually its industrial revolution. Colonisers saw hunter-gatherers, whose economy of subsistence no longer existed in Europe, as exotic and frightening. Herders, nomadic traders and hunter-gatherers were pushed to the periphery of the political economy, where they remain today (Hyden 1980; Penn 1995).

The report of the working group further emphasises that one of the major problems that led to the loss of indigenous peoples’ land in Africa is that customary collective tenure was neither recognised nor secured. Instead, land occupied by indigenous farmers was defined as *terra nullius*. Running alongside this problem is what the IWGIA, (2005) described as the collective land titles are not granted by most national laws, whereas: Collective tenure is fundamental to most indigenous pastoralist and hunter gatherer communities, and one of the major requests of indigenous communities is therefore the recognition and protection of collective forms of land tenure.

The land alienation and dispossession and dismissal of their customary rights to land and other natural resources has led to an undermining of the knowledge systems through which indigenous peoples have sustained life for centuries and it has led to a negation of their livelihood systems and deprivation of their means. This is seriously threatening the continued existence of indigenous peoples and is rapidly turning them into the most destitute and poverty stricken (IWGIA, 2005:21).

The African Commission, by endorsing the report of the working group, has acknowledged that the land rights of indigenous peoples have been critically violated.

Even at the dawn of independence the new African political class who inherited the existing administrative structures and bureaucracy did not discontinue the tradition of relegating the indigenous peoples to the periphery of the economy. In the contemporary Africa, political leaders have dominated and emasculated peoples of indigenous identity since independence, using various legal methods to question their rights to land. Instances abound in Africa: In the Southern Africa indigenous people are collectively known as the San and Khoekhoe people; in the Central Africa they are known as ‘Pygmies’; in the East Africa and Horn of Africa they are called hunter-gatherers, fisher-folk and by transhumant pastoralists; while in the West and North Africa they are the transhumant pastoralists, oasis dwellers and mountain dwellers (Crawhall, 2006:7-9). What is fundamental among these groups of peoples is the wish to maintain their traditional economy and territories.

The paper examines the manner in which the territory of indigenous peoples was acquired under the law, and the consequences of this for indigenous peoples. Specific attention was paid to the Shonga Community of Edu Local Government of Kwara state, Nigeria. The Shonga peoples are typical example of people representing the indigenous struggles in Nigeria. Even though the Ogoni people of Rivers State and the Fulanis are in the African map of indigenous peoples, Shonga people of Kwara State is of recent experience 21st century. The
Nigerian State inherited *Ogoni* peoples from the colonial forces, however, the dispossession of the *Shonga* peoples ancestral land has local content over their economic and social life.

**Theoretical framework**

In order to appreciate the global indigenous people’s struggle, it is important to look at the theoretical positions as it affects the struggles for the rights of indigenous peoples. The theory will bring out the political issues arising from the political resurgence of indigenous people and the state claim over national development. John Locke’s *Second Treatise* on property and possession on one hand, and justifications for state possession (sovereignty) on the other, provides a framework for analyses.

Locke’s prognosis of ‘native property rights’, articulated in *Second Treatises of Government* (1690), gives explanation to *man in a state of nature*. In the state of nature, Locke argues that nobody has exclusive right than the rest of mankind, but any additional effort to improve on the state of nature by man, that is “the labour of his body and the work of his hand” he has mixed his labour, and so such becomes his property. He states thus;

> He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself…. That labour put a distinction between them and common: that added something to them more than nature, the common mother of all, had done; and so they became his private right (Locke, 1988:26-28).

Therefore, Locke lays the ground rule of rights to lands and possession, which is a function of first use and occupation which is transferred undiminished to successive generations. The second Locke’s argument guides against conquest, usurpation and tyranny over native rights to land. He asserts that;

> The inhabitants of any country who are descended and derive a title to their estates from those who are subdued and had a government forced upon them against their free consent retain a right to the possession of their ancestors… for the first conquest never having had a title to the land of that country, the people who are the descendants of, or claim under, those who were forced to submit to the yoke of a government by constraint have always a right to shake off and free themselves from the usurpation or tyranny which the sword has brought in upon them…. Their persons are free by a native right, and their properties, be they more or less, are their own and at their own disposal, and not at his (Locke, 1988:192-4).

John Locke not only disparage conquest, usurpation and tyranny but underscores the indivisibility of rights to property by the natives. That the exercise of power beyond right is negation of the principle of property rights, which should not be taken away from the original owners by any guise. Infringement on this principle, either by conquest or claim of sovereignty by national government portends the danger of losing “the native and original right it has to preserve itself” (Locke, 1988:220).

It is within this framework that Adam Smith theorized the development of mankind out of nature. Adam Smith argues that human activity progressed through four stages – starting with hunting and gathering, which Smith described as “the lowest and rudest state of society” (Smith,
Economic activity was seen to grow through pastoralism and settled agriculture, culminating in manufacturing and commerce (Barnard, 2004).

Consequent upon Adam Smith's position, it becomes apparent that ownership of property and its domestication incepted from “the lowest and rudest state of society”, which suggests stone gathering and hunting era. Therefore, the argument that “the failure to apply one's labour denies individuals or groups the ability to call a good or piece of land their own” (Kidd & Kenrick, 2009:8) which has been used to legitimize the appropriation of indigenous peoples' land by the colonial forces and post-colonial African government cannot be justified. First, the indigenous peoples land and property were ceded away to the colonial forces through treaties or by conquest, therefore by the basis of these treaties or conquests. It shows that the indigenous peoples possess property rights ab initio over their land. Second, is the definition of ‘domestication’ within the framework of man subduing nature for his own ends, on this basis, indigenous peoples’ rights to self-determination and control of their territories remain indissoluble.

On the basis of the two fundamental positions, the issues that form the conquest of indigenous people and dislocation of their property right is located around resources and rights to those resources. Colonial and post-independence African governments have latched on the resource ideology to wield a very strong state sovereignty structure against the original owners.

**The indigenous peoples in Africa: Who They Are and What They Do**

A framework of definition of indigenous peoples has been provided by three international organizations – United Nations Organizations (UNO), International labour Organization (ILO), and African Human Rights System.

The foundation of the definition came from José Martinez Cobo, the United Nations Special Rapporteur of the Sub-Commission on the Problem of Discrimination against Indigenous Populations in 1987:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems (Cobo, 1987).

The International Labour Organisation’s Convention, known as ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, adopted in 1989 defines indigenous peoples as:

Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

… on **self-definition** as indigenous and distinctly different from other groups within a state; on a **special attachment to and use of their traditional land** whereby their ancestral land and territory has fundamental importance for their collective physical and cultural survival as peoples; [and] on an experience of **subjugation, marginalization, dispossession, exclusion or discrimination** because these peoples have different cultures, ways of life or modes of production than the national hegemonic and dominant model.” (emphasis in original) (Report of the African Commission’s Working Group of Experts on Indigenous Populations/Communities, 2003).

The three International organizations acknowledge three core criteria of indigenous peoples. They are;

- original or early occupation of a territory,
- colonization or state usurpation of land which created tension over indigenous resource access and issues of autonomy and sovereignty,
- the indigenous group continues to identify with its distinctive, non-dominant cultural identity which may also include a non-dominant economic mode.

Even though the economic characteristic (pastoral, hunting, and farming at small-scale) of the indigenous peoples may be found among minority groups, but the minority groups do not often suffer dispossession of rights to land due to economic activity. The claim of being *indigenous* is made relative not only to a perceived threat, but such threat is real, from a dominant society where there are historical antecedents to the tensions. The table below provides an overview of who the indigenous people are and what they do as a living in Africa. Though the list is not exhaustive, but the main feature is the peculiar economic production system which is based on their ancestral land.
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<th>Country</th>
<th>Group</th>
<th>Main economic activity</th>
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In Nigeria, there are many groups that fit into the criteria mentioned above, but three groups are easily mentioned in Nigeria; namely, the Ogonis, the Ijaws and the Nomadic Fulanis (ILO/ACHPR, 2009). Other ‘minority’ groups may also meet these criteria. For instance, in the Niger Delta region, there are many other minority rights agitators that may fit the term ‘indigenous’. These groups include - but are not limited to - the Isoko, Urhobo, Itsekiri, Efik and Ibibio. In the northern and central parts of Nigeria, there are many minority groups whose search for identity and self-determination may not be necessarily resource driven. For instance, most of those are subjected to cultural and religious domination that threaten their traditional ways of life and identity. They also tend to be excluded from political power. The impression that the Nomadic Fulani is the only indigenous group in northern Nigeria is not truth (ILO/ACHPR, 2009), as there are emerging groups that fall into the indigenous peoples in Nigeria. The emerging group of indigenous peoples in Nigeria is the Shonga farming community of Edu Local Government of Kwara State.

Shonga is capital of the Shonga Emirate district made up of about 57 localities, under the leadership of Alhaji (Dr) Haliru Ndanasu Yahaya. Shonga district has a common border with Tsaragi and Lafiagi districts, and the river Niger separated the Shonga people from Niger State of Nigeria. Culturally, they are of Nupe Kingdom, mainly the Batachi people, that is Mash-land farmers. The community has a vast arable land stretching from Tsaduko (Shonga-Tsaragi boundary) in the south to Kusogi (Shonga-River Niger, Niger State boundary) in the North and from Bidugi (Shonga-Lafiagi boundary) in the east to Shigo, near Bacita (Shonga-Tsaragi boundary) in the west. The Shonga massive land is fertile in nature and the people engages predominantly in agriculture – rice, sugarcane, fishing, cattle rearing etc. The Shonga people are 90 per cent rural farmers and they host the 15 white Zimbabwean farmers. The white farmers through the Kwara Commerical Agriculture Project (KWACAP) negotiated with the white farmers and handed over about 15,000 hectares of Shonga agricultural farm land to the white Zimbabwean farmers for the next 25 years.
Indigenous People and the 1978 Land Use Act (LUA) of Nigeria

Land tenure in Nigeria is basically customary; each ethnic grouping has a unique system. Two major land tenure systems existed in the country before the advent of the LUA. In the Southern Nigeria (comprising 16 of the present 36 states of Nigeria), land administration was under customary law, while in Northern Nigeria (comprising 20 of the present 36 states) the land tenure law of 1962 prevailed.

The LUA is one among a series of legislations enacted in the country to give government compulsory powers over the acquisition of land. Among the reasons given for the enactment of the decree were: First, the Act was expected to curb speculation in land, which accounted for the astronomical rise in land values especially in urban areas. The assumption was that the vestment of land rights in government it would contribute to the stabilization of land values. Secondly, the difficulties, which Government experienced in acquiring land, would be solved through the promulgation of the Act. Thirdly, the Southern part of the country was marked by lack of co-ordinated and formalized tenurial arrangements leading to endless land litigations. Fourthly, tenurial arrangement also imposed impediments on agricultural modernization in many respects (Essang, 1982).

Its main provisions are as follows:

* Section 1: Subject to the provisions of this Decree, all land comprised in the territory of each state in the Federation are hereby vested in the Military Governor of that state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provision of the Decree.

* Section 5 (1) (a) and (2) indicates the powers of the Military Governor in relation to land: (1) it shall be lawful for the Military Governor in respect of the land, whether or not in an urban areas: - (a) to grant statutory rights of occupancy to any person for all purposes. (2) Upon the grant of statutory right of occupancy under the provisions of sub–section (1) of this section all existing rights to use and occupation of the land which is the subject of the statutory right of occupancy shall be extinguished.

* Section 6 (2) powers of local government in relation to land not in urban areas: (2) No single customary right of occupancy shall be granted in respect of an area of land in excess of 500 hectares if granted for agricultural purposes, or 5,000 hectares if granted for grazing purposes, except with the consent of the Military Governor.

* Section 7 (a) provided limitations on right of persons under age of 21, it shall be lawful for the Military Governor to grant a statutory right of occupancy or consent to the assignment or subletting of a statutory right of occupancy to a person; provide that (a) where a guardian or trustee for a person under age of 21 has been duly appointed for such purpose the Military Governor may grant or consent to the assignment or subletting of a statutory right of occupancy to such guardian or trustee on behalf of such person under age.

* Section 9 (2) certificate of occupancy “such certificate shall be termed a certificate of occupancy and shall be paid therefore by the person in whose name it is issued, such fee (if any) as may be prescribed.
* Section 21 (a) and (b), the legal status of the Nigerian land user become that of statutory occupancy, not one of ownership, it shall not be lawful for any part thereof to be alienated by assignment, mortgage, transfer of possession, sublease or otherwise howsoever –(a) without the consent of the Military Governor in cases where the property is to be sold by or under the provisions of the applicable sheriffs and civil process law; or (b) in other cases without the approval of the appropriate local Government.

* Section 26 make “Any transaction or any instrument which purports to confer on or vest in any person any interest or right over land other than in accordance with the provisions of this Decree shall be null and void.

* Section 28 (1) (2) (a) and (b), right to revoke certificate of occupancy (1) “It shall be lawful for the Military Governor to revoke a right of occupancy for overriding public interest (2) overriding public interest in the case of a statutory right of occupancy means – (a) the alienation by the occupier by assignment, mortgage, transfer of possession, sublease, or otherwise of any right of occupancy or part thereof contrary to the provisions of this Decree or of any regulations made there under; (b) the requirement of the land by the Government of the state or by a local Government in the state, in either case for public purposes within the state, or the requirement of the land by the Government of the Federation for public purposes of the Federation.

* Section 29 (1) provides compensation right; “if a right of occupancy is revoked for the cause set out in paragraph (b) of subsection (2) of section 28 or (c) of subsection (3) of the same section, the holder and the occupier shall be entitled to compensation for the value at date of revocation of their unexhausted improvements.

* Section 47 (1) a, b, c (2) the supremacy of the Decree over the constitution, (1) this Decree shall have effect notwithstanding anything to the contrary in any law or rule of law including the constitution of the Federation or of a state and, without prejudice to the generality of the foregoing, no court shall have jurisdiction to inquire into: (a) any question concerning or pertaining to the vesting of all land in the military Governor in accordance with the provisions of this Decree, or (b) any question concerning or pertaining to the right of a local Government to grant a customary right of occupancy under this Decree (2) No court shall have jurisdiction to inquire into any question concerning or pertaining to the amount or adequacy of any compensation paid or to be paid under this Decree.

Land is an economic resource and an important factor in the formation of individual and collective identity, and in the day-to-day organization of social, cultural and religious life. It is also an enormous political resource that defines power relations between and among individuals, families and government. Therefore, any law that impinges on these rights has adverse implication on the existence of the people. In areas where land has a higher value, land ownership patterns can empower and enrich those who make decisions regarding its allocation.

Authority in land whether vested in the chiefs, or in the government officials and political leaders, can in turn, lead directly to private economic benefits for
these actors, derived from land accumulation, patronage and land transactions (Toulmin & Quan, 2000:2).

Political leaders can practice the politics of exclusion, excluding resources from groups with less political power, such as indigenous people and minority groups who are easily denied access to land communally held. Among the indigenous peoples in Africa, who are predominantly farmers, pastoralists and hunters-gatherers, land is their only important resources, conversely, through government policy or law their land rights are denied.

The Implication of the Land Use Act on Indigenous Peoples’ Access to Land: The Shonga Peasant Farmers of Nigeria

A cornerstone of rural livelihood is security of access to natural resources. For indigenous peoples in Africa this is particularly important, because of the decreasing security to land due to state-driven land reforms. In Nigeria, instance of involuntary eviction or displacements of communities or peoples abound in Nigeria. These include the Ayamelum clan (8 autonomous communities) in Oyi Local Government of Anambra state (Ofuebe 1992); the entire Gwari community in the present Federal Capital Territory (FCT) Abuja; the Niger Delta (made up of 9 states) (Ihovvbere, 2000); the Tsonga communities in Edu local Government Area of Kwara state (The Guardian newspaper, (Nigeria) August 14, 2005) etc. Each of the 36 states of the Federation has its own specific cases of forced eviction.

Peasants have different rights in land such as the rights to use the land, the right to sell the land, the right to lease out or mortgage the land for credit or other inputs. The right to use the land is further divided into the right to use the land for food production and subsistence, the rights to cultivate the land for income and employment, and the right to use the land for shelter. These rights directly impinge on basic human rights and their denial easily lead to loss of capabilities, disempowerment and poverty.

African Commission on Human and Peoples’ Rights (ACHPR) (2006) have identified land as a major and critical factor of the livelihood of pastoralists, hunter gatherers and peasant farmers. ACHPR states that several factors limit indigenous peoples’ access to land, among them are –

- dominant development paradigms favouring settled agriculture over other modes of production such as pastoralism and subsistence hunting/gathering;
- the establishment of national parks and conservation areas, and large-scale commercial enterprises such as mining, logging, commercial plantations, oil exploration, dam construction etc (ACHPR, 2006:17).

It is behind this objective that the Land Use Act was instituted, and the Act has vested ownership right on the state governor and the right to acquire any land within the state for the government use. The Act has taken away the major value of land, which is the ownership the natural resources therein – gold and other precious stones, oil mineral, coal, forestry, tin etc.

Across Africa, indigenous people are not only rural-bound and subsist on land, but there are mounting pressures on land and its resources, either for farming, grazing or hunting. Africa is undergoing economic reforms, which encourage the private sectors to drive the economy while government concentrates on regulation. Therefore, the land policy in Nigeria that retains land ownership or control with the government sector, and not with the individual, community or private sector where it can earn appropriate rents and be channeled to the most productive uses, is inconsistent with the new economic policy thrust of government.
The evidence on the Shonga people and their Zimbabwean farmers revealed that the indigenous owners of the land were not aware of the Land Use Act which entrusted ownership and administration of all the land on the State governor. It was the coming of the Zimbabwean white farmers which made them to become aware of the policy, as it was applied to dispossess them of their lands. The compensation paid per farmer was very paltry ranging from N1, 000 ($8), to N20, 000 ($154), as neither the farmers nor their representatives were involved or consulted during the negotiations (Oji and Omenma 207:1).

The entire compensation translates to N5, 533 or US $44 per hectare for 25 years lease; just below US $ 2 per hectare per annum (Oji and Omenma 207:2). The illustration with Shonga community where the white Zimbabwean farmers who relocated from Sothern Africa region, was informed by four main reasons, namely:

a. It is one of the most recent cases in which a large tract of farmland belonging to peasant farmers was taken over by the government of the day for “the overriding public interest” by invoking the Land Use Act.

b. It introduces a new dimension of creation of problems associated with the indigenous people struggle, which has to do with marginalization, eviction, exclusion and dehumanization.

c. It brings to the fore the glaring violation and neglect of community rights over their ancestral property. First, the mobile police force were used to subdue dissenting groups; second, compensation was poorly evaluated and paid; third, there was no direct involvement or consultation of farmers whom their land and source of livelihood was taken away for the next 25 years with paltry compensation.

d. Fourthly, the entire process of negotiation between the white farmers and Government over the 15, 000 hectares of Shonga farmland, was carried out in Ilorin, the State’s capital, about 500 kilometers away from the Shonga farming community. The peasant farmers were not involved, neither were their representatives consulted. The consultation involved only the Emir (Spiritual Head of adherents of one of the religions) and Edu local council chairman, who themselves were not farmers. The lack of consultation of the peasant farmers before displacement from their land implies a violation of their right of information which is a core human rights issue. It also disempowered them from participation in decisions that affected them, thereby leading to their displacement, impoverishment, homelessness, landlessness and growing misery.

The immediate consequence of the revocation of the farming land of the Shonga peasant farmers is scarcityofland for the farming community. Like most traditional African societies, land is held based on family ownership, and lands are inherited from parents and grandparents. Every member of the community has its own land with a distinctive boundary. Every family in the community knows each neighbour’s farming land, and land crises were very minimal because land was enough for the farming community’s needs before the displacement. Usually lands are not sold in the community and sharecropping system takes care of those who have limited access to land or non-indigenes who may need land for farming purposes. Before the coming of Zimbabwean farmers land was never scarce, and to acquire a piece of land for farming was easy. But the government action (of dispossession) has made land very scarce and difficult to obtain, as farmers are restricted to a limit land space. Consequently there is the likelihood of severe land conflict in the future due to increasing population pressure on land.
The process of crop valuation was not transparent, the opinion of the indigenes on how much was the value of their crops were not taken into consideration, they were merely asked to identify their land and crop, while government officials assigned values to the crop. And how they arrived at the values were not made know to the peasants. That is why the farmers and community members are dissatisfied with the entire exercise. The information before then was that they (government) would enumerate/evaluate every economic tree and crops in each farm land and determine the compensation. The compensation paid were far below their crops and economic trees values, neither can it be adequate compensation for the 25 years of land lease. The fear is that most of the adult male members of the community may not be alive in 2029, when the lease period will be over. The questions agitating their mind are: How will people survive for the next 25 years? What is the fate of their children in a situation of landlessness? What is the prospect of conflict-free community when their children are confronted with landlessness?

The Guardian Newspaper (Nigeria) August 14, 2005, reported that farmers were given N83 million as compensation. However, research shows that compensation issue was technical and administrative. Compensation was not paid based on the land they acquired, but based on the crop found on the farm land and other economic tree on the land. The Land Use Act overshadowed every other local or communal laws governing land administration. The general opinion was that they were unfairly treated and cheated, and the Governor and his assistants or other political office holders had failed to interact with the farmers to know what was paid to them. Thus the farmers were thoroughly dissatisfied. Even if the N83 million compensation should be seen as truth, therefore it will likely translate to N5, 533 or US $44 per hectare for 25 years lease; just below US $ 2 per hectare per annum, that is, if 15,000 hectares land is divided by N83 million.

They do not know about the Land Use Act which was used to revoke their farm land, therefore based on that, the law is not acceptable to them, because it limits their rights to their source of livelihood. They are of the opinion that the Act should be repealed or modified to give greater land rights to farmers on their land. They are satisfied with the communal tenure system. Under the Act, they do not hold any specific right to their land because government can acquire the land with or without their consent and pay them any amount the government deems fit. Also, they cannot expand their agricultural production because of the limited access to their land especially since the coming of white farmers. Most of the farmers were Muslims who practice polygamy, with from 10 to 30 children: therefore land is presently limited for agricultural production.

Apart that land is one of the four major factors of production; it is also most valued in the context of peasant production. It is the focus of much wealth, employment, power, status and cultural identity. The experience of Tsonga community in Edu Local Government of Kwara state is illustrative. According to TheGuardian newspaper (Nigerian) of Sunday, August 14, 2005;

over 70 percent of rural farmers (Tsonga community) were displaced for (13 Zimbabwean) white farmers, some of the displaced farmers were given bicycle, while those whose new farm lands are far away from villages are entitled to motorcycle loans, some were supplied with improved maize and cowpea seeds. The expanse of land prepared for one farm is as large as a medium size village such that only bicycles and motorcycles are better means of moving from one part of it to the other. There are 15 of such portions”
This state of deprivation will last for 25 years of renewable lease right. Claude Ake described this type of situation “... as a battle against the “insidious” freedom of the peasants ... employed by the political elites to establish hegemony over and undermine the political powers (rights) of peasants” (Ake, 1999: 64).

**Conclusion**

This paper provided a run-down of who the indigenous peoples are in Africa, and on the process draw a line between indigenous peoples and minority groups in Africa. The distinguishing feature is the dispossession of the ancestral land of the indigenous peoples for the state-controlled cash economy. The emphasis on land alienation and dispossession is not only based on the fact that land is one of the criteria of identified by UNO, ILO and ACHPR in defining indigenous peoples, but it lays credence on the fact that indigenous peoples may not be a minority group. For instance, the Fulani or Fulbe of Nigeria is about 5.3 million in population, they constitute about 95 percent of the nomads, and their livestock contribution to the nation’s Gross Domestic Product (GDP) is about 3.2 per cent (ILO/ACHPR, 2009:4). Above all, they have significant contribution in Nigerian politics and federal bureaucracy. The same to the Shonga people, they are not the minority in Kwara State. The Edu Local Government is located in Shonga land, Shonga is the capital of Shonga Emirate district made up of 57 localities, and the Emir is from Shonga. It is revocation of their 15,000 hectares of agricultural land for the next 25 years that has approximated them within the indigenous struggles and protests. The paper concludes that the state-driven land policies in Africa exist outside the autonomous modes of indigenous subsistence, while the state land policy has not helped to reduce poverty among the indigenous peoples.
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