

## **Insecurity-Generating System of Land Tenure and its Impact on Rural Development: Evidence from Uturu, Nigeria**

**Uchendu Eugene CHIGBU and Michael KLAUS, Germany**

**Keywords:** Land tenure, rural development, Uturu

### **SUMMARY**

The Land Use Act of Nigeria shifted ownership of land to the state. This ousted *de jure* tenure security in customarily owned land. This study exposes the tenure security perceptions of rural farmers and the challenges they face because of the nationalisation of land. It emphasises that customary land tenure system is still widely prevalent and socially accepted in Nigeria. Being a qualitative case study, it uses semi-structured key informant interviews and secondary information review as data collection methods. It begins by presenting the history of land tenure in Nigeria. It then uses a case study to assess tenure security perceptions and their rural development implications. It exposes the difficulties encountered by rural dwellers in their quest to formalising their customary land rights into full tradable land titles. It reveals major insecurity-generating tenurial trends caused by the nationalised land tenure system. It concludes that land tenure insecurity is one of Nigeria's rural development problems because it weakens the capacity of rural dwellers to transform their own society. Finally, it makes recommendations for improving land tenure security for the improved development of rural areas. The study contributes to on-going researches on identifying problem-generating structures in rural development in Nigeria.

# Insecurity-Generating System of Land Tenure and its Impact on Rural Development: Evidence from Uturu, Nigeria

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## 1. INTRODUCTION

Nigeria is facing land tenure challenges. Efforts made towards improving the situation have not shown much success. As a result, rural people (who are mostly farmers) live on the edge of the country's socio-political and economic systems. This is why rural development poses a big concern in the country today.

### 1.1 Objectives, Questions and Scope of the Study

The objective of this study is to expose the effect of land tenure security on rural development. Based on this, it strives to answer the following questions:

- How is the land tenure system operating in a rural place in Nigeria?
- What is the perception of tenure security of locals on their land?
- What is the procedure for formalising customary land rights to land titles?
- In what ways is the nationalisation of land affecting rural people?
- What are the rural development implications of current land tenure scenario?
- What are the ways for improving the existing situation?

To answer these questions, our approach is to begin by presenting brief concepts and definitions necessary for the study. We then present a historical context of land tenure in Nigeria. We use a rural case study to assess land tenure and tenure security issues of locals. Finally, we present and discuss the findings of the study. We then conclude with recommendations for improving rural development in Nigeria.

### 1.2 Some Definitional Issues

Four important definitional issues in this study are the concepts of *land tenure*, *tenure insecurity*, *rural area* and *rural development*. We conceive *land tenure* as “the relationship among people, as individuals and groups with respect to land and other natural resources” (Food and Agricultural Organisation, 2005:19). This relationship can be legally or customarily (socially) defined. *Tenure security* refers to “enforceable claims on land... supported by regulatory frameworks” (International Fund for Agricultural Development, 2008:4).

*Rural areas* are the non-urbanised places where the dominant livelihood activities are agriculture. By holding this view, we are not “erroneously” taking agriculture “as being synonymous with rural areas” (Yusuf and Ukoje, 2010:76). We are, rather reflecting the fact that agriculture is most peculiar to rural life in Nigeria. *Rural development* constitutes any

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efforts made at improving the lives of people and the environment in rural areas. It is the platform for delivering improvements (socioeconomic, political, environmental, etc) in the lives of people in rural places. These definitions focus on Nigerian contexts.

## **2. BACKGROUND OF LAND TENURE IN NIGERIA**

Due to Nigeria's ethnic, geographical and cultural diversity, its pre-colonial land tenure system was largely complex. Various ethnic groups practised different customary systems. No formal records of land transaction existed until the colonial period. Its colonial government started formal documentation of rights and interests (with the land registration law) in Lagos in 1863. It extended to other parts of the country in 1894 (Ukajejiofor, 2007). Until 1924, there were strong evidences that Nigerian societies operated their own different unique traditional systems. There was no uniform tenure system in Nigeria then.

### **2.1 Customary Land Law (Pre-colonial Era)**

Various versions of land tenure existed in pre-colonial traditional societies in Nigeria. In all cases, the value attached to land stem from the idea of land as the basis for housing, food and employment. Ojike (1946:111) noted that land was "not considered a purchase as granting freehold rights", in pre-colonial Nigerian societies. It was rather, "considered only as a right of occupancy" (Ojike, 1946:111). This was mainly the case in the non-Islamic societies where "no man, not even the king, had a monopoly or private ownership of land" (Ojike, 1946:111). There were strict rules and regulations on land. There were traditional legal councils on land for conflict resolutions. Some of the dispositions made by kings were in the form of gifts to other communities, clan or village. Traditional surveyors and valuers conducted valuation and measurement measures on land matters.

### **2.2 Native Land Acquisitions of 1900 (Colonial Period)**

During the colonial period, the British Crown by virtue of invasion, coercion, treaty, cession, convention or agreement acquired lands. Such lands became state land in post-colonial period. It was the *Native Land Acquisitions of 1900* and the *Lands and Native Rights Ordinance of 1916* that established formal land tenure systems in the country (Adedipe et al., 1997). These laws created formal private ownerships of land. They mainly served for expropriatory reasons then. Therefore, rural people practised their customary tenure system (so far the administration was not in need of their land). This was not the case in northern Nigeria, where a semi-feudal system prevailed. To set the foundation for unification of tenure systems, the colonialists later declared all land in the northern part of Nigeria as public land. It created ordinances to empower their administrators to carry out expropriatory rights over such lands.

### **2.3 Land Use Act 1979 (Post-colonial Era)**

Two years after independence (in 1962), the northern regional government created a law that subjected all land in that region to the control of their governor for the use and benefit of all

northern people. Within the same period (with interest shifting from agriculture to oil resources), the central government enacted the *Petroleum Act*. The law gave all petroleum resources to the government. Following this (in 1979), the national government enacted the *Land Use Act (LUA)* to unify tenure system all over the country. As part of its main effect to the Nigerian legal system, the law (LUA, 1979) states that:

*...all land comprised in the territory of each State in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians...(part 1:1).*

With these clauses, the Act puts all lands in the custody of the state. According to the government, this was necessary to make the delivery of development quicker. The LUA, therefore, gives state governors powers to grant statutory rights of occupancy of fixed periods in urban areas. It gives municipal chairpersons (mayors) powers to grant customary right of occupancy on land in the rural areas. Based on the operational principles of the LUA, land tenure is nationalised in Nigeria.

### **3. METHODOLOGY**

The study is a qualitative case study. It aligns with previous researches that attempted to assess land tenure issues through direct questioning (Zhillima and Imami, 2011). It focuses on the case study of Uturu, a rural town located on latitudes 05.33°N/06.03N° and longitudes 07.10°E/07.29°E, in southeastern Nigeria. Uturu has a population of 55,000 and area of about 173 km<sup>2</sup>. It is traditionally made of seven main villages: *Achara, Akpukpa, Isunabo, Myuruvu, Umumara, Ndundu, and Mbaugwu*. We used semi-structured key informant interviews, primary observations and secondary mediums for data collection.

We conducted the interviews with 70 key-informants, 10 from each of the seven villages (40 women and 30 men). We selected the key-informants purposively by focusing on those who have versed knowledge of development matters in the villages. We purposefully avoided carrying wider level survey because, from previous studies, Nigerian societies are highly heterogeneous, “making it difficult to draw conclusions” (Deininger et al., 2012:149). Interviews dwelt on ascertaining land tenure and rural development issues faced by locals, who are 97% farmers.

### **4. LAND TENURE PRACTICES IN UTURU**

We identified three major categories of land tenure (each with its distinct tenorial practices) in Uturu. They are communal, private and government owned lands. Communal lands constitute about 67% of all the land in Uturu. These are land controlled by community units such as whole villages or kinships. Traditionally, the Uturu people view land as a gift from *Chineke* (God) for the sustenance of their community. When asked about the status of land holding practices in their locality, all respondents noted that the seven villages of Uturu communally hold land. The various kinships also hold lands for their various extended family units. Decent and mode of inheritance transfer of land is patrilineal in all cases. As a

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result, patrilineages occupy different lands in the villages forming *umunna* (kinships). These kinships are associated with land holdings (both farmland and building-land). The leader of a kinship is the most senior patrikin. Although kinships communally hold the lands, primary rights to land belong to men. As a result, the male lineage is the medium for the cross-generational transfer of land. A male adult is entitled to a piece of land on which to build and farm. This share of land would normally come from his father's allocation from the kinship pool.

Women gain access to land through their husbands. It is possible to gift or loan land to other users (e.g. distant relatives or strangers in need of land) for specific periods. All members of the kinship can also sell it collectively to private individuals, but never to other kinships. Customs protect and guide transactions in communal tenures. Where the division of family-owned or kinship-owned land is evident, this usually signifies an end to the communal ownership of the land (Adedipe et al., 1997). As a reaction to a question on the importance and sustenance of communal tenure practices, one of the respondents said that:

*“...As far as we have community, we will do everything possible to practice communal tenures because it has been the foundation of our livelihoods for ages... but as situations stand now, community is gradually dying away. Keeping the community is we must do to conserve our communal land tenure practices...”*

The above statement is an indication that the communal practices are dependent on the stability of their traditional communal life. A more stable community life can keep the communal tenure heritage, but a weak community life could lead to its extinction over time. Privately owned lands constitute about 26% of the land in Uturu. These are lands that were converted into private ownership through sales to individuals or corporate bodies. Such lands include residential, farming and corporate (for business) land. Owners of such land protected by law, as a result, no persons are to enter or use such land without the permission of the private owners. Although the law provides flexibility in the mode of transfer in private lands, we observed that all private owners follow the communally recognised patrilineal line of inheritance transfers. Public or government occupied lands constitute of about 7% of the area. It includes lands occupied by government agencies for various purposes. Lands identified for industrial purpose were quarrying sites. The ones for educational purposes include mainly schools. Lands for agricultural and infrastructural reasons include areas marked out for farm settlement scheme and right of ways.

#### **4.1 Perceptions of Degree of Security on Land Ownership**

All respondents acknowledged being the sole (or family) owners of their farms under customary tenure. All male respondents gained access through inheritance. The female respondents gained access through their husbands (for their sons). None of the respondents had valid land documents. They complained that the LUA changed their relationships with tenants by introducing certainty for expropriation, insecurity in perpetuity and conflicts. We made each respondent to rate their tenure security perceptions on their land-holdings

following simple ordinal scales: *very high*, *high*, *low* and *no security*. 3% and 7% of them perceived themselves to have *very high* and *high* degrees of tenure security respectively. The reason they gave was that due to their high social status within their community, they share a high level of certainty that others and the local government would not encroach onto their holdings. They noted that their lands were worthless in the property market without valid land document. They argued that they have no valid land documents due to the difficult procedures involved in obtaining one. Concerned with the large number of respondents with *low* (86%) and *no security* (4%) perceptions, data was gained to find step-by-step procedure for formalising customarily held tenure to full title (usually referred to as *Certificate of Occupancy* or *C of O*).

#### 4.2 Perceptions on the Degree of Security on Possessory Rights

Based on the interview findings, we created a property rights table showing the specific degree of security perceptions held by the respondents. We obtained details of the nature of rights held by them, and recorded the different tenure security perceptions held on these rights by the respondents (see table 1).

Table 1: Summary of degree of tenure security perceived on specific property (farm) rights

Category of Rights	Types of right enjoyed by the farmers	Degree of Security
Use Rights	Right to gather firewood	Very high
	Right to gather fruits	Very high
	Right to graze livestock	Low
	Right to fell trees for sale	Very high
	Right to use land in perpetuity	Low
Income/Capital Rights	Right to collect the entire yield	Very high
	Right to develop the land	High
	Right to loan out one's land	High
	Right to hire out one's land	High
	Right to transform to alternative uses	Low
Management Right	Right to choose one's type of farming	High
	Right to leave the land to fallow	Low
	Right to prevent livestock grazing	Low
	Right to destroy improvements on land	Very high
	Right of protection from expropriation	No security
Transfer right	Right to give out one's land	Low
	Right to bequeath one's land	Low
	Right to sell outright to another	High
	Right to lease out to others	Low

We identified 19 different land (farm) rights variously held by all respondents. They have *very high* tenure security perceptions on rights pertaining *collecting* of farm/forest products.

As the table shows, there are *high* and *low* perceptions exist in other areas. Asked why this is the situation, a respondent noted that:

*“Our belief that our use of these lands is challengeable by higher authorities and persons fluctuates between highs and lows. It depends on what type of improvements we have on our land... this is the land of our ancestors, and as we have no other place to go, we must keep faith in it. This can never hide our fears that our rights and privileges can be challenged at any time.”*

Another reason for some of these perceptions of *high* security is that most of these farms are located in forest areas, so, holders have less fear of encumbrances. This may be a false perceptions, but, it tends to have given most of them reason for security. We posit that having *high perception of security of tenure* does not contradict the fact that they have insecurity of tenure in Nigeria. We agree with van Gelder’s (2010:449) “tripartite view” that recognises three kinds of tenure security: “*perceived*”, “*de jure*” and “*de fact*” tenure security.

In the case of Uturu, this result shows that at a point of weak *de jure* tenure security, farmers and rural dwellers tend to rely on some level of *perceived tenure security* for their survival. This is especially applicable to rural dwellers because they dwell on lands that they historically view as their ancestral heritage. This may be different in the context of urban or slum dwellers who do not necessarily view their land from an ancestral lens.

#### **4.3 Formalisation of Customary Land Rights**

While there is a procedure for formalising lands held under customary tenure to full titles, the process has proved too difficult for locals. Respondents (89%) noted that they are disposed to selling off their land due to their inability to convert their customary rights to *C of Os*. Figure 1 is a graphical representation of the procedure for formalisation of customary rights.

Going through the procedures in figure 1 is humanly tortuous (Butler, 2009). This is the main reason 100% of respondents have no valid tradable land titles for their holdings. There are 35 procedures involved in the entire process. Under normal circumstances, the process takes more than 274 days and requires official fees amounting to more than 27% of the property value (Nuhu, 2007). We made enquiries but did not find any situation where the process passed through normal circumstances. There are cases where it took seven years to complete this process.

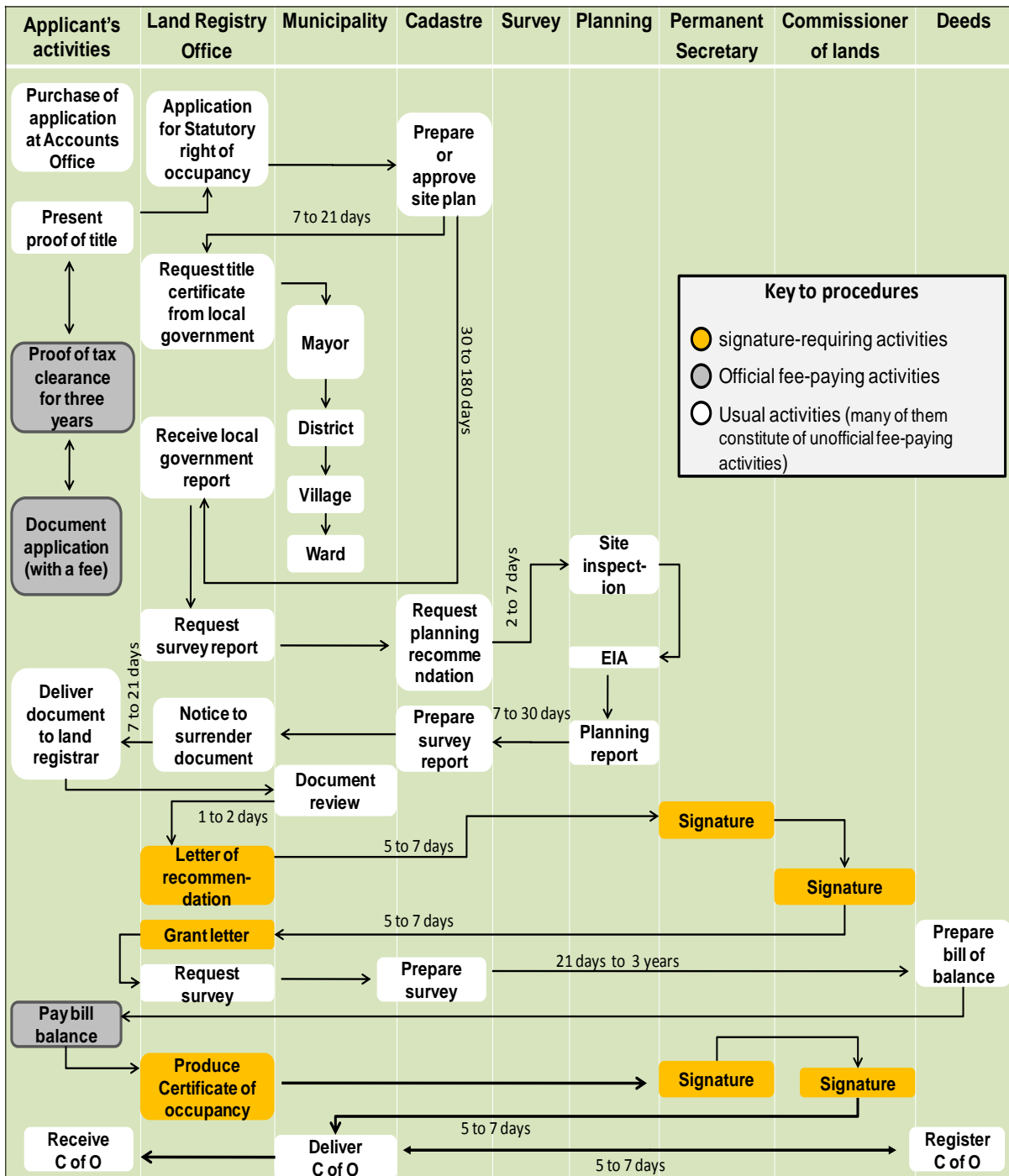


Figure 1: Process of converting of customary land to C of O (Adapted from Butler, 2009)

All signature-requiring activities constitute official fee-paying activities. For rural people, this titling process is unattainable. Lands with *C of O* have high tradable value in the property market. Currently, due to lack of titular conversion, respondents' landholdings have very low



tradable value in the land market. They are currently vulnerable to local land rush by rich individuals, influential land speculators and local politicians.

#### 4.4 Tenurial changes caused by the LUA in rural areas

Further enquiries led to identifying some insecurity-generating trends rural people suffer because of the LUA. All respondents agreed that, current situations aside, they sense of insecurity larger from year to year due to their position as people whose rights are challengeable by others. Their reason is that, with the LUA, the capacity of their communities to protect their rights is either weak or non-existent. A graphical illustration of their opinions (in summary) on how the LUA has changed their tenurial conditions is in figure 2.

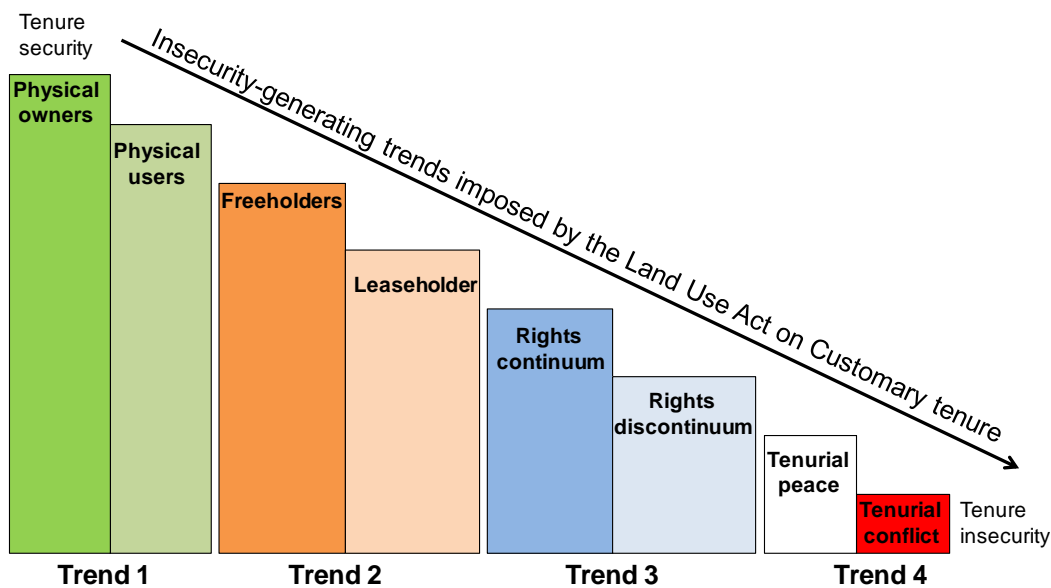


Figure 2: Change in ownership structures imposed on farmers by the LUA (own illustration)

The idea of government interference, as prescribed in the LUA, constitutes a major element of insecurity to ownership to respondents. Its implication is a shift in tenure as shown in figure 2 and explained below:

- *From physical owners to physical users:* Since the LUA vests all land in the state, all respondents consider it to have evidently defaced their ownership of land. They are unable to make full legal claims of ownership in the case of an expropriation. One respondent noted that they “engage in short-term agriculture” which are harvestable within short periods, “in order to enable us to easily leave the land in the case of expropriation.” This sort of situation reduces them from physical owners to physical users of land. It also may have dire consequences on food security and environmental sustainability in rural communities.
- *From freeholders to leaseholders:* even in circumstances where people are able to convert their customary rights to titles, ownership security though would go higher, but will not exceed the leasehold threshold. The LUA reduced free holding on land to lease

holding by providing a clause of 99 years holding period in title documents. It then means that communities do not really own the land in perpetuity, so, are mere leaseholders. Community members (rural people) have become subleases.

- *From continuum to discontinuum (of land rights)*: unlike the continuum of rights previously enjoyed by those who derived their rights to land from customary tenure. The LUA introduces a discontinuum of rights. Under the LUA, the elasticity of ownership is no longer stretchable beyond lease holding. Various possible forms of tenure continuum (with each providing different types of rights and degrees of security and responsibility) under the customary system are not possible under the LUA.
- *From peace to conflict (of tenure)*: the LUA brought legal pluralism into Nigerian land law. In the rural area, this has created confusion in land tenure. About 81% of respondents claim to be having one form of conflict or another due to overlapping tenurial practices in villages. Most conflicts are with pastoralists from far north of Nigeria, who graze livestock with the impression that they are on government owned lands. On the other hand, locals operating under the customary tenure view the land as theirs.

## 5. IMPLICATIONS ON RURAL DEVELOPMENT

Insecure land right has negative effect on food production. Currently, “decisions to alienate or lease lands (mainly through renewable leaseholds) are made and executed not by farmers themselves, but by the government” (Willy, 2013:12). This dispossesses rural landowners of decision-making powers necessary in land-based activities in rural development. High security of tenure over natural resources is important part of the rural production system. In the context of this study, presented below are some implications of the current scenario of land tenure on aspects of rural development in Uturu.

- *Agriculture and food security challenges*: The presence of property rights eliminates uncertainty of expropriation and encourages farmers to make long-term investment decision and best practices on land. Food productivity, food security and poverty issues are some of the challenges which agricultural development in rural areas can alleviate. This calls for land security on agricultural holdings. Our respondents revealed that the location of farms have an effect on their decisions to participate in rural extension services provided by the public agricultural department. They noted that farms located within the villages are more likely to benefit from government extension workers’ visits than those located in the outskirts of villages. However, there is scarcity of agricultural land within the villages, making mostly farms in the outskirts of the villages more available to them. One of respondents noted that “*ubi-uhu*” (home farmlands) has major advantage over “*ubi-omeagu*” (forest farmlands). As many of them have more forest farmlands than home farmlands, they do not fully take advantage of these agricultural extension services. Some of the respondents also rely on “non-farm activities such as collection and marketing of non-timber forest products for food security” (Chigbu et al., 2012:60). However, this was not the focus of the research.

- *General inaccessibility of land by rural people*: Whereas the LUA is enabling easy access to land by the government, influential individuals and corporations, it has made

access to land by rural people cumbersome. The LUA impedes the customary pathways to land access in rural areas. In cases where government acquired land in these areas, compensations were either inadequately paid or completely negated. Respondents noted that in the case of government acquisition of communal lands for the establishment of a university in Uturu, only few influential individuals in the community received some sort of compensation for the trees, crops and other improvements on their lands. Even those who received the compensation did so after several years of occupation of the land by the government. Experiences from other parts of rural Nigeria show that “the result of such acquisition is a terrible social dislocation resulting from loss of occupation, land, crops and lifestyle” (Adedipe et al., 1997). There are cases where “farmers gave up farming and took low-paying urban service jobs for fear that land newly allocated to them would also be confiscated” (Adedipe et al., 1997). This leads to inaccessibility to land, which is a major setback for rural development (since rural people depend on land-based livelihood).

- *Inaccessibility of land to women:* the customary land tenure, in most cases, is patrilineal. By this, it cuts women (and girl children) off from the socioeconomic circle of land access. Considering that women are the engine of farming in most rural areas, this scenario discourages development in rural areas. It reduces the contribution of women to the rural economy, as well as their participation in land-related development matters. Cultures pertaining to gender are a setback to attaining full development potentials in Nigerian communities (especially in the rural). There is a need to make forward efforts for adopting cultural values that are pro-tenure security and pro-development. Cultures that retard tenure security and development need to wane from the fabrics of the societies. Transformation in rural areas is best attainable when women get more directly involved in the development process. This calls for averting all sorts of discrimination against the women.

- *Environmental degradation challenges:* One of the factors identified to have direct impact on rural land is population pressure. Despite that many rural people are migrating to urban areas in Nigeria due to urban poverty, most urban migrants still hold on to their rural lands under the customary tenure. As a result, rural lands are under immense pressure from those living within and outside the rural place. The implication is that rural land tenure mechanisms (fallow systems, community land reservation, taboo usage, etc) for environmental protection are failing to put the needed control on environment. In the Uturu case, all respondents noted the negative impact of soil erosion on their operations, and indicated their willingness to adopt measures for avoiding such occurrences. However, this all depends on their general perception of ownership to land. Those who have high security perception on their land have a high tendency to take preventative or corrective measures against erosion. Those who have low security perception on their land would have lower tendencies to adopting measures against such environmental degradation.

## **6. IMPROVING TENURE SECURITY FOR RURAL DEVELOPMENT**

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Rural areas in Nigeria are places of high level of underdevelopment. This is evident in declining food production and high poverty incidence (World Bank, 2012). The LUA has serious implication on farmers in Uturu –mostly on the relationship between them and their holdings. It has created uncertainties in tenure security, as well as conflicts in the tenure practices. Secured land tenure guarantees secure property rights on land. It is important that those who have authentic case for issuance of *C of Os* should get it. In Nigeria, *C of O* is not a mere legal paperwork. It provides the highest level of *de jure*, *de facto* and *perceived* tenure security. This is because it bears the signature of a state governor and constitutes the most authentic legal document in the court of law. Granted that a mere land document is in itself unlikely to protect poor farmers where powerful interests are at work, the *C of O* provides the highest level of legal protection. In addition, adequate protection from unscrupulous powerful interests and adequate compensation is mandatory, and has potentials to lead to rural improvements in some ways.

### 6.1 Improvement in Land Tenure Security will lead to Food Security in Rural Areas

Secured ownership and use rights have linkages to food production and security. With secured ownership, property rights give sufficient incentives to rural farmers (and other rural dwellers) to increase their efficiencies in terms of productivity and ensure environmental sustainability. We posit that positive linkages leading to food security are establishable between land tenure security and other rural activities. Achieving this calls for concerted efforts at encouraging improved tenure security at the local level. Figure 3 illustrates the possible linkages for achieving this.

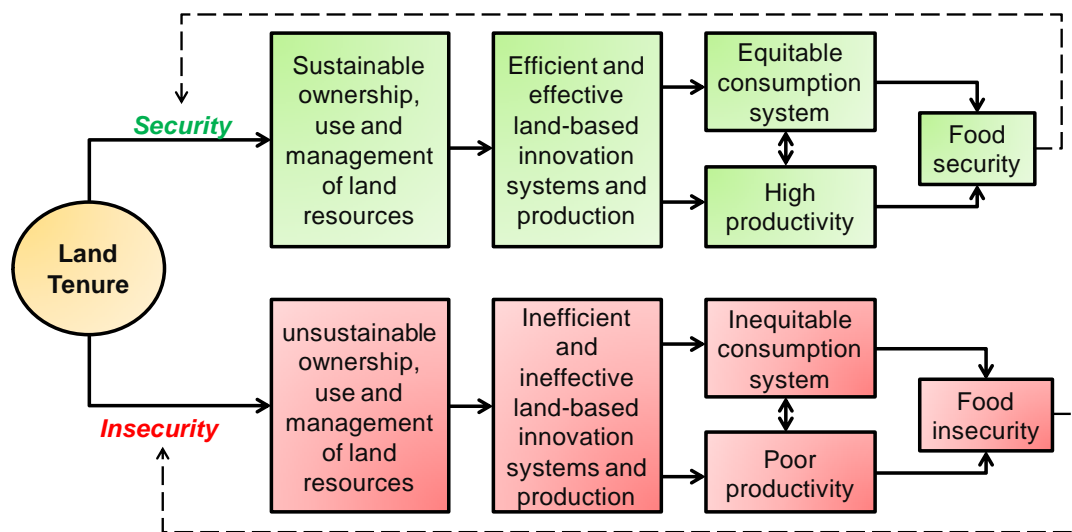


Figure 3: Linkages between land tenure and food security (own illustration)

The diagram shows how land tenure practices can lead to either food security or food insecurity. A secured land tenure system (bearing all necessary conditions such as efficient governance) would generally lead to well defined and sustainable ownership structures, uses and management of resources. Such a structure encourages defined property rights that lead to efficient land-based innovation and production systems. This would cause two interlinked

issues (high production and efficient consumption), which may result to improved nutritional status and availability of food (food security). When there is food security, there is a tendency for security of land tenure to remain nurtured. In this same way, insecure land tenure can also lead to food insecurity. Attaining land tenure security in Nigeria demands for pro-poor land reforms and policies. Enemark et al. (2009:20) argue for “securing formal recognised rights to land”. They (Enemark et al., 2009:20) posit that it “will generally give people access to basic services... and help them access legal and financial services to raise capital to invest”. This is “essential that we put in place good land policies that focus on fair laws that take into account the interests of the poor” (Enemark et al., 2009:20). Achieving this cannot be feasible without the participation of rural people.

## **6.2 Improvement in Land Tenure Security can Alleviate Poverty in Rural Areas**

Several other evidences show that tenure security enhances social inclusion, non-conflict situations on land, local investments, challenges pertaining to rural housing delivery and sustainable resource management (Deininger et al., 20012). Other advantages for improving tenure security include the provision of rural households with livelihood uplifting assets and opportunities in the land market through a transferable asset (Dalrymple, 2005:104). Better environmental awareness, improved personal security and removal of the possibility of arbitrary eviction are other advantages (Economic Commission for Africa, 2004). On the other hand, tenure insecurity enhances negative development results such as inaccessibility to housing, farms, social exclusion and material poverty.

Nigerian policy-makers and public officials must note that rural land is coming under multiple pressures because of both natural and human induced factors. Floods and droughts are creating nutrient depletion problems on agricultural lands. Increasing environmental degradation, commercial investments, fragmentation and population growth create impacts that are unfavourable to land use. Addressing these situations calls for a land reform in Nigeria.

## **6.3 Any Reform on Land Tenure Must Define Rights, Restrictions and Responsibilities**

Under the LUA, bare and undeveloped land has no economic value. Hence, the state pays no compensation to individuals such lands are acquired from. The act of no compensation, in itself constitutes a lack of responsibility by the Nigerian government. Rights, restrictions and responsibilities are involved in the overall relationships between individuals, communities, governments or corporations and land. Land administration systems are the basis for conceptualising rights, restrictions and responsibilities related to people, policies and places (Magel, 2008). Social and political systems also play important role in embedding gender and human rights issues in the overall frame of tenure. Attaining tenure security demands for a balance between the rights, restrictions and responsibilities on land. This helps towards attaining tenure security. Responsibilities involve commitments to social, ethical and attitudinal actions that affect land, natural resources and environmental sustainability. Rural dwellers, their authorities and law enforcement agents must follow conventions, cultures and traditions that execute land and land-based issues in legally, environmentally and socially acceptable ways. Restrictions connote the variety of controls and planning mechanisms put in

place for sustainable land use, development, administration and management. Steps towards improving the efficiency of land use options are important. Rights connote keeping correct records (registration) of interests held by people on land and defining the security of tenure positions of such interests. Generally, these issues need attention in Nigeria. Adopting these three factors as integral aspects of land management measures (reform, administration or governance) leads to tenure security.

## 7. CONCLUSION

What we have done in this study is to expose the tenure security perceptions of respondents and the challenges they face as rural dwellers. The study emphasised that customary land tenure systems are still widely prevalent in Nigeria. Due to a cultural attachment to ancestral land by rural people, some level of *perceived* tenure security on land is possible in rural areas. However, it does not change the fact that Nigeria's LUA has shifted ownership of land away from rural communities to the state. Thereby, ousting *de jure* tenure security, this is the major tradable interest in the land market.

We provided answers to some pertinent questions (refer to section 1.1 of this paper) regarding the effect of land tenure and tenure security on rural development. It is necessary to note that Nigeria's LUA has contributed to a wider divide between the urban and rural sectors. It caused this by its empowerment of state governors and disempowering local authorities on land matters. We call for improvements in the steps for rural people to formalise their customary land rights as a beginning in the process of empowering them with livelihood options. It has potentials to serve as a method of engineering better rural development in Nigeria. The call for the amendment of the LUA of Nigeria is a multi-sectoral one. It cuts across political, social and sectoral lines. Any policy instruments used for addressing the challenge must be adapted to meet local conditions. We recognise that a re-formalisation of customary tenure would entail legislative and constitutional procedures. What we have done in this paper is to present the rural perspective and justifications for any actions. The nature of any amendment needs to put into consideration the plight of rural people (especially farmers) as a way of pursuing sustainable food security and rural development in the country. We acknowledge that methods of delivering *de jure* tenure security vary between the urban, peri-urban and rural sectors. Any efforts towards reforming tenure in rural areas must recognise a social domain approach.

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FIG Working Week 2013

Environment for Sustainability

Abuja, Nigeria, 6 – 10 May 2013

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### **Uchendu Eugene Chigbu**

Mr. Chigbu has academic backgrounds in Estate Surveying (BSc), Business Management (MA) and Land Management (MSc). He studied at Abia State University (Nigeria), University of Reading (UK) and Technische Universität München (Germany). He is a fellow of the African Good Governance Network and the current Country-vice President of Nigeria for the International Society of Tropical Foresters. He works at the Chair of Land Management, Technische Universität München, with research interests in land tenure, food security, territorial development and approaches to rural development.

### **Contacts**

Technische Universität München  
Institute for Geodesy, GIS and Land Management  
Chair of Land Management,  
Arcisstraße 21, 80333 Munich, Germany  
Tel.: +49 (0)89 289-22575 | Fax: +49 (0) 89 289 23933  
Email: [chigbu@landentwicklung-muenchen.de](mailto:chigbu@landentwicklung-muenchen.de)  
Websites: [www.landentwicklung-muenchen.de](http://www.landentwicklung-muenchen.de) | [www.tum.de](http://www.tum.de)

### **Dr.-Ing Michael Klaus**

Dr. Klaus graduated from the Technische Universität München (Technical University Munich) in Geodesy (equivalent to MSc), Major Land Management. He entered a Traineeship at the Bavarian Surveying Administration and Administration for Rural Development and gained the status of an Assessor. After a short period of working for the Bavarian State Administration of Rural Development, he joined the Chair of Land Management where he obtained his Doctorate in Engineering (Dr.-Ing) in 2003. He conducted research and teaching for 17 years, became an Assistant Professor and gained various experience abroad. Since May 2012, he took leave from the University to explore professional experiences abroad. While on leave from the University, he works for the Chinese Ministry of Land and Resources, to set up a Research and Trainings Center for Land Consolidation and Rural Development.

### **Contacts**

Sino-German Education and Research Center  
For Land Management Qingzhou  
Ling Long Shan Nan Lu 7399, 262500 Qingzhou, China  
Tel.: +86 536 3857 299 | Fax: +86 536 3857 299  
Email: [Klaus@hss.de](mailto:Klaus@hss.de) | [Klaus@landentwicklung-muenchen.de](mailto:Klaus@landentwicklung-muenchen.de)  
Websites: [www.hss.de](http://www.hss.de) | [www.landentwicklung-muenchen.de](http://www.landentwicklung-muenchen.de)