

land tenure, land use and land acquisition in Nigeria

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ABSTRACT

75 % of Nigeria's total population of 70 million inhabitants live in rural areas, which explains how extremely important any measures concerning land change are in this country. We examine various concepts relating to land and land tenure, on the one hand, and land management and acquisition on the other, in the light of the old system — the customary paternalist one in operation until the beginning of 1978 — and the new one, that is, the Land Use Decree promulgated in 1978, which makes the State the actual owner of all land.

RÉSUMÉ

75 % des 70 millions d'habitants du Nigéria vivent en zone rurale. Aussi tout ce qui, dans ce pays, affecte la terre est-il d'une importance capitale. Sont ici examinés les concepts relatifs d'une part à la terre et à la tenure de la terre, d'autre part à la gestion et à l'acquisition de la terre, à la lumière à la fois de la situation ancienne — système coutumier en vigueur jusqu'au début de l'année 1978, de type paternaliste — et de la situation nouvelle — décret sur l'utilisation de la terre de 1978, qui fait de l'Etat le véritable propriétaire de la terre.

INTRODUCTION

The country Nigeria, a West African country is situated in the tropics. Made up of a Federation of 19 States, it has a strong central government which plans for and coordinates the economic programmes and activities of all the States. A greater proportion of the funds used by respective State

Governments is also provided by the central (Federal) Government.

The development of agriculture is now largely undertaken by the Federal Government through execution of agricultural research programmes in the whole country while States are made responsible for extension services.

Planning of the economy in an integrated fashion started effectively with the First 5-year Development Plan from 1962-

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TABLE 2 Nigeria : Estimated Available Arable Land (hectares per capita)

State (1)	Readily Available (2) Arable Land in Million Hectares	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
		1. Benue-Plateau	8.161	2.142	2.087	2.035	1.986	1.934	1.891	1.844	1.799
2. East-Central	1.706	0.248	0.242	2.357	0.231	0.224	0.219	0.214	0.209	0.203	0.197
3. Kano	3.243	0.591	0.576	0.562	0.548	0.535	0.522	0.509	0.496	0.483	0.469
4. Kwara	5.592	2.452	2.391	2.441	2.275	2.220	2.166	2.113	2.061	2.004	1.948
5. Lagos	1.121	0.816	0.796	0.776	0.758	0.739	0.721	0.704	0.687	0.668	0.648
6. Mid-Western	2.992	1.241	1.210	1.180	1.151	1.123	1.096	1.069	1.043	1.014	0.985
7. North-Central	5.256	1.349	1.315	1.282	1.251	1.221	1.191	1.162	1.134	1.102	1.071
8. North-Eastern	23.568	3.181	3.102	3.024	2.950	2.879	2.808	2.739	2.673	2.597	2.524
9. North-Western	12.678	2.326	2.267	2.211	2.157	2.105	2.053	2.004	1.955	1.900	1.846
10. Rivers	1.367	0.931	0.907	0.885	0.863	0.842	0.821	0.800	0.781	0.759	0.738
11. South-Eastern	2.678	2.778	0.758	0.739	0.721	0.703	0.686	0.669	0.654	0.635	0.617
12. Western	5.675	0.630	0.614	0.598	0.584	0.569	0.566	0.542	0.529	0.514	0.499
Nigeria	74.036	1.391	1.356	1.322	1.290	1.258	1.227	1.198	1.168	1.135	1.104

(1) Although the old twelve-state structure is shown here, Nigeria has since become a Federation of nineteen states with some of the states shown here having been further divided into a number of new states.

(2) Source : Computed from Information in *Federal Republic of Nigeria Second National Development Plan 1970-74*, Lagos, 1970, p. 62. The assumptions are : 10 % of land area are in forest reserves : These are true of the whole country and are taken as generalized basis for calculating states readily available arable land which comprises 34.8 % under arable crops and permanent crops and 40.5 % as area that could be easily brought under cultivation.

Cultivable land per capita of total population varies from 0.197 ha to 2.524 ha in parts of the country in 1970, according to Table 2.

Objectives of the paper

This presentation has the objectives firstly, to review the various concepts relating to land and land tenure in the Nigerian agricultural scene. Secondly, to examine the concept of land use and the effects of public acquisition of land on agriculture.

The issues will therefore be discussed in two separate sections while the third section is the conclusion.

SECTION I LAND AND LAND TENURE

The word «land» has come to take up various meanings under different disciplines or pre-occupations. In its simplest

those of the atmosphere, the soil and underlying rocks, the topography, the water, the plant and animal populations...» (3).

The economic definition of land is aptly stated by Raleigh BARLOWE as «the sum total of the natural and man-made resources over which possession of the earth's surface gives control» (4). Within this broad conception, land includes the ground, water, ice, forests and mineral deposits. It also includes natural phenomena such as sunlight, wind, rain and temperatures as well as man-made improvements like farm fixtures attached to the surface of the earth.

In Nigeria, land takes up importance as a commodity for daily use for many purposes. For several decades, land has continued to influence the lives of Nigerians socially, economically and politically. In the process of using the land, complex set of relationships has emerged among groups. The more complex various Nigerian communities become, and the more established are the physical manifestations of development, the more friction and clashes are likely over rights in

of land. Such rules define the privileges and obligations, the rights and duties of persons in relation to each other, with reference to land» (5).

Although the basis of land-ownership in Nigeria has long been the family from which other interests are carved out (6), there are respectively two categories of interests recognized in

insecurity of tenure, unclear titles to land, litigation, duplicity of rights, succession, fragmentation, excessive subdivision, compensation problems, land grabbing and speculation (13). - In so far as most Nigerian farmers cultivate small farms, these problems have a direct disincentive effect on agricultural production by smallholders.

land. The first, that of superior interests which are proprietary in nature and confer the highest decision-making rights to the holder, having regard to the laws and customs prevailing in the locality.

Secondly, there are inferior interests which are rights exercised by individuals, not in perpetuity as in superior interests, but for a limited period of time. These are rights which have been derived from, or carved out of the superior rights and are

But in a 1974 paper, IJERE rigorously questioned the basis for «the belief that African land tenure poses insurmountable obstacles to modern agricultural development» (14). To support his argument, he cited the case of East Africa «where the African land tenure system in question has been modified to make for modern agricultural nationalization». IJERE however does not fail to mention the critique of Kenya's «Swynnerton Plan» of which the following words of Roeder was

of the community (7).

Under the derivative rights to land, the derivator or tenant acquired rights of use from the landlord. Where the landlord and tenant contribute inputs in equal proportions (50/50), that is, the landlord provides seeds or/and fertilizers while the tenant supplies labour and working capital, it is usual for the tenant to receive one third of the produce while the landlord receives two thirds. One third of the landlord's share represents contribution from the land per se.

If however, the landlord makes no further contribution apart from the land, then products of the harvest are shared in equal proportions by both the landlord and the tenant (8).

In Nigeria, no land exists without an owner although that ownership may be the basis for dispute. UMEH (1973) has recognized four main categories of who may exercise rights or interests in Nigerian land. These are natural and supernatural persons, corporate bodies and the State.

«...Kenya has through this reform by far not yet solved its land tenure problems. The land tenure reform has given rise to social problems like the emerging classes of landowners and landless people, the partial lack of social security, which was formerly provided by the traditional system» (15).

This paragraph is reproduced to make the point that land tenure does constitute to some extent, a constraint on development of African agriculture. Whether a reform is necessary, or what nature of reform is required are other issues which are also germane to questions of land tenure and agricultural improvement or modernization.

Case of Nigeria

The Federal Government of Nigeria is aware of the

compensation, resettlements, and so on.

In the rural areas, a Land Allocation Advisory Committee advises the local government generally on issues relating to effective management of land. The Governor is empowered to grant statutory rights of occupancy, to any person for all

use; they do not systematically apply their energies to any specific tract of land; and they themselves are a natural part of an ecosystem, as are other living organisms. Land carries ecosystems; land use is the application of human controls, in a relatively systematic manner, to the key elements within an

forest culture, fishing (and part time farming), hunting zones, poultry farming, livestock and pastoral activity, collection and gathering.

Problems relating to the practice of bush fallow system in Nigeria are firstly, to maintain soil fertility in view of increased population and urbanization, secondly, acceptability of innovation by farmers, thirdly, the widening gap between food demands by an increasing population «vis-a-vis» the slow pace of growth of agricultural production, and fourthly, shortening for fallow brought about by rapid population. This results in loss of soil cover and erosion. The bush fallow system is practised in different forms in all parts of the country.

Apart from the bush fallow system, there is the system of sedentary cultivation practised in densely populated areas where intensive cultivation is coupled with use of manure for livestock.

The third farming system in Nigeria is that of terrace agriculture. This system is practised in the hilly areas and represents adaptation of people to a difficult environment. The idea is to build terraces so as to minimise extensive use of land and to avoid the danger of erosion. The system depends upon organic wastes to build up soil fertility.

The fourth system involves mixed farming and balances stock and crops on individual holdings. Problem to be overcome here is that of nomadism, integration of livestock with arable crops and eradicating the tse-tse fly.

The fifth system is that of intensive irrigated cultivation. Sugar cane, rice and vegetables are grown on seasonally flooded (fadama) lands.

In many parts of the country, the potentiality of increasing production through irrigation exists where there is inadequate rainfall. The five farming systems have been classified into two main groups. The first group consists of crops such as cereals, legumes, root crops and tubers, citrus, cocoa, palms, cashew and coffee and are the rainfed crops of the rain forest south of Nigeria (23).

The second group consists of irrigated crops such as sugarcane and swamp rice, maize, sorghum, wheat as well as legumes, fruits and vegetables. It is believed that continuous production of this group of crops is possible through availability of improved irrigation system.

EFFECTS OF COMPULSORY ACQUISITION OF LAND

Also, there were lands set aside as «bad bush», that is, lands that remained uncleared for the reason that farming was forbidden there. Such lands served as abode for dead bodies of the most abominable members of society.

In modern times, lands may be compulsorily acquired in Nigeria by Federal or State Governments, Local Governments, Local Government authorities or statutory bodies vested with the powers of compulsory acquisition. The process of compulsory acquisition has been defined as «the coercive taking of private lands (individual or communal) or estates and interests in those lands for public purposes» (24). The Federal Government is empowered to exercise these powers all over the Federation. But the object of acquisition must be for «public purpose» which was defined to mean land required for rural or urban development generally.

The effects of compulsory acquisition on smallholders are:

- 1 It dislocates their production programmes on the land.
 - 2 It is disruptive on the social life of farmers' families.
 - 3 The farmer may have to be moved to less-fertile lands thus affecting his level of productivity per acre/hectare.
 - 4 Delay in payment of compensation money is detrimental to the welfare of farmers.
 - 5 Even when compensation has been paid, its inadequacy constitutes a major income problem for the farmer.
- Apart from these effects, lands acquired from farmers in the oil-producing areas and given to oil companies have had the following effects on smallholder farmers:

- 1 Unemployment of aged farmers.
- 2 Depleted fertility in some rural areas.
- 3 Accelerated perishability of crops.
- 4 Resultant high cost of living for farmers.
- 5 Inadequate maintenance of lands carrying pipelines.
- 6 Danger of oil-wells.

CONCLUSION

This brief presentation has highlighted the importance of land as well as the complexity of land use in a developing (poor) country like Nigeria.

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