

LAND AND ITS RESOURCES OWNERSHIP IN EZIMO COMMUNITY: A PANACEA FOR LAND DISPUTES IN IGBO COMMUNITIES.

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Abstract

Land disputes and its resources have generated serious communal crisis across communities in Igboland. This has affected the community relationship and peaceful coexistence among the people. There seems to be paucity of studies or model that can be used as template to curb these unending crises. This study was undertaken to proffer solutions by interrogating the land ownership and its resources model of Ezimo Community in Udenu Local Government Areal of Enugu State. The study's primary and secondary data were collected from the field and phenomenological methods were employed on its analysis. Hence, the findings revealed that land and land resources ownership system of Ezimo community is an expression of family bond, maintenance of community consciousness and web like connection with the supra mundane. The study also discovers that this system of ownership which is a holistic one has been in practice in Ezimo community for ages and has helped in curbing land disputes. The study suggests that if this ownership system in Ezimo is applied and adopted in other communities in Igboland, the relevance and significance of Igbo would view would be enhanced. The study recommends more and unbiased research on the traditional leadership of other communities and tribes in Nigeria as efforts to curb conflicts that land disputes generate.

Introduction

Land disputes seems to be one of the biggest problems facing Igbo nation; and in Igbo communities the problem faces challenges more when it comes to land ownership and settling of land disputes. This paper therefore observed that these land disputes arises mostly because of wrong or ineffective land ownership in some communities. Another problem is that the traditional institution that should be in charge of settling these disputes in the communities do not live to

their responsibilities which make some of the disputes to result to the points of fighting, killing, communal crises, court cases and so on.

This and other shortcoming of the traditional institution in Nsukka cultural zone may be as a result of some earlier researchers who misconceived the traditional African institution as unreasonable, flexible and weak. These misconceptions of African traditional institution may have influenced some traditional leaders in Igboland to such that; they cannot make constructive contribution to the land ownership misunderstanding which causes problems in many communities in Igboland.

Study of land ownership system in Ezimo community of Udenu LGA of Nsukka cultural area appear to be effective and therefore curtail land disputes; which if effectively applied by other communities in Igboland may ameliorate land disputes and the problems generated by it.

On this backdrop therefore, it is the opinion of this writer that there is nothing wrong with Igbo traditional leadership, the problem is wrong application of leadership strategy which arises as a result of materialism, lack of dignity, and indifferent attitude towards African values. This made the AU/NEPA to recognize the need for traditional government in mobilizing for health, justice, and economic.

Many African government have realized that indigenous techniques of leadership have been effective in mobilizing communities to actively participates the administration of health, justice and economic development in many rural areas and are now developing strategies to bring traditional leaders into mainstream national administration. (AU/NEPA, 3003).

We wish to say that the people of Nsukka and Igboland in general should support the traditional institution bearing in mind the features of Igbo world view – the community consciousness, unified view of realty and sacredness of human life. With this, some of the misunderstanding especially the one arising as a result of land disputes would be reduced to the manageable level.

Ezimo Myths: Chukwu (God) the creator and the Owner of land and Land Resources:

Myths could be said to be tales which explains objects or action that symbolizes relationship between the physical and the super natural. Idowu (1976)

explanation of myths portray this fact as he said “A myth is a vehicle for conveying a certain fact or certain basic truth about man’s experience in his encounter with the created order and with regards to man’s relationship to the supersensible world”. (p.84).

In another dimension Pals (1996) saw myth as general form, of which the traditional people view and act towards things around them. He said:

While to us mythology tales are entertaining, to archaic people they mean a great deal more. They provide the very framework within which they think, the values which they admire, and the models – Eliade call them “archetype” – they choose to follow whenever they act. (p.166).

According to the myth, Chukwu (God) called Chukwu-Oke-Abiama in Ezimo is the creator and the owner of land and its resources; and also, the creator of everything. The myth has it that God created the universe in two spheres – Enu Igwe (the sky) and Ala (the earth) and also created two messengers, Anyanwu (the sun) and Onwa (the moon). The sun is to look after the universe during the day and report the day’s activities to God and the moon is to look after the universe during the night and report the night’s activities to God.

This movements of the sun and the moon in supervising the universe was earlier recorded by Dine (2007) when he reflected Emiefe’s reports on Ibagwa-Aka people of Nsukka cultural area:

Emiefe reports that the elders of Ibagwa-Aka illustrate the journey made by both the sun and the moon in a diagram which represents the universe as a circle divided by two diameters which cross other at right angles; the diameters are traced by the journey’s which the sun and the moon make across the world. (pp.13-14).

From the myth one can understand the belief of the people of Ezimo that land and its resources are considered as God’s gift to humanity. It is the same view that formed the idea of why the people have high regards for *ala* as sacred deity.

Land and Property Ownership in Ezimo Community

Inheritance- According to Otto (2007),

Inheritance has been one of the major ways by which a person bequeaths his or her property and belonging to either a son, daughter if no son, brother or other close relations. (P.78).

It has been an age long tradition and practice in Ezimo and most communities in Igboland that land and its resources inheritance is patrilineal. One Igbo sayings confirms this view, thus; *Nwanyi o na-ekete ala?* – Do women partake in land sharing? This concept does not imply that the people marginalizes women, but just that it has been the tradition of the people.

In fact, from the origin, the tradition of Ezimo community has it that women do not own a land. Even when a woman has money to buy land, it is either she buys it through and for the husband, the son, the father or the brother. In this light therefore; we attempt to define inheritance from Igbo traditional point of view as; a process by which son or sons, brother(s), uncle(s), and other male relatives take possession of land and its resources and other properties of the father(s), uncle(s), brother(s), and other relatives.

In the present situation, colonialism and post colonialism, education, migration, economic advancements, cultural interference and so on has probably occasioned some changes and new dimensions in the inheritance and land possession.

Today, women can buy and own land like men without being accused of violating any tradition. This new thought is not far from the fact that Igbo people and their culture are tolerance in nature as noted by Ottenberg (1959) when he said that “the Igbo are probably most receptive to culture and most willing to accept Western ways of life, than other groups in Nigeria”. (p.130). Onunwa (2005) corroborated Ottenberg and wrote:

The fact is that theirs is an achievements-oriented society and consequently they become keen in accepting new ideas that would enhance their chances and opportunities, while accepting other people's views, they also tend to retain theirs. As astute and shrewd business-minded people, the Igbo are prepared to learn new things. (p.219).

For every Ezimo person in the pre-colonial era, wealth, richness and greatness to be meaningful it must involve land and its resources. The people call land and its resources; *Ala na Uzu Ala*, ala means land, uzu ala means natural resources like palm trees, cola-nut trees, Ado trees, Ujuru trees, grand pie (ukpaka or ugba), and so on. And right of ownership of lands and its resources are invested on

someone as a member of his family. Omereji (2003) remarked this view and said "Ownership of land is the lineage, and right to an individual depends on his family membership. (p.71). and therefore, people of the community lay claim and can only trace the origin of their and it resources through oral tradition or oral proclamations by their father or fore fathers.

The people call it natural resources because some of the trees grew there even before their fore fathers. The people believe that gods and other super natural beings made the trees to grow from the land for the people to enjoy. In fact, Ezimo people have the conviction that these trees were created by God; monitored and protected by gods for the people.

In the belief of the people of Ezimo, their fore fathers or their ancestors held those resources in custody for future generations. Bajo, B. (1992) noted this and said "the right to private property is deeply rooted in the tradition ... placed at the disposal of the community". (p.22). As a result of this, the people believe that destruction of these resources incur the wrath of the ancestors and other gods.

Even though land is seen as a family property, it is most often shared among the statutory owners, that is the children who have right of inheritance of a particular land. In the sharing of inheritance land, Ezimo people go with patrilineal principle. This patrilineal principle stipulates that only the male children can have share of land inheritance. In a situation where the family has large portion(s) of land, the principle also allows the first son to take a bigger share for being the custodian and the land and the ancestral deity known as *Arua*. This is to assist him take care of the land, ancestral deity and other responsibilities as the eldest son. This is the reason why the people have the popular saying *Onyishi nwe ala nwe mma* which literarily means the eldest son who take custodian of lands and deity.

If the land inheritance is to be shared among male children of a polygamous family, each wife represents a unite of the household and therefore the land is shared according to the households. For example, if Mr. A married four wives, B, C, D and E. When it comes to sharing of the land, after giving portion to the eldest son if necessary, the remaining land is shared into four households, B, C, D and E. Now, if B household has four sons, the four sons shares the portion(s) of land that the B household got. If C household has three sons, the three sons would also share the portion(s) of land that belong to C household. And if D household has one son, the portion(s) that belong to the household belong to him

alone. Then, if household E has no male child, there would be no portion to the household. However; a portion of land smaller than other households is given to the household for cultivation which would be available to the entire Mr. A family after the death of the mother of household E.

According to M. Ossai (personal interview, 26th August 2019), the idea of not sharing lands to a household that has female children, but has no male child was not that the people of Ezimo has no regards for female children or that female children are not honored or loved. The idea of this tradition was that the female would be married to their husbands where they would beget households. M. Ossai asked the researcher, "if the females got share of their family lands, what would happen to the land after they have married to their husbands, who then would own the portions?

The researcher tried to argue what would be the hope of survival for some of these female children who were not married and yet they have no inheritance of lands and its resources which was the only source of survival in the pre-colonial period. M. Ossai replied that in the pre-colonial era, it was difficult to see an unmarried woman.

According to him, it is the European and their Christianity that brought monogamy in Igboland which resulted to the fact of some women remaining unmarried till adult or old age because a man can only marry one wife. M. Ossai asked the researcher, "Do you think, if every man is to marry at least two or three wives, there would be any unmarried ladies in the community?" He also added that number of men who are not married for religious reasons, like the catholic clergies are also contributing to the increase of unmarried ladies in Igbo communities.

Another procedure of land sharing is that of clan, community or village lands. In Ezimo community, this procedure does not follow the same process of sharing like that of family. In this process, every male child who is of age has right of inheritance. In fact, the tradition has it that every male child who is married is entitled to a share of the portion of land. In this procedure of clan, community or village, lands are not shared in households, but per every entitled male child. Even if a household has seven male children who are qualified, they would be entitled to their individual seven portions. And a household that has one male child who is qualified is entitled to one portion.

Here households without a male child are not considered for any portion of land because it is assumed that such families have been taken care of in their immediate families as explained above.

Another valued property next to land in Ezimo community in the pre-colonial era was land resources; and the only land resources then were the economic trees. The principle was that economic trees on lands before or during allocation or sharing do not belong to the individuals who becomes the owners after allocations. The individual owners' rights are limited to their portions of land only and not to the economic trees on the lands.

The people believe that trees were there by the supernatural for the communal benefits of the entire members of the clan, community and village. Secondly, from the origin, people of Ezimo are family and community conscious. The people's view was that if the land and the economic trees are shared together, such will reduce their fraternity. The process of coming together to share the fruits of the economic trees are opportunity for the people to come together, discuss matters that effects them as a clan, community or village. It is also an opportunity for the younger ones to know their family members bearing in mind that family for the Africans includes, father, mother, children, uncles, aunts, cousins, niece, and so on. Not the Western family that is limited to father, mother and children. It was on this backdrop that we argue that system of land ownership in Ezimo is an expression of community consciousness.

However, after the sharing or allocation of lands, one can plant economic trees on once portion of land and therefore has the right over it even by his children. This was to encourage hardworking so that people do not rely only on the ready-made wealth acquired by their parents as we can observe in our society today where children rely on the wealth and properties of their parents without any efforts to add to it.

Mortgage: Mortgage in this context is a traditional process by which a creditor lends money to a debtor in an arrangement that the debtor temporarily transfer his ownership of a portion or portions of land to the creditor for a period of time agreed by both of them.

This mortgage is of many types; first is the type whereby the creditor and debtor agree that the creditor must continue to have the ownership of the mortgaged land for the agreed period of time irrespective of whether the debtor pay back or not. The second type is the one that ones the debtor pays the debts, he (the

debtor) regain the ownership of the mortgaged land. The third type is the one that both the creditor and the debtor agree that if the debtor cannot pay the debt for a period of time, he (the debtor) loses the ownership of the land permanently to the creditor. And from that day that the debtor loses his ownership, the creditor permanently becomes the owner of the land and after him, his children and grandchildren continue the ownership.

It is important to note that this third type of mortgage is not wickedness or greediness, but an age long practice to encourage hard work. Certainly, one can have challenges and borrow money, but such person should also endeavor to pay his debt as at when due.

The implication is that loosing ownership of land in mortgage is a mark of laziness. This is because even when one cannot meet up in the payment and he is hard working, his family members can come to his rescue and ensure that the debt is paid so that their kinsman does not lose his land ownership to a creditor. This is the idea of Igwebuke in Igbo ontology as observed by Kanu (2005), thus:

When human beings come together in solidarity and complementary, they are powerful or can constitute an insurmountable force. At this level, no task is beyond their collective capability. This provides an ontological horizon that presents being as that which possesses a rational character of mutual relationship. As an ideology Igwebuke rests on the African principle of solidarity and complementary. (p.67).

This is also an expression of community consciousness.

Land Sale: This is another process through which one can own a land in Ezimo and other communities of Igboland. This is a process whereby one wants to sell his land and another wants to buy the land. It is simply buying and selling of land.

In the pre-colonial period, selling and buying of land is not like other commodities; there are processes and procedure. When one wants to sell a piece of land, he would first inform his *Umunna* - larger family members his intension which serve as advertisement for sell. If anybody is interested among the family, the person will then buy. However, if nobody declared interest, the seller can now inform other people within the village.

The second procedure is that the buyer with his family members and sometimes friends will visit the seller to declare his interest to buy the land. In this visit the buyer goes with some quantity of palm wine. The next procedure is that the seller would show the buyer the boundary of the particular land to be sold. After this, the next is deliberations on the price of the land. Usually the deliberation on the price take time like some days, sometime weeks or months.

If after deliberation and it is agreed, another date would be fixed for the part or full payment. On this date also, the buyer will buy palm wine. And then the next and very important procedure is the ritual of killing of goat known as *ewu ala*. This is a ritual of which the buyer presents a goat, yam and condiments. The most important is the goat because of its usage.

The goat which is symbolic, signifies many things. First, it is killed on the particular land to inform the ancestors that the land ownership is from that day transferred to the new owner. The goat serves as permission from the ancestors that the land which its ownership was transferred from them to the living is being sold. The killing of the goat on the particular land for sale is symbolic because the blood of the goat is believed to serve as an appeal to the earth goddess to continue to be happy with the new owner. Then, the food, the drink, the meat and other edible to be eaten by both families of the buyers and the sellers serve as covenant between the two families as witnesses to the land transaction believing that the invisible beings are presents in the gatherings.

Settlement of Land Dispute in Ezimo

According to Okafor (1992), in his discussion about judicial methods in Igboland, he said; "There is no specialized courts as such entrusted with judicial matters. Judicial matters methods may at times appear informed, but they follow recognized diverse line". (p.7).

In Ezimo community and other traditional communities in Igboland there were no courts, but the people could settle misunderstanding which includes land disputes. The settlements are carried out with the aim of ensuring cordial relationship between people, reduces suspicion and reestablishes love, trust, care and therefore ensures harmonious link between the physical and supernatural entities.

In a situation where one feels that someone encroaches on his land or the boundary, the first thing such person does in Ezimo is to report to the eldest man

in his *Umunna* – (clan). Another way of calling one's attention is by pegging palm frond known as *Om* or *Ogu Mma* on the portion of the land. Palm frond for the people of Ezimo and other Nsukka people is a symbol which signifies something bad, unpleasant or even death.

According to the custom of the people, when one sees palm frond pegged, hung or used as a barricade in a particular area, it denotes danger which implies that one need to be caution. If palm frond is pegged or used to barricade a portion of land where one is clearing for cultivation, building or anything, it is simply a sign for one to stay action. Either of them will inquire who was at work on the land or who put the palm frond on the land. In either way, the inquires starts from the *Onyishi Umunna* – (The eldest man of the clan) and from there the process of settlement commences.

If two of them are from the same family, the *onyishi* of which the matter was reported, would invite the *Umunna* to hear the complainant and the accused would also say his own side. However, if the two of them are from different families, the *onyishi* who received the complaints would inform the *onyishi* of the accused and they would invite both the complainant and the accused and the Umunna of the two families and hear the matter.

Okafor (2019) noted his method of settling disputes in Igboland; thus:

When there is a dispute between two persons, their relations and very close associates regard it as their right and duty to intervene and resolve it ... the elders are expected and enjoined by tradition to tell the whole truth as they know it, no matter whose ox is gored. Any decision or action they take must be based on this truth. (p.88).

If at the family level and the matter was not settled, it then moves to the village where many other elders who may know the history of the land in dispute will be in position to unveil some information that may help in resolving the matter. But if the matter could not be resolved at the village level it then goes to the entire town. A situation where the elders of the town cannot settle the matter, the next stage which is the last stage of the traditional ways of settling land disputes is oath taking.

In African traditional religious belief, oath taking is a method of ritual performed for the sincerity of parties in context in order to ensure justice. No doubt that

oath taking is yet to prove scientific and analytical interpretations, but it is a belief of the people who practices it and as said 'belief is as good as reality', therefore the people believe in it.

Onunwa (2005) analyzed some of the reasons for oath taking and said:

Oaths are taken at different times in one's life and at any season of the year. They are taken at initiation rites, in covenant enactments or renewals, in settlement of land disputes ... The *raison d'être* for an oath may be something trivial in a society but a matter that had been highly valued by the disputants. (p.174).

Taking oath does not end land disputes until after the grace period which is mostly one year; through which nobody can lay claim of the land. Again Okafor (2019) remarked this fact and wrote that;

Igbo people may resort to oath taking, but only as a last resort. It results in a stay of action but does not in itself bring peace – at least not immediately ... So, anything that happens to any of the parties this first year is attributed to the oath. (p.87).

No attempt here was made to express that Ezimo people want something bad like death to happen to person because of land; but to show that the people in the pre-Christian era knew the extent where land disputes could be stretched to and therefore very careful and honest not to encroach on people's land as such can lead to oath taking.

It is also critical to say that Igbo people or Africans in general have more fear and respect to the traditional oath taking and therefore most people do not take oath on what are not sure or face the consequences. Ossai (2013) noted this view this way:

If instead of Bible or Koran traditional religious priest are invited to take our leaders to oath of office with a deity, I think they will drastically reduce the embezzlement of public fund. This is simply because they have more respect for African religion in carrying out justice than the foreign religions. (p.159).

It is important to note that there are other methods or groups of people that can settle disputes in Ezimo like Ogbo/Ogba - Age grade, Njomu/Ndiomu -

Women group based on place of marriage, Umuada/Umuokpu – Women group based on place of birth, Omabe – Masquerade and so on. But in land disputes, these groups are not involved in the settlement. This is because the people believe that land is not just a physical entity, but also a spiritual one where the ancestors, the earth goddess and other spiritual forces are inhabited.

The thrust of this paper is to suggest that the traditional methods of settling land disputes in Ezimo if adopted or re-introduce by other communities in Igboland would curb the misunderstanding, crises, fight, hate, killings, court cases and so on which arises from land disputes in Igbo communities. The position of this paper is that the elders and other people from the same clan, community, village or town who understand the tradition; and also know the owners, boundary and other history about lands in their respective areas are in more position to settle land disputes than those who do not know.

Achebe (2008) remarked this in a discussion between Okonkwo and Obierika where Okonkwo questioned:

What has happened to that piece of land in dispute? asked Okonkwo.
The White man's court has decided that it belongs to Nnama's family who had given much money to the White man's messengers and interpreter.
Does the White man understand our custom about land? (p.141).

Also, Okafor (1992) emphasized that Igbo do not have the Western system of law enforcers, but they still have their own methods that has been working for them.

The Igbo do not have permanent law enforcers of Western style, although an ad hoc group could be appointed to perform that function, if need be. But the fact remain that the native Igbo keeps the laws of the land not merely for fear of being caught by the law enforcement agent, but mainly because the principles of doctrines of his religion require him to do so. (p.68).

Njaka (1974) held the same view about Igbo people when he said "Law and order are maintained because the ancestors so desire and *Oha* so commands. And the ancestors desire law and order because Chukwu must have approved them. (P.46).

However, this suggestion was not aimed to resolve land disputes in some areas in Igboland which have evolved to big cities. Some of these cities are today taken by the government and some are states capitals like Enugu, Owerri, Awka,

Abakilike, Umuahia and some other cities in Igboland. Here, some of the original owners of some of the lands are no more known and therefore the traditional method may not be possible.

Conclusion

The study x-rayed two purposes. First was the identification of how land disputes have threatened community relationship and peaceful co-existence among the people of Igboland. Second purpose was a suggestion that land ownership system in Ezimo community of Nsukka cultural area of Igboland if adopted by other communities in Igboland could be a solution to reduce land dispute crises.

Land ownership system in Ezimo community has fundamental factors – family bond, community consciousness and maintenance of harmonious relationship with the super natural forces which are in line with Igbo world view. On this note therefore, this paper suggests that other communities in Igboland should adopt the land ownership system of Ezimo community as a template to solving or reducing the problems associated with land disputes which implies peace and understanding among communities in Igboland.

Recommendation

1. African world-view of sacredness of human life, community consciousness and unified view of reality should be effectively applied to land and its resources ownership system in Igboland.
2. Communities in Igboland should follow its traditional land ownership.
3. Land disputes in Igbo communities should be settled by the traditional institutions.
4. Politicians and other people in position of leadership in Igboland should imbibe Igbo traditional concept of leadership which is love, care, brotherliness and dependence on the invisible.
5. Traditional leaders in Igboland should not be influenced by money and politicians.

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