

COMMUNICATIONS

relative significance of the physical environment and the 1978 land use decree on agriculture in Nigeria : the small holders' plight

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ABSTRACT

The promulgation of the Land Use Decree in 1978 is probably the most important step ever taken in transforming Nigeria's agriculture. Its aim is to revolutionise the customary land system considered as a threat to agricultural development. We examine in turn :

- the main concepts which, in the various regions of Nigeria and other tropical African countries alike, govern traditional land tenure;*
- the problems set by the old system;*
- the relations between land system and environment;*
- the consequences of the 1978 Decree for smallholders.*

RÉSUMÉ

La promulgation du décret de 1978 sur l'utilisation de la terre est probablement le pas le plus important fait par les autorités du Nigéria pour transformer les pratiques agricoles de ce pays. L'objectif principal du décret est de révolutionner le système foncier coutumier considéré comme une menace pour le développement agricole. Sont ici successivement évoqués :

- les grands concepts qui, au Nigéria comme ailleurs en Afrique tropicale, régissent, selon les régions, la tenure foncière traditionnelle;*
- les problèmes posés par le système ancien;*
- les rapports entre système foncier et environnement;*
- les incidences du décret de 1978 sur la condition du petit exploitant.*

INTRODUCTION

In its drive towards modernization, the economy of Nigeria

has undergone a fundamental structural transformation. Thus, the country has changed from being primarily agricultural to becoming increasingly industrialized. As noted in the

Third National Development Plan (FRN, 1975) for example, an assessment of the overall performance of the agricultural sector during the Second National Development Plan period points conclusively to the declining contribution to the Gross Domestic Product even though the value added by the sector has been rising in absolute terms. For example, when the relative contribution of the various sectors to the GDP excluding petroleum are considered, the agricultural sector's share amounts to about 53 and 49 percent for 1970-71 and 1973-74 respectively. Also, the growth rate in agriculture was relatively smaller than the other sectors of the economy in 1971/72 and declined more rapidly being negative in 1972/73 and 1973/74. In absolute terms, while prices have more than doubled in the industrial sector in our economy between 1970/71 and 1973/74, the prices in agriculture in 1972/73 and 1973/74, the prices in agriculture in 1972/73 and 1973/74 were below the price in 1970/71. It may also be noted that the relative significance of agriculture has declined from 36 % in 1970/71 to 23.1 % in 1974/75 whereas the relative significances of oil has risen from 33.1 % in 1970/71 to 45 % in 1974/75.

In spite of the decline in the relative significance of agriculture, there has been increasing demand for agricultural products. This implies the need to introduce schemes which will increase the output of agriculture and which will enhance the productive efficiency in order to maintain the competitive position of the export crops in world markets. Many schemes have been proposed for the development of agriculture. These include settlement schemes and emphasis on group farming and co-operatives as well as other farm inputs such as credit facilities. Recently, a nation wide «Operation Feed the Nation» programme has been introduced. Because a major factor inhibiting the development of agriculture is the land tenure system, some programmes have also been introduced to modify the system. Probably, the most significant step which is meant to effectively change agricultural practices in Nigeria is the promulgation of the 1978 landuse decree. The purpose of this paper is to examine what future prospects agricultural development in Nigeria has under the influence of the decree.

THE LAND TENURE SYSTEM

One of the major goals of the 1978 Land Use Decree is to revolutionize the Land Tenure System which has long been regarded as a menace to agricultural development in the country. Basically, the average Nigerian farmer practises peasant agriculture on a relatively small scale. The traditional land tenure systems vary from one community to another and there are as many different land tenure patterns as there are ethnic groups. For example, along the coastal areas, the system is generally derived from a tradition of communal rights to the use of a prescribed area of land which «belongs to a vast family of which many are dead, few are living and countless members are still unborn» (FAO, 1966). The traditional system is based on a number of concepts which are common to most of tropical Africa and which as in other areas include : (FAO, 1966).

a. the concept that the land is the joint property of the community and there is no basic concept of individual rights of permanent ownership;

b. the concept that the right of an individual to obtain land for farming within the area to which the community

lays claim is derived from his membership of the land-holding community;

c. the concept that in each land owning group there is a single traditional custodian of the group's right who exercises control over the land of the group and allocates parcels of it to members in accordance with the traditional law and custom. Such traditional land-allocating authority is usually the chief or administrative head of the group, although he may be some other person such as a respected elder or a direct descendant of the first family of the group;

d. the concept that any individual right which a member or group may have over a particular piece of land only continues for as long as he actively cultivates the soil of the plot in question. As soon as cultivation ceases and the fallow period begins, the land reverts back to the community and at the end of the fallow period may be allocated to another individual.

Over the northern parts of the country, the concepts of land tenure systems until relatively recent times were basically similar to those in the south. With the conquest of these areas by the Fulanis in the 19th century, a modified feudal system governed by Islamic Law in which land was conferred as fiefs or estates on officers of the State, members of the royal families and other notables, was introduced (FAO, 1966). With the conquest of the Fulani emirs by the British in 1902, the high Commissioner for the former Northern Nigeria formally declared that all lands which were formerly the property of the Fulani rulers had reverted to being public lands. The Land and Native Rights Ordinance was passed in 1908 with the general principle that the title to land was based upon a communal usufructuary right and the chief's rights did not amount to anything more than an administrative control over vacant land in the interest of the whole community. The chief was henceforth bound to assign land, when available to anyone requiring it without rental charges. On 1st October, 1972, a new Land Tenure Law, which vested powers to control titles to land either by customary law or by statutory law in the Northern Nigerian Government's Minister for Land and Survey, was introduced. The Minister could however delegate his powers to Native Authorities. With the 1962 law, provision existed for land to be held (a) under customary rights whereby a native or a native community could use or occupy land in accordance with the native law and custom (b) under statutory rights whereby a Native Authority or Local Authority under powers delegated by the Minister could grant rights of occupancy and (c) statutory rights of occupancy granted by the Minister under the provision of the law.

PROBLEMS CREATED BY THE LAND TENURE SYSTEM

As long the farmer requires the piece of land allocated to him for the growing of annual food crops, there were no difficulties created by his loss of rights over any particular piece of land when he had finished harvesting his last foodcrop of the cultivation cycle. However, with the introduction of permanent tree crops such as cocoa, rubber or cultivated oil palm, certain complications arise. For example, according to traditional ideas, a tree is the property of the man who plants it even when the land upon which it stands has reverted to the ownership of the community. Thus, the planting of large blocks of trees, must in effect lead to the recognition of permanent individual ownership of the land upon which they

stand and it has been effectively removed from the «pool». Moreover there are always disputes among some communities (clans, villages and families) over areas of ownership. Another problem is that some communities maintain claims to sole rights over areas of land far beyond their present capacity for utilization or exploitation while others suffer from severe shortage of land for the use of their members. In the vicinity of some large towns, for instance, the pressure on the land has reached such a stage where people have been forced to leave their uneconomic holdings and migrate into the cities in search of wages in spite of the severe underemployment and unemployment which already exists, there is also the problem of further fragmentation of the existing small scale holdings which has been seen as a major obstacle to improved land use and more efficient farming practices in Nigeria.

The customary Land Tenure System provided security and an adequate standard of living to the members of the community as long as they were purely subsistence farmers with no contacts with cash economy. With the introduction of cash economy and the rapid increase in population following improvement in health services, however, the system became inadequate.

There is no doubt, therefore, that the Traditional Land Tenure System is not suited to the present day requirements in respect of the need to increase agricultural productivity. There is definitively an urgent need for a change in the system.

ENVIRONMENT AND THE LAND TENURE SYSTEM

As noted by KARMARK (1967), the traditional land tenure system tended over wide areas to reflect the constraints imposed by near subsistent agriculture, given the particular characteristics of the environment particularly soils, climate, pests, diseases and the genetic qualities of plants and animals. Generally, traditional agriculture makes only minimal demands on such critical scarce resources as investible funds, foreign exchange and higher calibre entrepreneurial talent, all of which are needed for industrial development. Moreover, although productivity depends on the farmer's attitude to work or his power to make intelligent decisions than is true of workers engaged in manufacturing, the country is more ill favoured by the environment than by this human factor.

For example, the soils of Nigeria, as in other parts of Africa, are important factors determining the choice of a particular system of cultivation. It is for example significant in establishing the ratio between the length of time the soil can be cultivated with satisfactory results and the length of time it must be left alone to enable fertility to be restored. These soils are generally poor partly because of the rocks from which they were formed, and partly because they contain very little organic materials. For example, the soils, being generally derived from old acid parent rock, are poor in calcium and plant nutrients, while their chemical make-up tends to perpetuate the shortage of proteins in the Nigerian diet, a shortage which naturally has an impact on work efficiency. As noted by LEE (1957), sugar, manioc rice, corn and sweet potatoes are familiar examples of tropical food-stuffs rich in carbohydrate but relatively poor in protein. As for other parts of the humid tropics, climate is one of the most important factors determining the type of soils prevailing in different parts of the country. The acid characteristic of many soils and the lack of humus content is for example a consequence of this important

factor. Much research has been done into improving the soil conditions and the applicability of fertilizers in Nigeria. But to the average small holder, these measures are usually very expensive while still very little is known about the deficiencies in the soils which must be made good and how they can be made good.

Climate has also to «a large extent influenced the soil fertility through leaching so that some soils may require twenty-five years or even more to regain a brief fertility after two or three years' cultivation». Because most parts of Nigeria are characterized by heavy downpours during the rainy season, any fertilizer which a farmer may put on the soil may also be easily washed away particularly if the application is not done correctly.

The climate factor also has a significant influence on the vegetation which in turn affects the small holder's agricultural practice. For example, along the coastal areas, climate favours reproduction and growth. Thus, the vegetation is characterized by an almost infinite multiplicity of species and subspecies and with only a relatively few individuals of any one kind in any one place. It is these forests which to a great limit the extent of cultivation of the small holder who is restricted by his level of technology.

A part from these indirect influences of climate on soils and plants, the factor is of significance to the suitability of the environment to pests and diseases, which on many occasions have caused significant losses in the productivity of the small holders' agricultural practices.

Directly, the significance of climate arises from the influences of water and heat. Probably the greatest climatic problems limiting productivity are the shortage of water from rainfall during the growing season in most areas, the lack of it for periods varying from four to eight months, as well as the unreliability and the variability. Moreover, the energy received from the sun, although significantly advantageous for photosynthetic productivity and plants' growth, the insistent heat and generally high temperatures throughout the year are problems limiting productivity. It therefore appears that any schemes designed to improve the productivity of the farmer must consider solution to the climatic problems as primary in the consideration of such schemes.

Because small holdings have been generally regarded as less economic and less productive than large scale holdings, particularly in government quarters, the campaign for the introduction of large scale productive units with capital intensive productive equipment like tractors have been mounted over the past few years. Many people believe that such large scale capital intensive agriculture is bound to be more rewarding in terms of productivity. In fact, the 1978 Land Use Decree and many other agricultural schemes that have been introduced in the country have been designed to encourage large scale farming. However, it has been found that in spite of the large capital resources consumed by such projects, the returns are relatively low and in some cases negative for national development.

It may also be noticed that such large scale projects requiring the use of labour saving equipments create greater problems of unemployment of the growing population. This in turn causes large scale migration of the younger farmers into the urban centers, causing urban slums and many other social ills associated with urban growth. As far as Nigeria is concerned, considerable increases in productivity has been achieved

in many areas by introducing labour intensive improvements to increase yields per acre among the small scale farmers. This is for example the case among the Kofars of the Jos Plateau, the riverine areas and particularly around the major cities. Such traditional methods introduced include the use of inexpensive fertilizers, appropriate simple technologies for eliminating diseases and pests and the application of irrigation water during the dry season.

THE 1978 LAND USE DECREE AND THE SMALL HOLDERS PLIGHT

It definitively appears that the country has not learnt from the past experiences gained both in East Africa and the other parts of West Africa as far as large scale projects are concerned. As already noted above climate probably has the greatest effect on the quality and the usefulness of the environment to agriculture. The lack of research into the variability of climate and adequate prediction of the type of weather conditions to expect has led to failures of some major projects in Africa. In addition, lack of proper research into the tropical soils particularly the variability in characteristics with the different seasons has led to expenditure of huge sums of money on the wrong type of equipments, which are not suitable for the tropical environment. The peasant farmer also has no understanding of the appropriate use of the equipments which, constantly break down; and for which there are usually difficulties of obtaining spare parts. It may also be pointed out that the unemployed rural population resulting from the investment of the scarce nation's capital in large scale agriculture, in turn results in large scale rural urban migration of the young farmers causing urban slums and greater social urban problems than otherwise would occur.

The 1978 Landuse Decree will in future probably aggravates these problems. Probably the most important feature of the decree is that all lands in a state are vested in the State Military Governor who holds it in trust for the people. The decree puts all land in the rural areas under the control and management of the local government within the area of jurisdiction of which the land is situated. A Land Allocation Committee whose responsibility will be to advise on matters connected with the management of land in rural areas, is to be established for each Local Government area.

The decree provides that each Local Government shall be responsible for granting customary rights of occupancy to any person or organization for the use of land in the rural areas for agricultural, residential or any other purposes. No single customary right of occupancy shall be granted in respect of an area in excess of 500 ha for agricultural purposes or 5,000 ha for grazing purposes except with the consent of the Military Governor. The law also provides stiff penalties for any person who wilfully obstruct, hinders or resists or harasses any person duly authorized by the government to execute any duty under the decree.

As far as agricultural development in Nigeria is concerned the 1978 Landuse Decree has turned out to be one of the most controversial legislations by any administration in Nigeria. This is an attempt to impose a uniform land tenure system throughout the Federation; secondly, by attempting to limit the areas of undeveloped land that can be owned by an individual, the decree has been praised by the landless class but attacked by the land owning group. As already noted, the

land tenure system as it existed before the Landuse Decree has become unsuitable to the present day requirements in respect of the need to increase agricultural productivity. However, the major problem is not that the land tenure system is averse to individual ownership; in fact, large tracts of individually owned land were becoming common even prior to the decree. But the process involved in obtaining such lands is usually fraught with intractable problems. For example, the process involves the tedious search for the root of title and the search could take months to complete, if at all it is completed. It may also cost a fortune (FANIRAN, 1978). Thus the Landuse Decree will enhance accessibility to land for agricultural development. The indirect purpose of the Decree is also to encourage consolidation of fragmented rural agricultural land and encourage large scale agricultural enterprises.

In fact, the viewed from the responses of the average Nigerian farmer since the Decree was promulgated, it appears that, like other laws promulgated before the 1978 Land Use Decree, the provisions of the decree as far as the small holder is concerned may be very difficult to apply in rural areas, particularly for agricultural purposes. For example, in spite of the decree, most farmers are still strongly attached to the traditional belief of communal land ownership and prefer to go through the land tenure system for an ownership of land. Secondly, although the government encourages the granting of loans. The lack of responses of the farmer to other widespread schemes of providing agricultural services is also an indication that there is a more fundamental problem which the government needs to tackle.

The government is no doubt aware of the significance of weather and climate to agriculture. But it appears that the government is not yet aware of its relative importance. This is particularly true of the south, where much less emphasis is placed on schemes for improving agricultural water resources and providing suitable thermal environmental conditions particularly for increasing productivity of animals. In a study of the water balance (OJO, 1969, 1978) and the need for irrigation development (OJO, 1977), this need has been emphasized. Unfortunately, neither the Federal Government nor the State Governments realise the degree of emphasis that must be placed on this important factor in Nigeria. It may be noted that in Kano State where greater emphasis has been placed on the climatic factor and the need to develop irrigation, agricultural productivity has been considerably increased and the state rarely experience shortage of essential food crops produced in the state, even in the dry season, and in spite of the fact that farmers are small scale holders and the fact that the emphasis placed on services schemes and the problems of land tenure system is only secondary.

CONCLUSION

Nigeria is at present at a turning point in the history of her agricultural revolution. As already noted, there has been many schemes proposed to increase agricultural productivity and while some people appear to have lost confidence in the success of these schemes, others still look forward to them with some confidence. The 1978 Land Use Decree represent the latest step taken at revolutionizing the land tenure system in the country, and consequently its influence on agricultural practices and agricultural productivity. As already

emphasized, there is need to modify Nigeria's land tenure system to improve agricultural production and provided enough care is taken to forestall problems and difficulties which may arise in the implementation of the decree, the decree is bound to considerably influence the land tenure system. However, it still appears that while efforts are being made to improve some factors which one may regard as secondary to agriculture in Nigeria, much less emphasis is being placed on ways of successfully improving the environmental factors, particularly climate. There is no doubt that the average Nigerian farmer is receptive to change particularly if it involves his tradition. Moreover, he is more interested in his economic and social security and to many, land provides a means to achieve that security. Another significant point is that the average farmer is ready to move from one area to

another at any time. Thus, the Land Use Decree, though may prove useful as far as agriculture is concerned, the need to assure the farmer of increased output which will be continuous during a year appears more primary than the change in land tenure system which the Decree will provide. As already emphasized, the traditional tenure system had already started to change with the introduction of money economy and farmers were already enjoying individual ownership of their farms; and right to land, whether traditional system was ready to recognize it or not. There is also need for service schemes such as providing of seed, fertilizers and insecticides. But the improvement on climatic environment must be given equal emphasis as (and in many parts of the country greater emphasis than) these other schemes.

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