

Land policy in the development of agriculture: The responses of farmers in Ondo and Oyo States of Nigeria to the Land Use Act.

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Abstract

The Federal Military government reformed the Nigerian customary Land tenure system by fiat through the proclamation of a Land Use Decree (Act) in 1978, which purports to take over the administration and control of land in the country. This study, designed to indentify the responses of farmers to the land reform, was conducted among farmers in Ondo and Oyo states.

The study revealed that majority of the respondents do not favour the decree because it conflicts with the accepted norm. The decree has not stopped speculation on land, it has only driven it underground. It has not made it easier for any non-members of land owning families to secure an allocation of land. Not many farmers have applied for certificate of occupancy and the few who applied had difficulties in obtaining the certificate.

The study concludes that the decree needs to be appropriately reviewed to make it more acceptable and administratively workable.

Introduction

The economies of all countries, no matter their status, are bound up with land, since all economies exist through direct or indirect exploitation of land in one form or the other (Adegboye, 1967). This still holds true for Nigeria where estimated 44 percent of the labour force is employed in the agricultural sector.

Apart from labour, land is the single most important productive resource used in farming. The use of capital in the form of equipment, farm machinery and out-put-increasing technology embodied in current inputs is limited in Nigerian Agriculture. Yet Agricultural production in Nigeria in relation to production in most sectors of the economy, is seriously constrained by land (Fabiyyi, 1979).

The nature of access of farmers to productive opportunities on the land is dictated by the existing land tenure system. The land tenure system includes legal and contractual or customary arrangements

through which individuals and groups gain access to the use of land for productive purposes. It lays down the rules, regulations and procedures governing rights, duties, liberties and exposures of individuals and groups as they use and control land resources (Dorner, 1972). Thus, land tenure system defines the relationship among men in the use and control of land resources.

Socio -Economic and Human Significance of Land in the Context of Nigeria.

Land in the Nigerian context takes on fundamental significance as a commodity in daily use for multivarious purposes. Over the years, it has markedly influenced, and continues to influence, the daily lives of Nigerians as expressed in social, economic, and political organizations of the various communities in Nigeria. In the process, a complex set of relationships (inter-personal, inter-ethnic, and intra-societal) was evolved for securing, limiting, and regulating individual rights of access to land in the "federated committees" of Nigeria. (Gandonu, 1975).

Land is the foundation for food production, provision of shelter and utilities, manufacture of goods, and of institutions to support basic administrative needs of modern communities. In addition to its economic importance, land is itself fundamental and basic to important traditional institutions, whilst certain sociological and religious concepts are associated with it by the Nigerian society.

The typical villager recognizes land in its entirety. To him, land is a home and a work place. He shares it with the entire biotic complex. He has learned through experience the futility of expecting or attempting to draw more from the land than he puts into it; hence he practices rotational (shifting) cultivation. In his wisdom, he develops respect for nature and treads humbly on the land. He understands only too well, contrary to the belief of urban land speculators, that he belongs to the land, not the land to him. At death he rests in literal peace inside the land (on earth) which had nourished him all the days of his life.

The urbanite, on the other hand, expresses predominantly materialistic values. To him, city land is simply a commodity to be grabbed, invaded, bought, sold, and even stolen. The land is to be "owned" as a symbol of wealth, power, and prestige.

Land serves a social security function to most Nigerians because after all else has failed they could still return to their home villages to stake a claim on a portion of the family land and raise crops on

this for subsistence. A landownership and use policy must recognize the fact that the very existence of some people rests on their having access to a piece of land and any attempt to wrest this from them would be strongly resisted.

Alternative employment opportunities are not available in adequate amounts that can change the dependence on land by a large majority of the people. Thus the enduring phenomenon of the continuous essentiality of land and agricultural activities to the maintenance of life had, in the eyes of the people, given to land a status and an aura approaching the spiritual.

The need for changes in the land tenure system:

Customary land tenure system has been under pressure for change for variety of reasons, both technical and socio-economic (Fabiya, 1979). Pedodwony (1971: 108–110) identified the following technical and socio-economic reasons predisposing changes in the agrarian structure, especially land tenure system. These are:

- (a) Decline of soil fertility and soil structure resulting in soil erosion. This results from intensification of crop production and the consequent shortening of fallow periods to intervals not sufficiently long for natural regeneration of soil fertility.
- (b) Fragmentation of farms to uneconomic sized tracts resulting from the inheritance system and the traditional shifting cultivation practiced in most of West African Countries.
- (c) The pressure of population on a fixed amount of land and the increasing demand for more better quality food resulting from improved socio-economic status of the citizens.
- (d) Loosening of kinship bonds causing loss of traditional authority and legitimacy of the traditional leaders resulting from role displacement.
- (e) Inter-group and inter-ethnic litigations and conflicts between farmer-member of the rural communities and among land-owning families.
- (f) Growing value of land stemming from reduction in per capita available land and the introduction of export crops production requiring considerable labour and capital outlay for its production and the need to make the reward exclusive to the investor.
- (g) The need to reorganize the agrarian structure to counter or minimise the negative effects of the capitalist mode of production and private enterprise economy.
- (h) The imposition of nation state and modern forms of government over the antecedent customary arrangement has changed the status and the role of the traditional rulers. Also, chieftancy as a national institutions has been divorced from land

as a national resource since there are now chiefs without stool lands — or control over the lands in their domain (Acquaye, 1976).

The need to ensure equitable access to productive opportunities on the land and the security of such access once gained, makes land reform measures mandatory. To exacerbate the situation, wide-scale speculative purchases of large tracts of (communal) land, in the absence of land taxes has reached a crescendo. Most of the purchases are done by wealthy non-farmers who hold the land idle, waiting to capitalise on an appropriate market situation, while food production is on the decline (Fabiya, 1974).

Many government development projects have been stifled by a prohibitive amount of compensation demanded by speculative purchasers who had previous knowledge of government intentions (Famoriyo, Fabiya and Gandonu, 1977). In other instances, disputed claims and counter claims over ownership of the proposed site and the attendant law suit coupled with court injunctions which often prevent the development of land subject to litigation make such land unavailable.

All the above changes and inconveniences have "led to the questioning of the relevance and equity of traditional relationships and established institutions of the land and have given moral sanction to the demand for change" (Acquaye, 1976):3) of the land tenure system.

This then provides the rationale for the innovation and manipulations of the customary land tenure system... through the promulgation of the Land Use Act ... analysed in the next section.

Land Use Act: An Overview

The Federal Military Government on March 29, 1978 promulgated the Land Use Decree (Act) which claims to protect the rights of all Nigerians to land. It provides that all land in each state of the Federation shall be vested in the Military Governor of the state who shall hold such land in trust and administer it for the use and common benefit of all Nigerians in accordance with the provisions of the decree.

Thus all land in Ondo and Oyo State is by virtue of the Act vested in the Governors of the respective States. For the implementation of the policy, a Land Use and Allocation Advisory Committee was established at the Local Government level. The former advises the Military Governor on land allocation and disputes whilst the latter advises the local government on matters pertaining to land in the area.

Rights held by individuals, descent groups, strangers, as well as the village chief and/or the family head have thus been taken over by the Land Allocation Committees, now acting on behalf of the state. The

decree has reduced all the erstwhile landlords to landholders.

It has the potential of improving the access of many potential farmers to land as well as grant security of expectation to such allottees. Section 6 of the decree empowers the local government to:

- (a) "grant customary rights of occupancy to any person or organisation for the use of land in the local government areas for agricultural, residential, and other purposes..."
- (b) "grant customary rights of occupancy to any person or organisation for the use of land for grazing purposes and such other purposes ancillary to agricultural purposes..."

These provisions held the hopes of "making mobility of resources possible as Nigerians from land-scarce areas may now obtain an allocation of land from land-surplus areas or states. Security of access to land guaranteed, the migrant farmers are likely to release their creative energies and stimulate investment in output-increasing, land improving technology since the farmers are now certain that there is no longer external claim (in the form of tribute) on the reward of their efforts" (Fabiya, 1979).

The dichotomous stratification of farmers into landowners and tenants has thus been theoretically abolished. The insecurity of tenure that plagued tenants under the customary tenure system will be a thing of the past and they can now grow whatever crops they like without fear of displacement. The removal of the landlord/tenant relationship will likely contribute to agricultural development by eliminating the requirement of sharing proceeds of the farms between landlords and tenants.

The Act tried not to destabilize agricultural production by making it possible for those who had been using land for agricultural purposes to remain in possession and continued use of land for agricultural purpose without hinderance as if customary right of occupancy had been granted.

Granting certificate of occupancy to individual farmer as contained in section 36(B) of the Act will resolve the problems of duplicity of ownership and dubious transactions on land. A farmer who is granted a certificate of occupancy has a clear title to the land and he can easily use the land as a collateral for a loan from institutional lenders such as Agricultural Banks.

The Act has taken away proprietary interests of the landholders through section 21 which forbids "any right of occupancy or any part thereof to be alienated by assignment, mortgage, transfer of possession,

sublease or otherwise” without the prior approval of the Governor or the local government authority. The sale of land is therefore forbidden. The aim was to put an end to the era of land agents and speculators. Since the Land Use Act has made the alienation of land by sublease, mortgage or assignment etc. more difficult, family land is therefore not acceptable as security for loans by institutional lenders since such land cannot be sold in case of default.

The Act sets an upper limit to the amount of agricultural land an individual can hold. Section 6 of the Act provides that except with the consent of the Governor, the maximum single customary grant is 500 hectares for agriculture and 5,000 hectares for grazing purposes.

The Act however, empowers the military Governor to revoke the right of occupancy of any holder for an overriding public interest or breach of any of the provisions of the Act.

The provisions of the Act also allow for the High Court to have “exclusive original jurisdiction in respect of proceedings” which are related to the provisions of the Act such as proceedings for declaration of title to a statutory right of occupancy and compensation entitlement. The area court reserves the power to carry out proceedings which are in relation to title and rent recovery.

The Act also takes care of compensation to be paid on any improvement made on land subject to approval by the Land Committee concerned. And as regards rent, the military government shall determine the amount of original rent and the amount of a revised rent in accordance with the provision of the Act and may also make a rent-free grant.

The Land Use Act has been implemented in a number of States while controversy about its efficacy still persists among the vocal urban elites. All the six registered political parties have expressed an intention to review the Act. The need therefore arises to determine the extent of acceptability of the Act by the rural dwellers and to ascertain the modifications desired in the Act by especially the farmers who are the silent majority.

Objectives of the Study:

The objectives of this study are:

- (i) To investigate the methods by which farmers acquire rights to the use of land under customary land tenure system.
- (ii) To determine the extent to which the Land Use Decree (Act) has affected land acquisition by farmers since its promulgation in 1978.

- (iii) To sample the opinion of the farmers as to the desirability and efficacy of the Act, as well as to determine the modifications desired by the farmers.
- (iv) To determine changes (both desirable and undesirable) brought about by the Land Use Act to the social, economic and political organisation of the people and offer relevant suggestions.
- (v) To highlight factors (if any) inherent in the provisions of the Act that are likely to impede its successful implementation; and
- (vi) To determine the extent to which the Act has been implemented in the Areas of study.

Method of Data Collection

Structured questionnaire was employed in collecting information from respondents in four Local government areas each in both Ondo and Oyo States. Seventy-five farmers were interviewed in each of the following local government areas: Ifesowapo, Ondo, Idanre/Ifedore and Akure (in Ondo State); Oyo, Obokun, Oranmiyan and Ifelodun (in Oyo State), making a total of six hundred respondents. The study was conducted between September and December, 1981.

Results

Demographic characteristics of the Farmers.

Farming population in Nigeria is ageing as shown by a number of studies. Young adults are rarely found in farming as only 1.5 percent of the respondents are below 30 years of age. This corroborates earlier findings by Fabiyi, (1978). However, about 56 percent of the respondents are between the ages of 30–50 years. This implies that a good proportion of those on the land are virile enough to farm actively, given the necessary incentive. Only about 21 percent of the respondents are above 60 years of age and can hardly do anything substantial on the farm anymore; they are merely in farming to obtain their sustenance.

Level of Education of Respondents

Illiteracy is widespread among Nigerian farming communities. However, education is associated with openness to ideas. Adult education enables rural adults to master little by little any idea of change creating conditions for their closer participation in contemporary economic and social way of life.

The situation of the respondent is typical of what exists in rural Nigeria as illiteracy is widespread among them. In all, 55.7 percent of the respondents have no formal education at all, as shown in table 1.

TABLE 1: LEVEL OF EDUCATION OF THE RESPONDENTS

Type of Education	No. of Respondents	% of Respondents	Cummulative Percentage
None	334	55.7	55.7
Primary School	146	24.3	80.0
Primary School not completed	90	15.0	95.0
Modern School completed	19	3.1	98.1
Post – Secondary education	11	1.8	99.9
Total	600	99.9	99.9

Source: Field Survey, 1981

15 percent completed six-years primary education while 24 percent completed 3 year post-primary modern school education while only 1.8 percent had any post-secondary education.

Occupation of the Respondents

Farming is the predominant occupation in the study areas. The survey shows that 84.5 percent of the respondents are full-time farmers.

The part-time farmers (now becoming the vogue) take up other trade such as carpentry, blacksmithing, bicycle repairing, etc. to supplement their earnings from farming.

The most important crops grown in the study areas are cocoa, oil-palm, kolanuts, maize, yam, cocoyam, cassava, citrus and vegetables.

The Land Use Act: Response of the Farmers

Government policy on land are crucial to farmers who use land as the fountain spring of their basic human existence. To this end we sought the response of the farmers to the provisions of the Land Use Act.

About 95 percent of the respondents are aware of the Land Use Act while only 5 percent are totally unaware of it.

Only 32 percent of the respondents claimed to be in support of government take over of land, as contained in the Land Use Act while

54.5 percent are opposed to it and 13.5 percent are indifferent; as shown in table 2. Of those who favoured government take over of Land, 27 percent feels that it will put an end to payment of tributes; 31 percent claimed that it would make farm—land acquisition easier; as shown in table 3. Table 3 shows that another 9 percent hold the view that land is nature given and should therefore be controlled by the government to the benefit of all; while 11 percent claimed that government take over will put an end to incessant land dispute.

TABLE 2: ATTITUDE OF THE RESPONDENTS TO GOVERNMENT TAKE-OVER OF LAND

Attitude/Response	No. of Respondents	% of Response	Cummulative Percentage
Indifferent	81	13.5	13.5
Not Acceptable	327	54.5	68.0
Acceptable	192	32.0	100.0
Total	600	100.0	100.0

Source: Field Survey, 1981

TABLE 3: REASONS ADVANCED FOR ACCEPTING GOVERNMENTS TAKE-OVER OF LAND

Reasons Given	No. of Response	% Response	Cummulative Percentage
It will stop speculation on land	60	31	31
Tribute payment will end	51	27	58
Land is a gift from God	17	9	67
Farming will be easier	42	22	89
Boundary disputes will stop	21	11	100
Total	192	100	100

Source: Field Survey, 1981.

It is however, pertinent to note that many of those who supported government take-over of land are non-members of the land-owning groups of the villages who see themselves as the beneficiaries of the government take-over of land as they would cease to pay tributes on the land in addition to other potential benefits. The few landlords who supported government take-over did so because they have not been dispossessed of their landholdings. Section 36(2) of the Act enables the farmers to continue to use their lands for agricultural purposes as if a customary right of occupancy has been granted to them.

On the other hand, those who opposed government take-over of land are mainly land-owners who believed that they have been stripped of their ownership rights, reducing them to ordinary landholders.

The reasons advanced by the respondents for rejecting government take-over, as contained in table 4 include (i) it will take away the property passed down to them by their ancestors, of which they are merely trustees to on-coming generations; (ii) the Act will deny them of source of income (tribute) collected from tenants; (iii) political manouvers might be introduced into the allocation of land if government takes over its allocation and (iv) government is notorious for delay or lack of payment of compensation for properties acquired, especially bare land for which no compensation is payable.

The fears of the farmers are not unfounded as section 28 empowers the (Military) governor to revoke certificate of occupancy for overriding public interest as defined in section 2 (3). The Act stipulates that compensation should be paid for unexhausted improvements. However, payment of compensation is not timely while no compensation is paid for bare land.

TABLE 4: REASONS FOR NOT ACCEPTING GOVERNMENT TAKE-OVER OF LAND

Reasons	No. Response	%	Cummulative Percentage
(i) It will take away the property passed down to me of which I am only a custodian	159	48.5	48.5
(ii) The tribute I received from tenants help to sustain my family	26	8.0	56.5
(iii) I will have problems in getting alternative land from my Local Government due to bureaucracy	26	8.0	64.5
(iv) Political considerations may be introduced into land allocation	39	12.0	76.5
(v) Government might fail to compensate for my land	77	23.5	100.5
Total	327	100.0	100.0

Source: Field Survey, 1981

Certificate of Occupancy

The Land Use Act made provision for the establishment of Land Use and Advisory Committee in each Local Government Area to grant customary Certificate of Occupancy for agricultural land as provided for in section 36(3).

A farmer who has a certificate of occupancy on a piece of land can use such land as a collateral security for agricultural loan. However, banks are reluctant to accept such certificates since section 28(3) empowers the governor to revoke such certificates for overriding public purpose with payment of compensation for unexhausted improvement and unexpired rent but not for bare land. To find out the extent to which farmers have been taking advantage of the Act it was enquired whether they have been applying for certificate of occupancy. The survey shows that only 2 percent of the respondents have applied

for certificate of occupancy in respect of farmlands. However, these are yet to receive the certificates because the Land Use Advisory Committee have, to all intents and purposes, not been functional. Only 6 percent of the remaining respondents indicate desire to apply in future, while the remaining 92 percent give various reasons for not applying, as shown table 5.

A large number of the respondents (41%) did not know what to do to obtain a certificate of occupancy while 3 percent consider the process too cumbersome. 4.5 percent of the respondent are unaware of the certificate of occupancy and 7 percent did not consider it necessary to reply being tenants on the land.

The widespread ignorance of the provision of the Act implies that there has been inadequate public enlightenment campaign about the Act. This is more crucial especially when about 56 percent of the respondents have no formal education.

The respondents were asked about the land tenure system they favour and 68 per-cent want the continuation of the existing customary land tenure system. This is to be expected because human beings are more often than not resistant to change especially that the new system represents a radical change from what the people are used to.

TABLE 5: REASONS ADVANCED FOR NOT APPLYING FOR CERTIFICATE OF OCCUPANCY BY THE RESPONDENTS

	Reasons	No. of Respondents	% of Respondents	Cummulative Percentage
(i)	Don't know how to apply	226	41.0	41.0
(ii)	Process too long and cumbersome	16	3.0	44.0
(iii)	Did not favour the idea	66	12.0	56.0
(iv)	Consider applying unnecessary	180	32.5	88.5
(v)	Cannot apply because I am a tenant	39	7.0	95.5
(vi)	Never heard of Certificate of occupancy	25	100.0	100.0
	Total	552	100.0	100.0

Source: Field Survey, 1981

Payment of Tribute

Customary tenants are usually asked to pay tribute on land they are cultivating. The payment of tribute helps to confirm that the land they are farming is not their own. A tenant who refuses to pay tribute can be evicted. However, the Land Use Act has abolished the requirement to pay tribute to the former landowners.

To ascertain whether payment of tribute persists the (former) tenants among the respondents were asked whether they continued to pay tributes. Only 15 of the 25 farmers who claimed to be paying tributes before the Land Use Act continued to pay tribute. These farmers claimed that they were threatened with ejection from the land before they resumed the payment of tributes.

Summary and Conclusions

Most of the respondents are aware of the Land Use Act even though they are ignorant of its provisions. The study reveals that the Act has not gone down very well with the farming populations in Ondo and Oyo States in that as much as 54 percent of the respondents are opposed to it.

A good proportion of those who support it are either customary tenants or the educated farmers who hope to benefit by some of its provisions.

All the landowning families or groups still want to maintain their property rights and pass the family land they inherited unfettered to the succeeding generations.

It has been found that despite the provisions of the Act, some customary tenants still pay tributes to their erstwhile landlords. Some tenants are still forbidden to plant permanent crops such as cocoa, oil-palm, rubber etc. Consequently, their entrepreneurial activities are being circumscribed despite the Act.

None of the respondents has obtained customary certificate of occupancy even though very few applied. It has not been easier for farmers to obtain institutionalized credit because the farmers who applied for certificate of occupancy have not been issued with any despite the fact that some farmers have applied since 1979. The banks too feel reluctant to accept a certificate which can be revoked for public purposes by the Governor without paying adequate compensation.

To be workable, land-use programmes and policies must pass the test of institutional acceptability. They must be constitutional and legal. They must be politically acceptable and not conflict with accepted cultural attitudes, customs and traditions, or strong and widely held beliefs. Their ultimate success also requires that they be adminis-

tratively workable (Barlowe, 1978).

The Land Use Act has not satisfied the requirements stipulated by Barlowe. The Act has not been politically acceptable as all the six registered political parties in the country have called for its review. Land Use Act is still a "law in motion" as the lower courts have been giving conflicting opinions. The Supreme Court is, however, yet to make a ruling on it to put it at rest. The Obas and Chiefs have called for its repeal while the vocal minority in the country want it jettisoned. The land use Act has also not been administratively workable as has been shown elsewhere by Fabiyi (1982).

The Act needs to be reviewed in the following ways to make it acceptable:

- (a) Reduce the power of the governor so that he does not grant and revoke certificates of occupancy without recourse to the courts by an aggrieved party i.e. remove the concentration of both economic and political powers in one hand.
- (b) There should be payment of compensation for bare lands taken so as to avoid confiscation of land, since the right to private property is still upheld by the country's constitution.
- (c) Government should not take possession of any parcel of land before adequate compensation has been paid to the landholders;
- (d) Public enlightenment campaigns should be mounted by the government to educate the public about the provision of the Land Use Act.

If the above reforms are carried out it is more likely that the Land Use Act will be acceptable to the farmers and others. The Act would have effectively modified the system of customary tenure in such a way that it would be responsive to economic incentives as well as provide positive support for agricultural development.

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