

Land tenure reform in Nigeria: implications of the Land Use Decree for agricultural development

YAKUBU L. FABIYI

Department of Agricultural Economics, University of Ife, Ile-Ife, Nigeria

Abstract

The Federal Military Government recently promulgated a Land Use Decree which vests all the land in each state in its Military Governor.

The antecedent land tenure system which the Decree purports to replace is that of communal (corporate) or group ownership, interspersed with a sprinkle of family and individual ownership system. While customary tenure system was fairly dynamic it did not adjust fast enough to accommodate changed economic, social and political conditions.

The Land Use Decree has attempted to change the customary land tenure system by fiat. The Decree has taken over the allodial title as well as proprietary rights of various land-owning groups, reducing these to state tenants; leaving only the right to use and enjoy (the land) with the landholder.

This paper examines the antecedent land tenure system vis-a-vis the Land Use Decree with regards to its economic, socio-cultural, political, administrative and institutional dimensions on agricultural development.

It is argued in this paper that the customary land tenure system guaranteed: subsistence opportunities to members of the land owning group, limited sovereignty to landholders, freedom of enterprise, economic citizenship of the land but excludes and or exploits non-members of the group.

A gamut of economic issues, socio-cultural implications, administrative and political problems are identified and solutions are proffered. It is suggested that detailed administrative procedures which will facilitate implementation, guarantee egalitarianism as well as eliminate potential abuses should be worked out to avoid the Decree being a Pandora's box to the ordinary citizens.

Finally, it is argued (in this paper) that merely changing tenurial systems and improving access to land may not suffice to raise output substantially as people cannot work with bare hands. Other supportive services in the form of effective extension, marketing and credit facilities, and input supply system are essential to achieving rapid transformation of the country's agriculture.

The paper concludes that if properly executed, with the provision of co-operant factors, the Decree is full of hope for the agricultural transformation of Nigeria.

Introduction

Nigeria is predominantly an agricultural economy with agriculture employing about 58 percent of the labour force and contributing 23.4 percent of the (measured) Gross Domestic Product (GDP), as of 1976. Apart from labour, land is the major factor of production extensively used. Capital in the form of equipment, farm machinery, and output increasing technology embodied in current inputs are sparingly used. Yet agricultural production in Nigeria is more constrained by land compared with production in most other sectors of the economy.

The traditional land tenure system in Nigeria is mainly that of communal ownership. However, individual ownership was becoming popular because of the pressures of population on the land and the advances being made and sought in the economy. These factors had made land scarce and therefore valuable.

Farming systems found in Nigeria are that of owner-operatorship, group farming, corporate farming and share-tenancy. Share tenancy was important in the tree-crop sector (Berry, 1972) as well as in the food producing sector (Udo, 1975) in the south-western part of Nigeria. However, share tenancy reduces the incentive for intensive use of labour inputs as well as technical inputs such as fertilizer and insecticides. The tenant-farmers are often constrained in the type of crops they can grow while the amount of tribute (rent) demanded from them may be so excessive as to kill incentives to invest in agricultural innovation. However, a rapid technical change is essential to achieving growth in productivity in Nigeria's agriculture.

The Aggregate demand for land is a derived demand. It is derived from the need of people for products and services of land. Most people want land as a means to an end. They want land resources because land offer opportunities for incomes and employment; land supplies our needs for food, housing, recreation, transportation and open the way for the realization of various human satisfaction (Barlowe, 1972: 20). The agricultural demand for land, however, derives from the need for land to grow food crops as well as tree crops and especially industrial crops such as cotton, cocoa, rubber, oil-palm, etc.

Agricultural development requires modification and restructuring of the old, pre-existing institutions, especially the land tenure system, to make it responsive to changes in factor proportions. The (pre-Land Use Decree) customary land tenure system (discussed in section II) was designed to serve objectives quite different from those required under policies that seek a rapid increase in productivity and an equitable distribution of the fruits of development. In short, the pre-existing land tenure system was survival oriented.

This paper examines the current land reform measure, especially the Land Use Decree No. 6 of 1978, promulgated by the Federal Military Government, as it affects agricultural sector. The paper is discussed in five sections. Section two appraises the customary Land tenure systems, while section three examines the need for land reform. Section four will analyse the economic, socio-cultural, political and administrative dimensions of the Land Use Decree and draw its implication for agricultural development. Section five will provide the summary and conclusions.

Nigeria's land tenure system: an appraisal

Land tenure system embodies those legal and contractual or customary arrangements whereby people (in farming) gain access to productive opportunities on the land. It constitutes the rules and procedures governing the rights, duties, liberties and exposures of individuals and groups in the use and control over the basic resources of land and water (Dorner, 1972: 17).

Land ownership (tenure) is a bundle of rights held jointly by individuals, groups, corporate bodies and the state. The land ownership systems in Nigeria constitutes the basis of property rights in land resources.

The land tenure system in Nigeria is not uniform due to local variation in land matters. There are, however, some identifiable common factors which facilitate analysis.

In the early stages of the native system, upon the acquisition of lands, by conquest or settlement by members of a given community, the land so acquired or settled upon would be apportioned among those worthy of them in the order of merit (Hayford, 1971: 55). Alternatively, the original immigrants acquired the land by squatting on it.

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The commonest type of land ownership system is corporate (group) ownership, and this accounts for about 80 percent of the land, while family and individual ownerships account for the remaining 20 percent.

The relationship between the individual and the group in the corporate land ownership system is rather complex but distinct. **Individual right of ownership** is derived from the group to which one is born or adopted. The group manages the family land and allocates this to members according to needs. The individual does not possess absolute title to the land, but has right to use it - Usufructuary rights. The individual use rights are established by initial clearance and use of land, by mixing his labour with the soil and appropriating the land from the state of nature,

The rights of the individual to use the land are protected as long as he continues to make a beneficial use of the land; also his rights to use evidently extend to, and is transferred temporarily to, the pledgee; should he pledge the land to another person as security for debt.

Individual use rights are heritable, becoming a family property to be shared out among the heirs according to the rules of inheritance adopted when the initial user dies. **This right to use the land** remains with the initial user of the land and his heirs who also become part owners until the land is abandoned. When the land is abandoned, the residual interest of the community in the land is re-asserted and reverts to the community to be held until it is required by another member of the group, or it may be allocated to any stranger who "requests" for it. The holder of usufructuary rights lacks the capacity to alienate the land due to the allowable field of discretionary action implicit in the terms of the grant. Also, "noneconomic factors, like the pride of family, social interest, political ideology and social and political status may not only impose restrictions on access to land but often define who gets what interest in land and how much interest. These factors also institutionalize the channels through which interests in land can be acquired and disposed" (Uchendu, 1970: 480).

Tenant farmers had no security of expectations, while large-scale farmers found difficulties in acqui-

ring sufficient amount of contiguous tracts of land for agricultural purposes either by lease or purchase. The above stated land tenure system has given rise to a number of problems: duplicity of ownership with the consequent excessive transaction costs, fragmentation of land into uneconomic sized tracts and inalienability of land which makes land part of the physical capital but not a part of the financial capital.

It was against this background that the Federal Military Government recently promulgated the Land Use Decree.

The need for land reform

Nigerian land tenure system has been under pressure for change for a myriad of reasons: technical and socio-economic. Podedworny (1971: 108-110) identified some of the following technical and socio-economic reasons predisposing changes in the land tenure system. These are:

- (a) Decline of soil fertility and soil structure resulting in soil erosion.
- (b) Fragmentation of farms into uneconomic sized holdings, resulting from the inheritance system whereby the land of the deceased is often partitioned among the male heirs.
- (c) The pressure of population on a fixed amount of land.
- (d) Increasing per capita income and the consequent increasing demand for more and better quality food put added pressure on the demand for the available land.
- e) Loosening of kinship bonds causing a loss of traditional authority and legitimacy of the traditional leaders resulting from role displacement.
- (f) Inter-group and inter-ethnic litigations and conflicts between farming members of the rural communities and among land-owning families.

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- (g) 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.
- (h) The need to reorganize the agrarian structure to counter or minimise the negative effects of the capitalist mode of production and private free enterprise economy.
- (i) The imposition of nation state and modern forms of government over the antecedent customary arrangement has changed the status and roles of the traditional rulers.
- (j) The need to ensure equitable access to economic opportunities on the land and the security of such access once gained, makes land reform mandatory.

There is a lot of speculative purchases of large tracts of communal land by wealthy, non-farmers who hold the land idle, in the absence of land taxes, waiting to capitalize on an appropriate market situation, while food production is on the decline. Many government projects were unable to take off because of the excessive amounts of compensation being demanded by speculative purchasers of land who had prior knowledge of government intentions.

The above changes, constraints 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.

(A) *Forms of Land Reform*

Land reform is concerned with the interrelated aspect of productivity and equity of land use. It is a means of bringing about structural change in the agricultural sector, thereby altering the size distribution of holdings or distribution of income.

Land reform therefore has "an essential core meaning which concerns significant and purposeful

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changes in land tenure-changes in ownership and control of land and water resources. Specific measures may include: expropriation of large estates and the distribution of land among the tillers" (Dorner, 1972: 18).

Land reform can take one of the following forms (World Bank, 1975: 208):

- (i) Redistribution of public or private land in order to change the patterns of land distribution and size of holdings;
- (ii) Consolidation of individual holdings, thereby reorganizing the physical pattern of control;
- (iii) Changes in land-ownership and tenurial rights with or without physical redistribution of land; and
- (iv) Changes in conditions of tenure without changing ownership or redistributing land.

The tenurial reform does not, however, involve the redistribution of physical land, but changes in tenurial rights. The vesting of land in the government implies that all potential land users would have to look up to the government for the allocation of use rights. The potential farmers may now find it easier to obtain an allocation of sufficient amount of land for farming or raising livestock, since the Land Use Decree has improved the access of all Nigerians to land. The removal of constraint on land is likely to increase the demand for agricultural land. The farmers can now develop confidence in the government in addition to having security of expectations, since the land granted by the government will not be withdrawn capriciously, without due process of the law, as well as payment for unexhausted improvements, in addition to being relocated elsewhere.

The effects of land reform can, however, best be examined by analysing its influences on agricultural development.

(B) *Land reform and agricultural development*

Agricultural development can be viewed in the broad context of the overall economic development. Economic development has three basic objectives: rapid growth (increases in the economic pie), full employment

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and distributive justice. That is, development is associated with "an improvement in the state of productive arts and a distribution of the fruits of the economy in such a way as to increase the aggregate social utility from the production (Long, 1952: 724) of productive resources.

Growth in agricultural output is essential to the development process of the economy. This is especially true in the case of Nigerian economy where agriculture employs about 58 percent of the labour force by 1976, while over 75 percent of the population depend on agriculture for their sustenance.

Increases in the level of agricultural production may lead to the development of processing facilities and cottage industries, leading to an income effect that increases rural consumption and to an output effect associated with backward and forward linkages of agriculture such as manufacture and service of farm machinery.

Agricultural productivity is however, a result of labour and land productivity. Land productivity is conditioned by the product of the output capital ratio and the capital intensity (Wong, 1973: 26).

Since the per capita land of a country is relatively fixed, making those not engaged in agricultural activities release land to the potential farmers will make more land available for farming. But the potential productivity increases through extensive use of land is limited. The source of further increases in labour productivity in Nigerian agriculture will then come from the exploitation of land productivity. Productivity increases in agriculture are, however, related to the endowments of land and labour (Hayami and Ruttan, 1971: 72).

The introduction of new technologies, both biological and mechanical, may increase rural incomes and employment through (a) increased cropping intensity, (b) expanded crop area, (c) increased yields, (d) reduced costs and (e) a shift to higher valued crops (Byerlee and Eicher, 1972). Thus, growth in agricultural productivity is essentially a process of adaptation by the agricultural sector to new opportunities created by the progress of interindustry division of labour which has accompanied industrialization (Hayami and Ruttan 1972: 54).

The mechanism of agricultural development, as enunciated by Hayami and Ruttan (1972: 54), involves (a) induced innovation in the private sector; (b) induced

innovation in the public sector; (c) interaction between technical change and institutional development; and (d) dynamic sequences of technical change in economic growth. However, the point of departure of the authors of the Land Use Decree seems to be that institutional change should be considered as an explicit exogenous factor rather than be treated as an endogenous variable, as was done by Hayami and Ruttan.

The experiences of a number of developing countries: Pakistan, Mexico and Philippine, reveal that institutional changes induced by *laissez-faire* approach often reinforce existing inequalities in the structure of access to economic opportunities on the land (Parsons, 1977: 11-12).

Thus, the concept of agricultural development in the Nigerian context is all-embracing, involving changes in the structure of agricultural production from a predominantly subsistence activity into one based upon capital investments, chemical and mechanical innovations as well as institutional changes in response to the prevailing economic environment. Agricultural development involves a reduction in the proportion of labour force engaged in agriculture, growth in output per worker and a secular decline in the contribution of agriculture to overall economic growth. The problem of agricultural development is essentially that of accelerating the rate of growth of agricultural output and productivity, consistent with the growth of the non-agricultural sector of the economy. The development of Nigerian agriculture calls for an improvement in the technique of agricultural production, from slash-and-burn system of farming, "where farmers are involved in a day-to-day struggle for subsistence, and with great drudgery succeed in wrestling enough from the soil to keep themselves alive, to a science-based agriculture where man has more control over physical nature and is able to respond to changes in factor prices" (Fabiya and Parsons, 1977: 67).

Agricultural production systems based on age-old, tested practices no longer suffice to cope with the dynamic changes in the formal sector of Nigerian economy. Technical changes - changes "in the production coefficients resulting from the purposeful resource-using activity directed to the development of new knowledge embodied in design, materials, or organisations" (Hayami and Ruttan, 1972: 57) are essential. To this end, the Federal Military Government established fourteen commodity research institutes to make

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available to the farmers qualified seed, pedigree animals, and a production pattern (farming system) consistent with the current product demand and factor supply conditions in the economy.

It was realized, however, that comprehensive agrarian reform: land tenure reform, provision of credit facilities, expansion of extension services, agricultural services, are essential to reduce the differential impacts and spread the benefits of technical innovations to the farmers, irrespective of their station in life. The Federal Military Government has consequently established agro-service centres all over the country, an Agricultural Credit Guarantee Scheme (Decree No. 20 of 1977) and promulgated a Land Use Decree to assure equitable opportunities to the farm people.

The Nigerian Land Use Decree: implications on agricultural development

The Nigerian Land Use Decree is a major attempt to streamline the land tenure situation in Nigeria by bringing the land tenure system in the southern part of the country in line with that of the north. The Federal Military Government on March 29, 1978 promulgated a Land Use Decree No. 6 of 1978 which claims to protect the rights of all Nigerians to land and assure and preserve "the rights of all Nigerians to use and enjoy land and the nature fruits in sufficient quantity to enable them to provide for the sustenance of themselves and their families" (Section 1). The Decree vests "all land comprised in the territory of each state in the Federation in the Military Governor of that state, to be held in trust and administered for the use and common benefits of all Nigerians".

When government tries to increase its controls over an area that has so many meanings for people, such as land, the issues that its efforts stir tend to be important ones (Healy, 1977: 161). The Land Use Decree is no exception.

The Land Use Decree therefore has a myriad of implications: economic, social, political, cultural, administrative, institutional, etc., on agricultural development. These effects are complex, interlaced and cumulative and it is only for analytical purposes that they will be discussed separately under economic, socio-cultural, political, administrative and institutional dimensions.

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(A) *Economic Dimensions*

The qualitative supply of land has been determined by nature as a gift to man. Many of the qualitative characteristics of land, such as soil conditions, contour, gradient, elevation, and level of water table, have been determined by nature, without the intervention of man.

Land is capable of being used infinitely. But the actual level of use is set by economic and other social rather than physical determinants. Economic incentives are required to undertake necessary investments to put land in its highest and best use. Assuming he possesses sufficient knowledge and capital, Jacoby (1971) has outlined two ways in which land tenure institutions may violate the necessary incentive for a cultivator to improve his productivity:

- (1) Uncertainty regarding his future control over the land resources, and
- (2) Certainty that he will not be rewarded relatively to the efforts he expends in using his resources.

Land tenure system contributes to capital formation by making the use of a productive asset the preclusive right of an individual or a group. This security of expectation is crucial for biological forms of capital, for slow-maturing enterprises, and for undertakings involving numerous incremental additions made successively over many production cycles (Raup, 1970: 273). It is at level of individual parcel of land that the economic effects of government control over land become most significant, and the redistributive effects most worrisome (Healy, 1976: 170).

In Nigeria, however, agricultural land are not freely bought and sold; while data on rural land prices are rare. Most sales of rural lands are shrouded in secrecy since it is considered anathema to sell family land which almost invariably are rural lands. The effects of this restriction on individual parcel of land in Nigeria is therefore not easy to discern. However, Johnson (1972: 261-162) argues that "restriction on sale of land have the effects of raising the cost of transferring land to certain uses and users. This reduces the size of land market and limits the way of capturing wealth in land". He posits that the restriction of sale of land has three economic effects: (i) the greater and more effective

the restrictions, *ceteris paribus*, the lower the value of land to an individual. The greater the restrictions on selling land, *ceteris paribus*, the lower is the demand price and hence the open market exchange of land. (ii) The greater and more effective the restriction on the sale of land the higher the supply price of funds to individuals whose collateral is land; and (iii) the greater and more effective the restrictions on sale of land, the lower the profitability of investments in and attached to land, and hence the lower the equilibrium level of investments attached to land.

It has not been possible to verify the above hypotheses empirically because the Land Use Decree is of recent origin, not yet implemented in any rural community; coupled with the reinstatement of party politics which makes every Land Allocation Advisory Committee cautious not to implement the provisions of the Decree, especially the aspect that involves take-over of land in excess of permitted maximum. The effects of the Land Use Decree will consequently take sometime to work out. The following analysis is therefore, of necessity, conjectural.

The Land Use Decree has taken over the allodial title to every piece of land in the country, changing the interest which an individual or organization holds in the land as well as the relationship between land users. The Decree has taken away proprietary interests of the landholders through section 21 which forbids transfer, assignment or alienation of interests in without the prior approval of the Military Governor or the Local Government Authority. This provision has smothered the fragile rural land market, in that if the sale of land is restricted the sale of assets attached to land is ipso facto restricted. This means that farmers who want to quit farming cannot validly sell their crops, mortgage, assign or transfer it legally.

The Decree has, however, improved 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 right of occupancy to any person or organisation (emphasis, mine) for the use of land... for agriculture, residential and other purposes; (b) to grant customary rights of occupancy to any person or organisation (emphasis, mine) for the use of land for grazing purposes. These provisions are capable

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 is 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. The vague property rights inherent in the customary tenure militated against wealth production mainly because they increased transactions cost and inhibited exchange. The land allottee under the Decree will have legal and tenure certainty and cannot be dispossessed capriciously, as was the case under the customary tenure arrangement.

The effect of the improvement in access to land and security of expectations on the volume of investment in agricultural sector will take sometime to unfold. However, one expects a greater volume of investments in the agricultural sector. This is because cost-reward structure now internalizes benefits and costs and each user of land is therefore motivated to use land in space and time so as to yield the maximum wealth (returns) from the land (Johnson, 1973: 265).

The Decree tried not to destabilize the agricultural sector by making it possible for those who have been using the land for agricultural purposes to remain in possession and continued use of the land for agricultural purposes as if customary right of occupancy has been granted.

The Decree, however, tried to limit land-grabbing tendencies by putting an upper limit of 500 hectares and 5,000 hectares for agriculture and grazing, respectively. This implies that farmers who have more than the permissible limit will have to divest themselves of it. The limit specified by the Decree also implies that the optimum size of farm for agriculture (crop farming) is 500 hectares and 5,000 hectares for grazing. At sizes larger than 500 and 5,000 hectares respectively, the average variable cost is likely to rise due to problems of managing many workers scattered spatially, with the consequent lower efficiency. However, the optimum size of farm for various farming activities and for different ecological zones is still to be empirically determined for the country.

The Decree has, however, given rise to some uncertainties as regards the rights of the erstwhile

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landowners - vis-a-vis their previous tenants. For example, Section 36 (2) and (3) read together can be construed to mean that a tenant-occupier and the erstwhile landowner are equally entitled to apply for a certificate of occupancy on the land being occupied by the tenant and the Local Government can grant this to the "occupier" or the "holder". That is, both the person with the traditional title to the land and his tenant as well as his tenant's tenants are equally entitled to a grant of certificate of occupancy on the same piece of land. This provision is capable of causing confusion because section 50 defined the "occupier" as "any person lawfully occupying land under customary law and a person using or occupying land in accordance with customary law and includes the subleasee or sub-under-lease of a holder". This implies that a landowner who granted a year-to-year tenancy for the production of food-crops to customary tenants stands the risk of losing his land to the tenants. This will definitely work hardship on the landowners who granted temporary use of their lands to somebody else; especially if there are no more unused family land. This class of annual tenants are likely to be evicted before the Decree is fully operational.

(B) Socio-Cultural Dimension

The socio-cultural dimension of land reform deals with the subjective aspects: equity question, the effects on divergent social classes, and the impact on the aspiration of cultural and other minorities (Healy, 1976: 175).

The sale of family land was considered anathema although Osuntogun and Adesimi (1977) have reported the emergency of rural land markets in South-Western part of Nigeria. "Where land is saleable, alienable, in a market-oriented agriculture, the value of land reflects the anticipated opportunity value of prospective sales of products in commodity markets. It is the intangible property, this anticipated value of market access, that serves as security for lands, where debts are secured by mortgages on land (Parsons, 1974: 753). But the land use Decree has made the alienation by sale, mortgage, assignment, more difficult. Family land is therefore not acceptable as security for loans by institutional lenders.

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The Decree has abolished the rights and privileges of the 'Oba', Chief, 'Obi', 'Emir', etc., but this is not without a fight. The failure to win the support of the traditional authorities has made the implementation of the Land Use Decree difficult. The provisions of the Decree which removes the land-lord - tenant relationship is, however, likely to contribute positively to agricultural development by eliminating the requirement of sharing the proceeds of the farms between land-lords and the tenants.

The equity effect of land reform will be significant only if: (i) the effective ceiling on land ownership is low; (ii) the beneficiaries belong to the poorer groups; (iii) the extension and (nonland) input distribution system favours the beneficiaries, and (iv) owned and self-operated land is redistributed (World Bank, 1975: 218).

As stated earlier the land reform in Nigeria does not involve the redistribution of ownership. It only facilitates land access to prospective farmers and removes constraint of **insecurity of tenure** by making it possible for the former tenants to obtain customary certificate of occupancy. It also abolishes payment of tributes. It was also realised by the Government that comprehensive agrarian reform: land tenure reform, provision of credit facilities, expansion of extension services, agricultural services, etc., are essential to reduce the differential impacts of agrarian reform measures and spread the benefits of technical innovations to the farmers, irrespective of their (economic) status.

To this end, the Federal Military Government has established agro-service centres all over the country, an Agricultural credit Guarantee Scheme (Decree No. 20 of 1977) and promulgated a Land Use Decree to assure equitable access to opportunities to the farm people. The central idea of agrarian reform is that there is some equalizing redistribution of opportunities to the farm people. The central idea of agrarian reform is that there is some equalizing redistribution of opportunities on the land (Parsons, 1977a: 16).

(C) *Political Dimensions*

The controls over land is a valued source of political power. Political consideration dominates land reform since it involves restructuring of patterns of wealth, income flow, social status and prestige.

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Land has a crucial ingredient in authority relationships both in situation of conflict or agreement and obedience to the traditional authority. The political structure of Yoruba society for example, is made up of kinship relationships. At the apex of the structure is the Oba whose sovereignty derives in part from and is dependent upon the abundance of land he controls. The role of the custodian of community land invests the Oba or Emir with an extensive measure of authority (Odetola, 1978: 3-4).

The Land Use Decree has stripped the Obas, Chief, Obis, Emirs, etc., of one of the sources of their power, legitimacy, and revenue. It was probably more because of the effect on authority structure and less because of the material gains that will accrue from sales of land that the Obas at first kicked against the new land policy (Odetola, 1978: 4).

It should be noted, however, that where a society is hierarchical, to ensure accelerated development it may be necessary to break the political as well as the economic power of the traditional land owning elites by instituting far-reaching internal changes of a social, political, and institutional order.

The Land Use Decree changes the power base from the traditional authority to the State. This seems a recognition that the authority or powers of the state must be brought to bear upon the working rules of customary associations in traditional agricultural economies to create a modern system of agriculture by transforming the antecedent rules and sanctions.

Vesting all land in the (Military) Governor, however, concentrates both economic and political powers in one hand. Concentrating power in the hand of the Governor expands the field in which arbitrary discretion and unlimited prerogative could be exercised. This power could be abused by an unscrupulous politician to satisfy his selfish ends. The Decree could also be used to dispossess political opponents. There is therefore need for checks and balances in the exercise of power by the Governor.

There is nothing in the Decree which imposes upper limit on the amount of land an individual can have in the urban area provided the undeveloped land in any one state does not exceed half an hectare. Some people may resort to acquiring and developing

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as many hectares of land, as possible making sure that only half an hectare of undeveloped land is retained at any particular time.

(D) *Administrative and Institutional Dimensions*

The institutional aspects of development policy define the structure of opportunities and the scope of the field of volitional conduct accessible to participants in system of economy (Parsons, 1977b: 7). Traditional land tenure system is a complex web of interrelations with its own strength and internal consistency. It is an aspect of social institutions which "give stability to human relations by providing for security of expectations with respect to accepted procedures to human interaction and responses" (Dorner, 1971: 14).

The traditional system was geared towards group survival, and land was periodically redistributed to cater for the subsistence needs to every member of the group. The ability to share the land rests centrally on the recognition that each unit within the system possesses some property, however unequal (Odetola, 1978: 1). This set of arrangements assures to persons born into the group that, within the limits of the corporate patrimony, no member of the group shall be deprived of the security of a subsistence opportunity to use the land There are no generally established procedures by which land can be transformed from one holder to another to approximate what economists refer to as mobility of resources (Parsons, 1974: 754).

Various communities had ways of readjusting their boundaries, through warfare or peace, to accommodate fast growing communities at the expense of slow-growing ones. At times, a segment of a community may move to another location, pledging their loyalty to their host community's rulers. This is no longer possible. The administration of rural land has been transferred to Land Allocation Advisory Committees, who are to administer the land within their respective areas of jurisdiction.

A number of administrative problems are likely to surface during the land allocation exercise. While the composition of the advisory council has been spelt out in the Land Use Decree, the details of the administrative machinery which will ensure success is yet to be released.

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To avoid the usual pitfalls in government-administered programmes, "it is necessary to set out details of the operating conditions, reduce the areas of discretionary powers and of corruption, and make the allocation exercise as much as possible a mechanical one. In addition, the whole system must be open to examination by interested citizens" (Dare, 1978: 7). That is, it is essential to establish a procedure for resolving conflicts arising from land allocation exercise, especially the conversion of essentially arbitrary powers of the state to take over land (confiscation of land of some landowners where necessary) into responsible powers. This is to enable those adversely affected by the exercise of public actions (policy) to ask for reasons, those reasons can be reviewed by third parties, and that all affected (the weak and the strong) can participate in making and changing rules which govern the relations between them.

The allocation of territory to political units is another area of potential conflict. According to Adejuyigbe (1978: 4) the allocation of territory to political units in Nigeria has been based on one of three principles: ownership of territory, social affinity of the occupants, and ease of administration. The delimitation of the boundary of each state and Local Government have generated considerable controversies and frictions among communities who claimed to have been put either in the 'wrong' state or Local Government.

Inter-state and intra-state boundary disputes have erupted into violence and have generated bad blood in some states, especially between Cross-River and Imo States. A recognition of the potential political destabilizing influences and ethnic hostility posed by the boundary problems led the Federal Military Government to appoint a "Boundary Adjustment Commission" which was to report on the necessary adjustments, to state boundaries.

The government, in many cases, attempted to group the territory belonging to a community with it in the same political unit (Adejuyigbe, 1978: 5), but they did not always succeed. This is therefore the cause of disaffection among some Local Government areas or Communities such as Ikorodu and Remo; Akure and Idanre Local Government areas. The crux of these problems are always in the administration of land and the collection of taxes. In some cases, several hostile communities were grouped together to consti-

tute a Local Government Council. There being no basis for cooperation, the administration of land and other services became problematic.

Adejuyigbe (1978: 4-16) identified four categories of situation within the disputed or formerly disputed territories where the implementation of the Land Use Decree may encounter severe problems. In some cases the farlands of some communities are put in a state other than where those communities have their residence; as happened to a community at the boundary of Rivers and Imo States. The community has been facing the predicament of deciding which Local Government Council to pledge their loyalty, pay their tax, or demand for services. Other administrative problems among which are: fairness in allocation; catering for the interest of every citizen, especially the under-privileged ones; avoidance of victimization of political opponents and favouritism to political supporters, etc., are also important.

Government take over of land is predicated upon the assumptions that the Government will always be beneficent; that the administrators will be honest, dedicated and have unique perceptions of public good and therefore administer the land in the best interest of the public good and that the erstwhile landowners will voluntarily give up their lands and trust their survival to an impersonal government. However, a knowledge of Nigeria's history and political climate does not justify these assertions.

To compound the problem of confidence in a public ownership solution, the performance of the administrators put in charge of allocating the limited public land in Victoria Island and South-west Ikoyi left much to be desired. It points to the danger in giving a few administrators free hand to allocate or loot public land without proper checks and balances.

Summary and conclusions

As far as the masses are concerned, the land reform measure may turn out to be either a cornucopia or a Pandora's box, depending on how honestly and impartially it is implemented.

Pre-reform land tenure system guaranteed limited access to all categories of land users, limited sovereignty to erstwhile landowner, freedom of enterprise, economic citizenship of the land and rights to private property in land but exploited the landless.

The Land Use Decree attempts to eliminate or reduce abuses in free enterprise system by taking over

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the allodial title of land leaving only the use rights. The Decree has reduced all land users to lease holders. It further introduces some uncertainties as regards the rights of the erstwhile tenants vis-a-vis the landlords. By defining "occupier" as any person lawfully occupying land under customary law and includes the sub-leasee or sub-underleasee of a holder"(Section 50) it means, in effect, that the customary tenant as well as the landowner are equally entitled to a grant of certificate of occupancy on the land. This provision, while freeing the tenant from payment of tribute, may work hardship on land owners who gave out most or all of their lands to tenants and relied on tribute payable by the tenants. They may not easily secure an allocation of land elsewhere since 'unused' land is not easy to come by, and every inch of land in Nigeria has an owner.

On the other hand, the Decree may make it easier for potential farmers to acquire sufficient amount of land for farming. Granting certificate of occupancy to individual farmer may resolve the problems of duplicity of ownership and dubious transactions on the land. The farmer can easily raise a loan from Agricultural Banks using his land as the collateral. The Decree may bring an end to fragmentation of land into uneconomic sized tracts by imposing a minimum size of holding below which subdivision will not be permitted. The Decree also forbids the sale of land without the approval of the government. This may put an end to the era of land agents and speculators who sell the same piece of land to several persons.

The Land Use Decree 1978 holds empty promises unless it brings real improvements in the access to economic opportunities on the land and greater equity in income distribution to the mass of peasant farmers all over the country. The potential productivity gain from land reform in a traditional economy, such as in Nigeria, is not easy to achieve unless the other agrarian reform policies - the development of effective rural credit institutions capable of serving the relatively small farmers, effective factor and product market institutions - are implemented. The capacity of agriculture to respond to technical innovations depends on substantial investment in experiment stations' capacity. It is also equally important to reform the existing institutions to enable the agricultural producers to respond to the new technical opportunities (Hayami and Ruttan, 1972: 306).

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Thus, if the Land Use Decree is faithfully executed it will go down as a great social revolution especially in the agricultural sector.

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