"AGRICULTURAL LAND CRISIS IN NIGERIA: A CASE STUDY OF IDAH LOCAL GOVERNMENT AREA OF KOGI STATE."

BY

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JUNE, 1993

DECLARATION

I hereby declare that this thesis was written by me
ıd that it is a record of my own research work. It has
ıt been presented before in any previous application for
higher degree or reputable presentation elsewhere. All
ɔrrowed ideas have been duly acknowledged by means of
ɛferences and quotation marks.

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CERTIFICATION

This thesis entitled "Agricultural Land Crisis in Nigeria: A Case Study of Idah Local Government Area of Kogi State" by Ukwuteno S.O. meets the regulations governing the degree of Master of Science of Ahmadu Bello University, Zaria, and is approved for its contribution to scientific knowledge and literary presentation.

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DEDICATION

Dedicated to my Son

Adukwu

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TABLE OF CONTENTS.

Title Page		Page
Declaration		i
Certification		ii
Dedication		iii
Acknowledgement		iv
Table of Contents		vii
List of Tables		x
List of Figures		xi
Abstract		xii
CHAPTER ONE: INTRODUCTION		
1.1	Introduction	1
1.2	Problem Statement	4
1.3	Objectives of the Study	6
1.4	Justification of the Study	6
1.5	Organisation of the Thesis	7
CHAPTER TWO: LITERATURE REVIEW		
2.1	Introduction	9
2.2	Land Concepts	11
2.3	Current Land Crisis	14
2.4	Land Tenure System in Nigeria	16
2.4.1	Land Tenure among the Igala	25
2.5	Current Land Crisis and the land use Act.	28
2.6	Land crisis and Agricultural Development	33

CHAPTER THREE: METHODOLOGY

3.1	The Study Area	37
3.2	Sampling Technique	39
3.3	Types of Data	40
3.4	Method of Data Collection	43
3.5	Analytical Techniques	44
3.5.1	Simple Descriptive Statistics	46
3.5.2	Capitalization Techniques	46
3.5.3	Regression Analysis and Analysis of Variance	48
3.5.3.1	Linear Model	49
3.5.3.2	Quadratic Function	51

CHAPTER FOUR: DISCUSSION OF RESULTS

4.1	Land Tenure among the Igala	53
4.2	Settlement of Strangers	56
4.3	Land Tenure and the Land use Act	60
4.4	Communal or Family acquisition of land..	62
4.5	Development of Property rights and interest in land	64
4.6	Recognition of land types in Idah L.G.A..	68
4.7	Government Acquisition of land for projects	70
4.8	The evolution of land crisis	70
4.9	Land Tenure pattern of acquisition among communities in Idah L.G.A.....	77
4.10	Communal Land Transfer or Alienation	78
4.11	Land Crisis Among Communities in Idah L.G.A.	80

4.12	Socio-Economic Appraisal of land crisis in Idah L.G.A	87
4.13	Land Holding	90
4.14	The magnitude and effects of land rent on land crisis	91
4.15	Land Rent	93
4.16	Cost of land crisis and Average Income...	99
4.17	Availability of land and the current land crisis	101
4.18	The role of the Judiciary in the land crisis	103
4.19	The effect of land crisis on agricultural development and land use policy in the area	106
4.20	Relationship among variables using linear and quadratic functions	109
4.21	Results (Equations) of quadratic function	115
	CHAPTER FIVE	
5.1	Summary of Findings	122
5.2	Empirical relationship among variables...	127
5.3	The implication of the study	128
5.4	Policy Recommendations	129
5.5	Limitations of the Study	132
5.6	Conclusions	133
	References	136

Appendix 1A: Farmers' questionnaire 142

Appendix 1B: Leaders' questionnaire 156

Appendix 1C: Court questionnaire 166

Appendix 2 : List of market prices of items used 168

Appendix 3 : Worked example of quadratic solution 169

Appendix 4: Formula for estimating cost of land crisis 174

LIST OF TABLES

4.1 Summary of Land crisis in Idah L.G.A. 1986-1992 73

4.2 Proportion of Landlord/Tenant by size of population 75

4.3 Land Tenure pattern of acquisition in Idah L.G.A. 78

4.4 Average value per year of land rent at 27 percent capitalization interest rate for six years 1986-1991 92

4.5 Comparison of value of land rent and Economic rent of land exclusive of food cros grown 98

4.6 Comparison of average income with approximate average cost of land crisis per household 99

4.7 Summary of Area of land holding and the area cultivated (farm size) per household 102

4.8 Summary of cases taken to court 1986. May, 1992 103

4.9 Summary of the area cultivated (farm size) per household and the corresponding produce value during communal land crisis and free periods respectively, 1992..... 109

4.10	Linear functions	114
4.11	Quadratic functions	118
4.12	Comparison of potential and current per capita utilization of land in Idah L.G.A..	119
4.13	Summary of optimum level of population, area cultivated and yield (N) for effective utilization of land in Idah L.G.A.	119

LIST OF FIGURES

1.	Map of Idah Local Government Area	45
2.	The operational organisation of land administration in Igala land	60

ABSTRACT

Agriculture and land are quite inseparable

Land is an important resource and a factor of production to the extent that without land there can be no agricultural growth or development.

Land crisis is a phenomenon which in recent years has brought about an unprecedented problem and hardship to many inhabitants of Idah Local Government Area (L.G.A.) and indeed Nigeria as a whole. The topic "Agricultural Land Crisis in Nigeria: A Case Study of Idah Local Government Area of Kogi State" is an investigative research which seeks to identify and describe the evolution and factors responsible for land crisis in Idah L.G.A. and assess its effect on agricultural land use and productivity in the area.

The tools of analysis used in this study were simple descriptive statistics, capitalization techniques and regression analysis to determine relationship between and among variables.

A total sample of 150 respondents - farmers, leaders and educated persons from Akpanya, Idah, Iyano, Odeke and Uchuchu were interviewed with structured questionnaires to obtain information. The courts were also visited with copies of questionnaire to obtain information on their role in settlement or otherwise of land dispute matters. The information collected were analysed using the tools

of analysis specified. The t-values and F-statistic values are significant at 5 per cent level of significance.

The study noted that land is being made artificially) scarce due to crisis over land which in some cases have resulted in disputes, violent clashes, abandonment of cultivable or agricultural land and destruction of lives and property.

Factors identified in the study to be responsible for land crisis include: (a) selfishness and greed (b) craze for material wealth and pride and (c) civilization and/or awareness.

Population factor has no empirical evidence to show its effect on land use. There exists however, speculative evidence and this has given rise to speculation in land by the people.

Furthermore, nominal land rent has not been found to be statistically significant. However, the economic land rent has been found to be of statistical significance. Also, the Land Use Act of 1978 seems to constitute a core problem in the current agitation.

Given the scope and complexity of land and agricultural development, one cannot attempt to cover the whole field. The author has therefore focused on land as a basis for agricultural development. It is hoped that this study will provide the basis for policy that would

safeguard the interest of the people in the rural areas. Also, the study will indicate areas where further research would be needed for the transformation of agriculture from its present poverty position or state to a much more modernized agriculture which alone can move the nation to an enviable position both in political and economic sphere.

It is observed that self-sufficiency and self-reliance in food production is still the basis for political and economic stability of a nation. This can only be achieved when the utilization of land and its resources can be maximized. Under land crisis, the attainment of this goal may never materialize in any society.

CHAPTER ONE

1.1 INTRODUCTION

The economies of all countries, no matter their levels of development depend on land, for no economies exist without the exploitation of land directly or indirectly in one form or another. Famoriyo (1979), observed that the direct exploitation is even more in Nigeria where at least 70-80 per cent of the working population rely on agriculture for their livelihood. This shows the importance of land and indeed agriculture in developing economy such as Nigeria. Therefore the importance of land and indeed agriculture cannot be over-emphasized.

The Third National Development Plan (1975-1980), shows that Nigeria has a total land area of 98.3 million hectares (or 356,670 sq miles, or 923,775 sq. kilometres). Of this, 34 million hectares, about one-third was under cultivation of crops. There was a total cultivable land of 71.2 million hectares. Less than half (50%) of this was actually being cultivated. Presently, uncultivated land can still be found lying waste in Nigeria.

According to Famoriyo (1981), Nigeria is made up of hundreds of ethnic groups. Ownership of land depends on being a member of land owning group or community. Since there is no Nigerian who does not associate with a group, he argued, it follows, at least in theory that there

should be no landless Nigerian. He noted that it would be right to say that "there is no land in Nigeria without owners". One cannot but agree with this assertion particularly with regards to agricultural land.

As the land value continues to appreciate, while the Nigerian society becomes more complex both in organisation and in the visible manifestation of effects of modernization or economic development, frictions and sometimes violent clashes on land issues arise between communities, families and individuals throughout the country.

According to Barlowe (1978), the traditional concept of free simple ownership under which owners were free to use and abuse their property with little regards for others is now out of place. Individual owners in using their property must consider the impact of their action upon others and upon society in general. The old doctrine of laissez faire is giving way to a doctrine of savoir faire. Land ownership is becoming a public trust under which private owners enjoy certain usufructuary rights on their property which they must exercise in a manner commensurate with public interest.

The concept of land crisis may be described as the relentless struggle by people to take possession of land through claims and counter claims over ownership rights in land including the use of force for its occupation and use or control. This takes place among communities and

between individuals within communities that had been living together in harmony over the years. This was usually done at the expense of the rightful owerner(s) particularly owners of agricultural or cultivable land.

The distinction between crisis and dispute in this context, is that crisis starts when there is a move to claim arising from time of difficulty while dispute results when there is a counter opinion or claim. Although disputes lead to crisis, this does not follow in all cases. It must be pointed out though that it is dispute that is usually first noticed because conflict is associated with it while crisis may not necessarily be so. In other words, crisis marks the turning point in time of difficulty expressed in anticipated future while dispute refers to controversy arising from conflicting views or disagreements. Land crisis therefore becomes a dimension of more serious magnitude than just land dispute.

Land crisis in Nigeria cannot be divorced from land tenure system. As noted earlier, there is no apparent shortage of land in Nigeria, though shortages and surpluses could be found in some localities. But what is currently being witnessed or experienced in land use and occupancy calls for an indepth investigation as to what is the core of the crisis which has often led in most cases to disputes.

The crucial issue in land ownership is the rights and interests that are exercised in land. These rights and interests have constituted a key factor in determining who owns the land and what he is free to do with it.

Agricultural development is a planned process which involves structural changes in existing structures and institutions. This has to do with firm commitment of policy formulators and executors to direct the available resources in a manner that is consistent with the set objectives. However, under land crisis situation, the objectives may never be realised due to incoherent and erratic changes in plan and action.

A comprehensive assessment of land crisis in Nigeria as it relates to agricultural development, must involve a critical study of land tenure arrangements in the nation as a whole and indepth study of specific areas. For this purpose, Idah Local Government Area has been chosen for the study.

1.2 PROBLEM STATEMENT

Since Nigeria came into being as a country (nation), emphasis has been on self-sufficiency and self-reliance in food and other aspects of agricultural production. For the realization of this objective, the utilization of land resources needs to be optimized. In recent years, Idah Local Government Area and indeed Nigeria, has been

witnessing land crisis particularly in areas of land use and occupancy, some of which have resulted in disputes leading to violent clashes with the attendant loss of lives and property. This sometimes has resulted in abandonment of land in some areas thereby making agricultural development to suffer.

The purpose of this study is to investigate, identify and describe the various factors which have been responsible for the claims and counter claims of ownership rights on land which have disrupted the peaceful coexistence and production process in Idah L.G.A. It is hoped that the study will provide the basis for policy that would safeguard the interest of the people in the rural areas. Also, the study will indicate areas where further research is needed for the transformation of agriculture in Nigeria. In view of the foregoing circumstances, the following questions may be asked.

1. What factors are responsible for the land crisis in Idah L.G.A.?
2. How did the land crisis evolve in the area?
3. What is the nature and magnitude of the land crisis in Idah L.G.A.?
4. To what extent would land crisis affect agricultural land use in Idah L.G.A.?
5. How can the problem of land crisis be minimized in

Idah L.G.A.?

1.3 OBJECTIVES OF THE STUDY

The broad objective of the study is to identify and describe the evolution of land crisis and factors responsible for land crisis in Idah Local Government Area and assess its effect on agricultural development and productivity in the area.

The specific objectives are:

1. to identify and describe factors responsible for land crisis in Idah L.G.A.
2. to identify and describe the evolution of land crisis in Idah L.G.A.
3. to assess the effect of land crisis on agricultural land use in the area.
4. to make policy recommendations for the overall objective of promoting increased agricultural productivity and optimum utilization of land resources in the area.

1.4 JUSTIFICATION OF THE STUDY

The study could be seen as timely, especially as the various governments and administrations in the past have focused efforts at increasing agricultural productivity and output with emphasis on self-sufficiency and self-reliance in food and other aspects of agricultural

production.

The promulgation of the Land Use Act was to ease land acquisition by governments for public purposes and allocation of land to agriculture for increased productivity. However, despite the existence of the laws and efforts by successive governments and administrations, agricultural productivity seems to be on the decline and agricultural production output has not been able to keep pace with population growth considering the soaring food prices. This coupled with t ent crisis on land which has generated tension and sometimes violent clashes in some areas, abandonment of cultivable or agricultural land and destruction of lives and property, and therefore calls for an indepth investigation

The proposed study covers Idah Local Government Area and it will be organised into the following five chapters.

1.5 ORGANIZATION OF THE THESIS

The thesis is divided into five chapters. Chapter one, the introduction, contains the statement of objectives and justification of the study. Chapter two gives a review of relevant literature on land matters. Chapter three deals with the methodology of the study and a brief description of the study area. Chapter four

deals with the discussion of results and findings. Chapter five gives the summary of findings of the study and conclusions.

CHAPTER TWO

2.1 INTRODUCTION

Land resources and real estate are of great importance in modern world. This is because they provide man with essential raw materials to satisfy his numerous needs. Specifically, man depends upon the land resources for food, physical environment, clothing, fibres, manufactured goods, research, recreation, scenery for tourist attraction and building sites.

From the origin of man, he has always had greatest regards for land. Man has regarded land as "Mother earth" (Barlowe, 1978; Famoriyo, 1983). The average farmers live in close association with the land. Nations have fought battle in order to take possession of land, e.g. Middle-East, Latin America. Land has become instrument of power and exploitation. Land is a stock of wealth and a major asset. Land is the basis for the transformation of societies socially, economically and politically in all human societies, whether such societies are predominantly agrarian or industrial societies (King, 1973; Famoriyo, 1983). Internecine and inter-tribal wars have been fought to regain lost territories or to capture new ones. This behaviour has become intractable problem up to the present time.

The important aspect of land is not just its physical existence or possession but the rights that are

attached to it. These rights according to Famoriyo, (1975), determine who owns it and what he is free to do with it. These rights, he noted, constitute a key factor in determining socially, economically and politically the status of an individual. The classical economists and political thinkers considered land as an important factor of production hence they were very pre-occupied with the relationship between land, man and food supplies. The relationship between man and land is too important that it is difficult to imagine the existence of man and his continued civilization without land (Barlowe, 1978; Famoriyo, 1981).

There are many countries of the world today that depend on the rich land resources, e.g United State of America (USA) and Canada. There is considerable thinking today that the greatest need of man is to find ways of increasing food production. It is said that about 20 per cent of the world population suffer from hunger (Famoriyo, 1981). Even then, this figure could rise under persistent violent land crisis. This means that there is a need to develop new agricultural land and improve the existing ones. However, there are many concepts of land.

2.2 LAND CONCEPTS

According to Famoriyo (1979), people differ in the meaning attached to the word "land". It depends on the individuals' liking as well as their thinking or vocation. Consequently, there has been many concepts of land. Within the complexity of what constitutes land, are the following concepts: (1) Physical concept (2) Spiritual concept (3) Socio-political concept (4) Economic concept (5) Legal concept and (6) Abstract concept.

The Physical concept: This describes the physical expression of the nation-state. That is, land includes the physical soil, water, trees, plants and animals, rocks (minerals), fixed structure and space above the land.

The Spiritual concept: Thes spiritual concept sees land as having spiritual or religious values. The attachment of these values or beliefs is more pronounced in the rural areas in Nigeria. The rural dwellers recognise the existence of a deity in land that serve to protect man and land. The deity it was said, must be constantly appeased to avoid its vengeance (Famoriyo, 1979).

The Socio-Political concept: This refers to a group of people or community having common socio-cultural or political ideology. Thus the expression like "Yoruba

land", "Ibo land", "Hausa land" or "Igala land" etc. would refer to the people in a particular geographical location rather than just the physical land itself.

The Economic Concept: The economic concept recognises land as the source of human wealth, the natural source of raw materials required by man for the production of goods and services. However, there is lack of consensus among economists about the rationale for making distinction between the physical land as a factor of production and that which has been admixed with it in form of human labour and capital. For example, while some regard land as just a factor of production, others define the conomic concept of land as "the sum total of natural and man-made resources over which possession of the earth's surface gives control" (Barlowe, 1978). The broad concept of land as clearly stated by Barlowe, include "all of the earth's surface, water and ice as well as ground. In addition, it includes building sites, farm soil, growing forests, mineral deposits and water resources. It also involves such natural phenomenon as access to sunlight, rain, wind and changing temperature and location with respect to market and other areas. Moreover, it includes all those man-made improvements that are attached to the surface of the earth that cannot be easily separated from it". This definition reflects a concept of land that is more than just a factor of

production.

Legal Concept: From a legal standpoint, land or real estate refers to any portion of the earth's surface over which ownership rights might be exercised. These rights relate not just to the surface area but also other improvements attached by man and object of value that lie either above or below the surface.

Abstract Concept: The abstract concept of land derives from the nature of land itself. The unique quality of land is that it is static (immobile). This affects how decisions on its use are taken. He who owns interest in land must either go to the land to work it or give authority for others to do so. The authority to take decisions on land is in form of property rights. This hitherto has been granted and sanctioned by the existing laws. The property rights and the physical area of land constitute decision-making unit. These, Denman (1972) cited in Famoriyo (1979), has called "the proprietary land unit". The proprietary land unit considers land as a natural resource combined with all efforts of man at a particular point in time. The proprietary land unit is therefore defined as "an area of land used as a single entity and co-extensive in its physical dimensions with vested rights of property to use, to dispose and to alienate" (Famoriyo, 1981).

The various concepts of land described above, show that land is an important basic resource for man. The meaning attached to it depends upon the context it is being used as well as the individual's liking or vocation. However, interest in land in Nigeria is basically due to the fact that agriculture is the dominant occupation, and that the life-style of Nigerians has generated a demand for more land.

The various concepts and ideas built around land have a profound influence on the social, economic and political life of the people in many communities in Nigeria. As levels of awareness and consciousness about the value of land continue to grow in the Nigerian society, individuals can be expected to demonstrate this awareness as they increase their demand for more land.

2.3 CURRENT LAND CRISIS

The current land crisis in Nigeria may not have been rooted in the inadequate availability of land for farming and other uses. It might be right to adduce some other reasons. One factor which has been prominent in the crisis is ownership rights and interests in land, the bulk of what constitute "Land Tenure".

As noted earlier, Nigeria has a total of 98.3 million hectares of land area of which 71.2 million hectares are cultivable. Out of this cultivable one,

only one-third was being cultivated. Even a casual look shows there are areas which are not being cultivated and may never be cropped because he who has the capacity to crop it may not have ownership or usufructuary right of occupancy.

Famoriyo (1983), observed that in countries where majority are engaged in agriculture, like Nigeria, there is a strongest desire to associate with a group to whom land ownership is a heritage or hereditary possession. In other countries, there could be a strong desire to acquire absolute titles to land. This desire is to be expected because ownership of land by an individual or group is often a source of security as well as food. The fact is that it has provided excellent means of survival for all members of land owning community. It has also promoted family solidarity over the years.

The point at issue may be an attempt by some powerful and rich individuals to use their position to expropriate land from poor farmers and appropriate same to themselves, thereby creating absentee landlords thus leading to the emergence of landless labourers.

In a study carried out at Kadawa and Bakalori, Oculi (1979), reported that a phenomenon was already emerging by which urban-based officials, businessmen and local officials were hiring farms from peasants, a phenomenon which the officials (Irrigation Authority) claimed they

could not prevent the peasant farmers on irrigated land from doing.

The phenomenon of elites restricting access of small poor farmers in recent years of Nigerian history was noted as part of the new political rhetoric of some State Governors and some legislatures.

It should be noted however, that in order to forestall the above phenomenon, the Land Use Act of 1978 was promulgated. It is however, sad to note that despite the existence of the Act, the procedure to effectively allocate or acquire land has been combersome. To be able to address this crucial issue, it might be in order to examine the land tenure systems among some communities or groups in Nigeria.

2.4 LAND TENURE SYSTEM IN NIGERIA

According to Barlowe (1978), "some of our most important real estate (land) resource problems stem directly from the arrangement under which people hold and share property rights". These problems provided the subject matter of land tenure, a concept that involves the many relationships established among men that determine their varying rights to control, occupy and use landed property. Land tenure concerns the many ways in which people, corporate bodies and governments share in the bundle of property rights.

In Nigeria, two types of arrangements may be recognised viz: (1) customary right of occupancy and (2) statutory right of occupancy. "A customary right of occupancy is the right of a person or community lawfully using or occupying land in accordance with customary laws and includes a customary right of occupancy granted by a local government in respect of land in rural areas while a statutory right of occupancy is a right of occupancy granted by the Governor or arising in an urban area by the operation of the Land Use Act" (Adeniji, 1981).

Under the customary land tenure systems in Nigeria, land is owned and used by the community. He who belongs to the community has a right to use it. A stranger must associate with a community in order to have a use right. These systems have existed for centuries as part of traditional agricultural economy. The customary land tenure system was established in order to protect the "territorial sovereignty" of the village land and to demarcate them from adjoining ones. In establishing the system, the issue of community defence was of vital importance (Famoriyo, 1979). The village that could not defend herself was susceptible to enemy incursions and hence subjugation.

The need to satisfy food requirements of the family and village communities were met through the provisions of the customary tenure system. Sources of food supply

included hunted animals, staple foods grown in the soil, fruits picked from trees and fish caught from rivers, lakes and ponds. As development progressed, an "aspect of culture change" brought by the influence of the commercial economy of Western Europe on African society created impact on land tenure system. These changes have continued to progress, although there are some communities still sticking to the culture of limited alienation or strict non-alienation of interest in land.

Statutory right of Occupancy: This is usually granted to the individuals, corporate bodies or group by government under the existing laws. For instance, under the Land Use Act, individuals could be allocated up to 500 hectares for farming purposes, and 5,000 hectares for grazing purposes though with the consent of the Governor of State. Even then, this size of land area may be hard to come by in contiguity. Under this condition, agricultural development or modernization may never materialize since it will not be profitable to mechanize.

The principles of land tenure arrangements in Nigeria as demonstrated by various writers showed that they are basically similar. Land belongs to the community or family. Individuals have or exercised varied rights and interests in land. However, there exists variations in the modus operandi due to differences in socio-political and cultural factors among

communities.

For example, Goddard (1973), recognised a double ancestry in Hausa land tenure system, viz: (1) traditional African concept of communal ownership and (2) Islamic Land Laws which recognises individual tenure. Oluwasanmi (1957), observed that in areas of high population densities, most farmers operated holdings that were too small to maintain them and their families or permit the introduction of innovating techniques which alone could improve agricultural output and the "living standard of farmers". In the context of high population densities, the possibility of rotating land in agriculture had encouraged a trend towards individualization of land tenure. This was expressed in considerable degree of permanance in the pattern of holding.//

In the early Nineteenth century when the Hausa rulers were overthrown by the Fulani, the Sultan became the head of the Fulani empire. There were emirates under the Sultan's rule. Each emir distributed lands to the people under his emirate. In all Moslem areas, the Sultan's authority over land could be considered as a trusteeship with a hierarchical structure. At the top of this hierarchy was the Sultan while the Chief of the village was at the bottom.

According to Ega (1979), the security of land acquired under customary land tenure was assured. In a study he conducted in three Zaria villages, he noted that farmers in the area believed that their capacity to use land was unlimited. This was because their title to land was virtually permanent and their children and descendants held an ascertainable inheritance rights of infinite duration. The farmer, he noted had or exercised de facto ownership rights in holding, that is, he had almost full decision-making rights over the land except that of alienation whereas the government had de jure decision-making rights.

Famoriyo (1979), quoting Chubb had suggested two phases in the development of land tenure arrangements in the Tho community. Firstly, there was the premier or original phase. In this phase, matchet was used as tool for development. Secondly, the community phase. This phase entailed the settlement of community in a virgin country (land). This phase he noted was the most difficult phase. This was because the community had to battle it out against the attacks by wild animals, insects and deadly diseases in order to establish themselves in the virgin land. Population factors he noted was crucial at this stage because it created competition among members who established farms and farm boundaries. The intensive cultivation of land equally

made the land to be more valuable.

The expression "bad bush" dennoted land which in ancient times was set apart and used as repository for dead bodies of criminals and other abominable citizens. The control of "bad bush" was usually in the hands of the Chief priest of the deity to which the "bad bush" was dedicated. However, with the increasing need to widen the expense of food production, more people resorted to bringing more "bad bush" to effective use.

Rights could be exercised in family land by members of an extended family. Land acquired or inherited by an individual, was under the sole control of the individual. It was not subject to debate by members of the family but was inherited by the son of the individual or his brother. However, during his life-time, he was free to give to whoever he wanted (Famoriyo, 1979).

Sales of land had become part of Ibo land tenure arrangements. An individual could acquire unfettered rights to land by paying cash for it. The sales were followed by the killing of a cock or any other accepted sacrificial animal whose blood was sprinkled on the land to mark the sales transactions.

Under the Ibo land tenure, individuals could exchange plots of land among community members as well (Famoriyo, 1979). Such exchanges he noted, was necessitated in cases where farmers had hitherto acquired

scattered holdings for the purposes of contiguity of plots, particularly for farming.//

In Ibo land tenure too, land could be pledged (a kind of indigenous mortgage) or leased. The arrangements were closedly tied to the social and political organisation of the people. Famoriyo (1979), noted two elements in the arrangements. These were, vertical and horizontal elements. The vertical elements were characterised by kinship or family ties and the horizonal elements were made up of associations of people who were not necessarily of the same kins or families.

The core element in the socio-political organisation lied in the extended families. // An extended family referred to a group of families with close (blood) links who lived closely together and had a single head. The families could belong to one or more generations. They had common characteristics such as mode of worship and common ancestry. The head of the extended family was called the "Okpara".//

The Ibo society was essentially decentralized and basically democratic and authority was based on performance and personal traits of leadership to a greater extent than on mere rights based on age or office.

// Again, indigenous Yoruba land tenure according to Famoriyo (1979), considered land ownership upon the

principle that God (Creator) had given land to man for his use, this use should also be extended to posterity and no one should interfere with the time honoured arrangement. Thus, the often quoted assertion of the Yoruba Chief that "it is the conception among the Yoruba that ownership of land belongs to a vast family, many members are dead but few are living yet countless members are still unborn" (Elias, 1953; Famoriyo, 1979; Adigun, 1981).

In Yoruba land tenure arrangements, every individual member of a land owning family was entitled by birth to a stake in family land. There existed what could be regarded as permanent or perpetual interest in land. An individual family member could exercise control over the use of land so long as he wished, except that he would not alienate it without the consent of the land owning group. Right of use of an individual could be transferred if he did not put it to good use or abandoned it for a number of years.

An important individual in the land tenure arrangement was the Chief. Although the Chief's right of use was not more than any other individual, still the Chief had additional rights by virtue of his position as administrator of the village and the people. Specifically, the role of the Chief was like that of a trustee of the land of the community or family. Any

individual who wished to use family land was expected to seek the consent of the Chief.

Furthermore, the Chief had the function of redistributing lands. He acted as arbitrator on certain occasions. The Chief also acted as a Custodian of land by preventing wanton alienation of vacant lands. He could also grant leases to strangers with the consent of senior members of the land owning group. In return, the customary tenants were expected to make regular payments in respect of the use of land. The payments varied and were in addition to the customary tribute offered to the Chief. The payment known as "Isokale" was a trifling one which merely served to remind the cultivator that the property was not his and never could be, had been converted into de facto rents by being called upon to bear a heavier annual obligation (Driesen, 1971). All pretence has been dropped and a payment openly referred to as rent has been demanded. Besides, there were usually areas of land attached to the Office of the Chief.

In Yoruba land tenure system, rights of use in land were acquired basically through pioneer clearing, inheritance and gift inter vivos (that is, exchange of gift among the living persons) (Famoriyo, 1979).

2.4.1 Land Tenure Among the Igala

Although not much had been recorded on land tenure system among the Igala, according to Obayemi (1980), it had been due to the nature of their history which only came into lime light between 18th and 19th Centuries.

In a short account of land tenure by Temple (1965), the organisation of land tenure administration in Igala land followed the tribal organisation which appeared to be simple. All land in Igala area was vested in the Office of Ata-Igala, and a land tax was the only tax raised. The Ata acted as the political head and the custodian of land and culture of the people in his Kingdom. The Ata could however, demand produce or stock, but for the consumption of himself or his family only. He also received half of the meat of game killed as a hunt, and half of the quantity of fish caught.

Chiefs who held their titles from the Ata, were subject in addition, to a death duty of half their property. These Chiefs had little authorty outside that possessed as a head of a family. The "family" included all blood relations (blood brotherhood also was recognised), male and female with their followers and slaves. The Chiefs nowadays however, are expected to pay the Ata, an annual homage by which tributes/royalties are brought to the Ata.

Any man might take and farm any uncleared land, though the land remained under the control of the Ata. The produce from the land would remain the possession of the occupants. A female shared this right, but she only inherited failing male heirs.

The right of inheritance to all property, passed, on a man's death to: (1) his eldest living brother, (2) eldest living uncle (3) the eldest son of his eldest uncle. The heir had to settle all debts of the deceased before his burial.

Earlier study carried out by BryngHall (1903), seemed to agree with Temple's findings. The major point of departure seemed to be on the pattern of "ownership rights". While BryngHall recognised individualized ownership of property (land), Temple, on the other hand, favoured the collectivization of ownership of property which had its root in communal or family ownership of land. The argument in favour of Temple could be found in the allegiance of members to the family head which was absolute and total. There was however, a gradual change toward individualized ownership right. The evidence of this could be found in the fact that individuals not too infrequently adjudicate over ownership right of property. The individual ownership right was recognised based on the first to clear a virgin forest (Pioneer Clearing). This nowadays, are being inherited by the individual's

direct heirs who are male or brothers. The land however, remained the property of the community or family.

Assessing closely, the Igala land tenure arrangements in relation to land tenure arrangements in Nigerian communities, showed that there were not much variations among communities. Relating Nigerian system in the context of African land tenure, showed that the systems of land tenure are basically similar. Territorially, there could be variations for the purpose of administrative convenience.

Podedworny (1974), quoting Meek had said that African people had no conception of land ownership in the European sense. This was because land belongs to God, and its utilization was vested in the people who occupied and use it collectively. His argument was based on the recognition by the Africans the existence of a deity in the land. Again, he observed that individuals or group of people could have various rights to the same piece of land, e.g. right of cultivation, hunting, herding after harvesting or the right to trees. This seemed to be correct in the African mode of land utilization. However, this seemingly flexible system still has problems because ownership of land has collective vested interest. The perpetual interest in land by the community or family has made the issue of complete or outright alienation difficult and therefore not

sanctioned by the people.

Sales of land had not been part of traditional African land tenure system. However, this is fast gaining ground in most African societies. The communities were consistent on the issue of outright alienation of rights and interest in land as no communities sanctioned it. Also, all communities welcome strangers and even give them land to farm and build houses. However, in all groups examined, no community(ies) allowed for a stake or share of property rights with strangers or tenants over land, only use rights were being granted as deemed fit by the community. Furthermore, property inheritance was/is recognised by both the government and the people in Nigeria.

2.5 CURRENT LAND CRISIS AND THE LAND USE ACT.

The then Federal Military Government in 1977, observed that there was problem in land tenure arrangements, in its acquisition of land for her development projects, and in resolving various litigations resulting in social unrests. Because there were no effective plans and control over land use in Nigeria, there arose the following problems:

1. "Rising urban land prices following increased demand for residential, commercial and industrial land.

2. Combination of demographic and ecological factors causing "land starvation" and resulting in further land degradation.
3. Incidence of land grabbing in many parts of Nigeria through the activities of wealthy individuals and absentee landlords (landowners).
4. Problems encountered by Federal and State Government in their efforts to acquire lands for social and economic development.
5. Problems related to issues of compensation such as fraud, duplicity of rights in land and the ubiquitous land speculators"

In an attempt to find a solution to these numerous problems, the Federal Government proceeded on the 16th of May, 1977 to establish a Land Use Panel with the following terms of reference (Olawoye, 1981; Famoriyo, 1983):-

(i) "to undertake an indepth study of the various land tenure, land use and conservation practices in Nigeria and recommend steps to be taken to streamline them;

(ii) to study and analyse the implications of uniform land policy for the country;

(iii) to examine the feasibility of a uniform land policy for the entire country, make necessary recommendations and propose guideline for their

implementation; and

(iv) to examine steps necessary for controlling future land use and also opening and developing new lands for the needs of the government and Nigeria's growing population in both urban and rural areas and make appropriate recommendations".

Although the Panel was charged with the responsibility as stated above, it was observed that the Land Use Panel did not visit the rural areas (Igbozurike, 1981). This was a major fault and it was safe to add that most people in the rural areas were unaware of a policy that purportedly changed the basis of land ownership in Nigeria. Therefore, the Act essentially could be regarded as an Urban Land Policy.

In accepting report of the Land Use Panel, though, the Federal Government issued a "White Paper" which stated inter alia: "While government does not intend to dispossess any Nigerian of his acquired property, which is being lawfully and optimally used, government cannot remain indifferent to the problem of land litigation which is widely acknowledged as an obstacle to rapid national development. A situation whereby government, public institutions and individuals encounter serious problems in acquiring land for development should no longer be allowed to continue in the overall public

interest. Henceforth, ownership of all land in the country will be vested collectively in all Nigerians and the rights of individuals will be guaranteed".

The above recommendations are quite impressive. In all, the Act seemed not to have infringed on the people's rights. However, there still lies the problem of inappropriate definition and interpretation of terms. In other words, the ideas contained in the Act were good, only operational procedures seemed to be ineffective.

The objectives of the Land Use Act as promulgated, 1978, included the following:

1. Lands existing within the physical confines of any state belong to all Nigerians and should be used for the common benefit of all Nigerians though its trusteeship would be in the hands of the Governor of that state.
2. The Act makes it possible for all Nigerians desirous of using land to obtain statutory right of occupancy in urban land and customary right of occupancy in respect of land in rural areas. The provisions made it possible for government or corporate bodies to acquire land for public purposes.
3. In legal terms, the provisions of the Act sought to stem speculation in land and abolish landlordism which means no individuals could be described any longer as land owners.

4. To prevent incidence of land grabbing by wealthy citizens.

5. To control rising urban land prices and

6. To prevent disputes