

# LAND TENURE SYSTEMS AND THE CHALLENGE OF AGRICULTURAL PRODUCTION IN NIGERIA

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## **Abstract**

The paper examines the issue of land tenure system and agricultural productivity in Nigeria. It outlines the major traditional tenure systems in Nigeria focusing on their challenges and limitations for agricultural production. The paper also provides an anatomy of the land use Decree of 1978 and the National Agricultural Land Development Authority (NALDA) of 1991 pointing out their key objectives as well as their shortcomings in terms of agricultural production. It is the submission of the paper that the two land related policies in the country only provides a basis for the neglect of peasant farmers while allocating land to fancy dressed politicians. This has significant negative effects on agricultural productivity in the country. As a policy recommendation, the paper suggests a synergy between agricultural research and land reform that takes into cognizance the plight of peasant farmers in the country.

Recent food security crises in Africa have revived the debate on whether current land tenure systems constrain farmer innovation and investment in agriculture (Moyo, 2009:36). Both direct and indirect linkages between land tenure and agricultural productivity are suggested. It is in recognition of the importance of a better understanding of these linkages, that this paper examines the issue of land tenure systems and agricultural productivity in Nigeria. It is basically focused on the understanding of land tenure from a Nigerian perspective, types of land tenure systems, the land use decree and its

constraints in relation to agricultural production and above all, the impact of land tenure related social exclusions on food production in the country.

## **Meaning of Land and Land Tenure Systems**

The word land has come to take up various meanings under different disciplines or pre-occupations. In its simplest form, it may mean the surface part of the earth above the sea. But this appears to be a rather restrictive definition because it recognizes only the immediately visible aspect of the land.

In a cultural context, land is seen as a measurable entity divisible into thing like parcel by means of mathematical and technical processes of surveying and cartography (Famoriyo, 1979:4).

From a geographical point of view, land is defined as a specific area of the earth's surface. Within this perspective, land has the characteristics that embrace all stable or predictably cyclic attributes of the biosphere and those of the atmosphere. These include the soil and underlying rocks, the topography, the water, the plant and animal populations (Halidu, 2009:18).

The economics 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 (cited in Halidu, 2009:18). 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.

Land tenure as a concept is a derivative of the concept of natural resource tenure (Amanor, 2008:66), while the concept of 'tenure' is a social construct, defining the relationships between individuals and groups of individuals by which rights and obligations are defined with respect to control and use of resources.

Land and the way it is held and used is an important feature of rural societies, especially in Nigeria. It is the means by which people gain access to land. Over a third of Nigeria's inhabitants derive their source of livelihood from land. This is why Arokoyo (1998) cited in Okodudu (ed) (1998:22) adduced that, land is seen as an asset and basic to the existence of both the present and future generations.

The need for land tenure arose in response to the attraction that land evokes; therefore, it was only necessary to provide working rules (either customary or otherwise) to guide human action in relation to land. According to Clover (2008:111), land tenure is made up of three main elements which are: land ownership, land use and land transfer all of which dovetail into what is properly referred to as land rights.

#### **Types of Traditional Land Tenure Systems and Agricultural Productivity**

There is quite a handful of taxonomical analysis of land tenure system within Nigeria alone. For example, Famoriyo (1979:12-13) identified three types of land tenure systems namely; family, lineage and public land tenure systems.

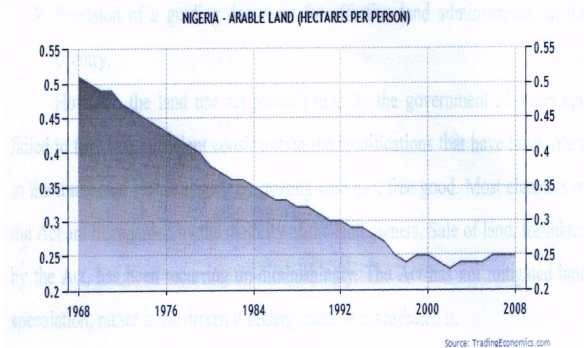
However, in this paper, a clear outline and explanation of the various types of land tenure systems based on the taxonomy of Olatunbosun (1975) is carried out.

- i. **Sacred Land Tenure:** This category of land tenure refers to land surrounding the shrine of a particular community or burial ground. It is believed to be sacrilegious to farm on such lands. This type of land tenure creates problem for agricultural productivity since no one is allowed to farm on such lands.
- ii. **Lineage Land Tenure:** This is a piece of land that traditionally belongs to the ancestors of the people. In other words, this type of tenure system involves the ownership of land by the founder of a particular community. However, though this type of tenure allows for agricultural production, it nevertheless impedes on it because the lineage head might not be interested in agriculture at a particular time.
- iii. **Community Land Tenure:** This is a situation where land is held by the whole village/community. Usually, the royal highness or chief/king as the case may be, stands as the custodian of the property. Here again, the challenge to this kind of tenure in terms of agriculture is similar to the one discussed above. There might be a lack of consensus on using the land for agricultural purposes. It is in this light that Onyebinama (2004) asserted that group ownership of land in Nigeria has been associated with such problems as limited tenure security, restrictions on farmers' mobility, and the inevitable fragmentation of holdings among heirs (Onyebinama 2004:33). In addition, group ownership restricts access rights of community members outside the owning group, a situation that limits the use of land as collateral for agricultural credits.
- iv. **Individual Land Tenure:** This type of tenureship is a situation where

individuals own land as a result of their right to inheritance defined by custom or simply by just being the first to clear the portion of land for farming. This type of land holding has been seen as the best for agricultural productivity given the absence of communal or lineage interference in terms of its use for agriculture.

5. **Borrowed Land Tenure:** This type of land holding is based on land that is transferred to another person for full access to and use for an agreed period of time pending when the borrower is asked to return it. Though supportive of agricultural production, borrowed land has always been saddled with the problem of tenure security for farmers who use it. Hence, farmers on borrowed land do not have lasting security for their tenure and as such, they tend to limit the level at which they produce.
6. **Pledged Land Tenure:** This is a land pledged for money and can be reclaimed by the owner on repayment of the loan. This type of land tenure system is also detrimental to agricultural production given that the creditor may not want to farm on the land since the debtor can reclaim it at any time.

From the types of land tenure systems discussed above, it is easy to see that individual land tenure system seems to be the only one that provides security of ownership in terms of use for any reason whatsoever. However, population growth is tending to reduce the volume of land per capita in Nigeria and this has significant negative effect on hectare per person in relation to arable land. *Fig. 1* below shows the trend in arable land holding per person in Nigeria from 1968 to 2008:



The figure above provides a trend analysis of arable land holding per person in Nigeria from 1968 to 2008. It is easy to see from the figure that the space of land held by a single individual has reduced drastically between 1968 and 2008. This goes to show the effect of population growth on land tenure system in Nigeria.

#### **Land Policies and Agricultural Productivity in Nigeria**

Reports of Ukaejiofo (2007) and Olayiwola and Adeleye (2006) showed that traditional tenure system placed major constraints upon the achievement of efficient agricultural production and physical development, which led to land use act -- promulgation by the government in 1978. Under the Land Use Decree (LUD), land is owned by the government on behalf of the community. According to Ukaejiofo (2007:70), there are three basic objectives that warranted the enactment of the land use act (the Land Reform Act). These include:

- v. Harmonization of the different land tenure laws which operated in the southern and northern parts of Nigeria;
- vi. Reduction in the bottlenecks in land acquisition to encourage rapid national development by vesting the radical title to land in the Governor (or Minister); and
- vii. Provision of a guiding document for effective land administration in the

country.

However, the land use act promulgation by the government 33 years ago failed to take into sufficient consideration the modifications that have taken place in the traditional tenure system by treating land as a free good. Most elements of the Act are disregarded by the majority of the land owners. Sale of land, forbidden by the Act, has been recurring un-diminishingly. The Act has not mitigated land speculation; rather it has driven it underground or exacerbated it.

The Land Use Decree (LUD) has served to increase the marginalization, dislocation and fragmentation of small agricultural holdings and has also rendered access to land more difficult for women. It has not improved security of land tenure and has therefore, only intensified regression in agricultural production. In particular, productive lands have been allocated to individuals who have cared little about farming or land conservation. This situation has led to a serious decline in agricultural production while the oil sector has continued to soar.

It was against this milieu that the National Agricultural Land Development Authority (NALDA) was established in 1991 by a decree to re-examine and address the land tenure problems of rural communities. The NALDA programme aimed at the development of 30,000 to 50,000 hectares of land in each of Nigeria's then 30 states, divided into 4 hectare-farm lots (Ukaejiofo, 2007:68). The scheme also incorporated co-operatives for farm inputs, credit facilities, marketing, processing and cottage industry operations. The unique feature of Africa's land policy making is that, historically, it has created the conditions for narrowly based, class and racially founded commercial land users to continuously derive the major economic gains

from the status quo and from land policies that are neoliberal in outlook.

In Nigeria, Titilola (1987:47) reported that the "government has provided a package of incentives with the hope of encouraging foreign investors to participate in direct agricultural production". The unique feature of Africa's land policy making is that, historically, it has created the conditions for narrowly based, class and non-farm commercial land users to continuously derive the major economic gains from the *status quo* and from land policies that are neo-liberal in outlook.

Nigeria has based her policies on the belief that if the agricultural sector is carefully planned, harnessed and government policies at all levels well implemented, the sector can effectively drive the efforts at addressing the issues of poverty, hunger and unemployment. Ukaejiofo (2007:72) summarized national focus in agricultural land development policy as being directed to induce a combination of appropriate agricultural technology policies and institutional arrangements that could generate economic surplus in agriculture and increase in income for farmers. The expected benefits are poverty alleviation, meeting the raw materials requirements of agro-allied industries and the stimulation of overall economic growth as well as increased foreign exchange earnings.

In this country, the agriculture, forestry, and fishing sectors constitute about 17.6 percent of gross domestic product but employs up to 70 percent of the workforce. The major agricultural products include cassava, cocoa, corn, millet, palm oil, peanuts, rice, rubber, sorghum, and yams. However, Nigeria has remained more of a mono-cultural economy dependent on oil and achieving very little progress in agricultural production despite her land reform policies. Table 1 below shows sectoral analysis of Nigeria's economy from 1970-2010 as provided by the national bureau of statistics and the IMF:

**Table 1: Structure of Economy 1970-2010  
(percentage of GDP at Current Factor Cost)**

Sector	1970	1980	1990	2000	2010
Oil sector	6.0	29.1	39.3	48.2	48.2
Non-oil sector	94.0	70.9	60.7	51.8	51.8
Agriculture	41.3	20.6	29.7	26.3	16.6
Industry	7.8	16.4	7.4	4.5	8.7
Service	45	33.8	23.6	23.6	26.5

**Source: National Bureau of Statistics and the IMF**

Data in Table 1 above shows the state of the Nigerian economy from 1970 to 2010. Now it is easy to see that despite land reform policies, agricultural productivity has continued to fall when compared to the oil and other non-oil sectors of the economy.

### **Gender, Land Tenure and Agricultural Productivity**

Exclusion of women in land management and inheritance is generally a dominant issue in the region, especially in the customary systems where land tenure related issues are largely informed by a patriarchal orientation. In this case, women normally cannot own or inherit land under customary law although they retain the use rights during their lifetime and as long as they remain in the husband's household (Arua and Okorji, 1998:102). In Benin access to land is gender biased and unless a woman buys land she has no access through inheritance.

The primary effect of the existing gender relations in land is that it weakens women's position, entrenches inequality between men and women and ultimately affects sustainable use of land. It has been noted that the relatively limited

security of tenure for women is one of the obstacles to the introduction of soil conservation practices (Aryeetey, 2002:96) and agricultural growth.

Although there are currently no data to show the relationship between men and women's access to land and how this affects the trend in agricultural productivity in Nigeria, it has been documented that where innovative programmes have been undertaken that guarantees security of tenure for women, the women have demonstrated their ability to improve the productivity of the land and improve food security as was seen in the Gambia.

### **Conclusion and Policy Recommendations**

The paper has examined land tenure system and agricultural productivity in Nigeria. This objective was achieved largely by showing an understanding of the meaning of land tenure and the examination of the different tenure systems in traditional Nigeria and how they constrain or propel agricultural production. Most importantly, the paper examined the land use decree of 1978 and the national agricultural land development policy in relation to agricultural productivity and showed clearly that despite these policies, agriculture has continued to decline as justified by data in table 1.

It is the submission of this paper that it is only through a sound agrarian reform and a workable land tenure strategy that meaningful agricultural productivity can be achieved.

Other areas of focus are the development of agricultural research, technology disseminating and adoption to sustain long-term productivity growth; and the sustainable development of livestock, fisheries and forestry resources. The country has on ground, 18 agricultural research institutes, three agricultural universities with most of the 93 conventional universities having faculties of agriculture in addition to five federal and other

state colleges of agriculture as well as other tertiary institutions which are totally disconnected from the reality of agriculture in the country.

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