

CHAPTER 5

Agricultural Laws and Reforms

At the end of the chapter, students should be able to:

- â list and explain the land tenure systems in Nigeria.
- â explain the land use decree of 1978 and its characteristic features.
- â list the advantages and disadvantages of the land use decree.

5.1 Introduction

Agricultural policy can be defined as a course of action, formulated, adopted and executed by government of a country to enable her achieve certain agricultural goals. It is also concerned with the laws guiding the acquisition and utilisation of agricultural lands. Land is the farmerâ€™s most important asset. All agricultural activities are carried out on land. In Nigeria, the use of land is influenced by social laws of the people. The rights and social laws governing the use of land is what is called land tenure. There are different types of land tenure systems with its advantages and disadvantages. Due to problems associated with social land laws, the government came up with the land use decree act of 1978. The law empowers the government to own all the lands in their states.

5.2 Land Tenure Systems in Nigeria

Land tenure system refers to the legal, economic, political arrangement, governing the ownership and management of land and its resources. The land tenure system varies with tribe, community and state. The land tenure system is classified as follows:

- â Communal land tenure
- â Individual freehold
- â Lease tenancy
- â Inheritance
- â Gift tenure
- â Tenant at government will

1. Communal land tenure: In this system, land belongs to the entire members of the community. The community may be village, clan or family. Individuals have rights on any vacant land after consulting the head of the community who holds the land in trust. The individual can only use the land for agricultural activities and cannot dispose off the land by outright sale. If the land is vacated for some years, another member may take it up with consent of the village head/chief /Oba/Obi/Emir or Baale. They decide how that land should be divided among the members of the community at the beginning of the planting season.

Advantages

- â Members of the community have easy access to the land.
- â The land is cheap to acquire as no cost is involved.
- â It discourages indiscriminate sale of land since individuals lack the right to sell.
- â Co-operative farming can be practised.

â Large-scale farming can be organised.

Disadvantages

- â Non-members of the community do not have access to such land.
- â Sale of such land is not allowed.
- â It cannot be used as collateral to obtain loan.
- â It is uneconomical to mechanize the small farm holdings.
- â As population increases, land fragmentation sets in and individual holdings become small.
- â Permanent crops cannot be established because of possible reallocation in the next planting season

2. Individual land tenure: An individual acquires land by purchase. This allows him to register such land and obtain certificate of occupancy (C of O). It gives the owner freedom on the land. The owner can sell it or rent it out. Such land can also be used as collateral to obtain agricultural loans.

Advantages

- â It gives opportunities and equal rights to male and female to acquire land.
- â The land can be used to secure loans from the bank.
- â Permanent crops can be planted on such land.
- â The land can be leased, sold, or pledged to those who can put it into more profitable use.
- â The owner is not tied to collective decision on how the land should be used.
- â Such land can be mechanized for agriculture.
- â There is no discrimination as to tribe and state of origin in the process of acquiring land.
- â It often leads to land improvement.

Disadvantages

- â The land may be expensive to purchase.
- â The actual ownership may be difficult to ascertain.
- â It gives undue opportunity to rich members of the society to acquire land to the detriment of the less privileged ones.
- â Land acquired in this form cannot be used for agriculture.

3. Leasehold tenure system: This is a contract between the landlord (lessor) and tenant (lessee) for the use of land on agreed conditions. Usually the tenure is specified five years, twenty five years, fifty years, and ninety-nine years. The tenant surrenders the land to the landlord when the tenure expires.

Advantages

- â It allows the farmer to make maximum use of the land.
- â It gives non-land owners the chance to secure land for farming.
- â An agreed amount of money is paid for the period of lease.

Disadvantages

- â Permanent crops cannot be planted.
- â It cannot be used as security to obtain loan from the bank.
- It encourages only arable crop cultivation since the tenure of the tenant is limited.

4. Land tenure by inheritance: This is a system whereby lands are transferred or inherited from one generation to another after the death of one's parents.

Advantages

- â It is a legacy or asset which the father leaves for his children.
- â Permanent crops can be planted.
- â It can be used as collateral for obtaining loan.
- â Management of the land is being monitored.
- â The land can be improved by application of organic and Inorganic fertilizer.
- â Children yet unborn are provided for.

Disadvantages

- â Division of land among children may lead to land fragmentation.
- â It discourages mechanized farming.
- â Dispute may arise among the children in the course of sharing except where the deceased has no male child.
- â In polygamous families, ownership is difficult to determine where every first born male child is a head.
- â People feel it is an abomination to sell such land, since it robs the future generation of the opportunity to inherit land.

5. Gift tenure: This is a type of tenure where land is given out freely to a person in appreciation for good work done by that person. The gift can be between individuals, government and her citizens, or community in an area. The new owner does not pay for such land.

Advantages

- â The owner makes maximum use of the land since it is his property.
- â Permanent crops and animals can be raised.
- â It can be used to source loan from banks.
- â Such land is Irredeemable.

Disadvantages

- â Land may be given out unwisely which can cause serious disagreement among family members.
- â The true ownership can be challenged and revoked by court order.
- â Where government gives out land and it is not properly documented, it can be revoked by another government.

6. Tenant at the will of government: In this system based on government development policies, government may decide to allocate land to farmers. The land use decree of 1978 empowers the government to acquire land freely. The farmers are made to pay some amount of money for the use of the land for a stipulated period of time.

Advantages

- â It enables farmers to acquire land outside their localities.
- â Poor and rich farmers can have access to land.
- â It is ideal for massive food production.
- â There is no gender discrimination.
- â Land can be wisely used for production purposes.
- â Land can easily be improved by fertilizer application.

Disadvantages

- â Land cannot be used as collateral for loan.
- â The government reserves the right to revoke the certificate of occupancy, if the farmer does not abide by the tenancy agreement.

- â The process of acquiring such land is cumbersome and rigorous.
- â Such land cannot be transferred or sold out.
- â Farmers cannot plant permanent crops except where stated.

5.3 Land Use Decree of 1978

The decree removed ownership of land from the traditional land owners and placed it in the hands of government.

Characteristic Features of Land Use Decree of 1978

- â The decree states that all right to land in Nigeria are vested in the Federal Government to be held in trust for the people.
- â The right to allocate land is vested in the hands of state governors.
- â The state governor or any person delegated by the governor is the only one who can issue certificate of occupancy to an individual and with this certificate, the person can now lay claim to the land.
- â The decree stipulates that an individual can only use the land for a period of ninety-nine years after which the land reverts to the government.
- â The decree also states that farmers should not allocate more than 500hectares of land for crop production. Or5,000 hectares for grazing.
- â Nigerians are qualified to acquire land for use once they have attained the age of 21 years.
- â The Land Use Decree was promulgated on 28th March, 1978, by the Federal Military Government under the leadership of General Olusegun Obasanjo.
- â This was to ensure that land is available for agricultural and industrial development programmes.
- â The Land Use Decree was later reviewed to Land Use Act of 1990.

5.4 Aims of Land Use Decree

- â To enable people to acquire land for genuine development purpose.
- â To remove disputes arising between communities over land.
- â To enable government to execute development programmes.
- â To manage all the land resources within the Nation.

Advantages

- â Nigerians can acquire land in any part of the country.
- â It reduces disputes over land.
- â Land can be used properly and efficiently.
- â Land owners can use their land for collateral because certificate of occupancy is issued by government.
- â Easy acquisition of land for agricultural purposes.
- â Fragmentation of land is reduced, since land acquired under this system cannot be shared.

Disadvantages

- â The processes of acquiring land certificate of occupancy are rigorous.
- â It is very difficult for the average Nigerian to secure land.
- â The state government can abuse his power by revoking certificate of occupancy prematurely.
- â It has impoverished communities whose main assets are their lands.
- â It helps to escalate the cost of land survey.
- â It may delay the execution of projects as governor might not sign the certificate of occupancy.

â Land is not easily allocated to potential agriculturist.

â The federal, state and local government may have conflicting interests over land.

Activity 1: Visit a nearby farmer in the locality; collect data on how farmers acquire land and the requirements involved in acquiring land.

Revision Questions

1. (a) Define the term â€œland tenure systemâ€ and give four examples of land tenure system.

(b) Discuss briefly the Land Use Decree.

(c) State two advantages and two disadvantages of the decree. (SSCE1994)

2. (a) Describe briefly four types of individual tenure system.

(b) List four advantages and four disadvantages of the land use act. (WASSCE June 2001)

3. (a) Define communal land tenure system.

(b) State three advantages and five disadvantages of the communal land tenure system.

(c) State two other land tenure systems in your country, giving one advantage and one disadvantage of each. (WASSCE Nov/Dec 2002)

4. State clearly how land tenure systems practiced in your country affect the development of agriculture.

5. (a) List six types of land tenure systems.

(b) Discuss five reasons why government should enforce the land use legislation.

Objective Questions

1. The Nigerian Land Use Act of 1978 puts the right of ownership of land on the

(a) executive director of farmers association.

(b) the head of the family unit.

(c) traditional rulers.

(d) governor of a state.

2. When a piece of land is leased to a farmer, the land is said to be

(a) given to him as subsidy.

(b) allocated on a rental basis.

(c) purchased on loan.

(d) given as gift

3. Most of agricultural policies do not benefit rural communities because

(a) they aim at benefiting the national economy.

(b) of poor implementation.

(c) inadequate foreign exchange to import the required expertise.

(d) they are formulated by non-practicing farmers.

4. Which of the following is an advantage of communal land tenure system?

(a) It encourages modern agriculture.

(b) Each member of the community can own land.

(c) The land can be used as collateral.

(d) Family labour can be easily employed.

5. Which of the following statement is not correct about the Land Use Act?

- (a) Land cannot be used for any purpose.
- (b) Government has control over unused land.
- (c) It does not lead to land fragmentation.
- (d) It aims at re-allocation of land for farming purpose.

Answers to Objective Questions

1. (d) 2. (b) 3. (b) 4. (b) 5. (a)