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THE LAND REFORM PROBLEM

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NIGERIA

by

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THE LAND REFORM PROBLEM IN NIGERIA

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Preface

This paper on the Problems of Land Reform in Nigeria has been prepared in response to a request from US-AID Washington, as a part of the general review of the land reform problems in agricultural development. For many reasons, the land reform problems in Nigeria are quite different from those of other regions. Consequently this statement is not cast in the pattern suggested by the outline for contributed papers. Also the paper is exploratory and tentative, in keeping with the present state of knowledge about tenure and institutional aspects of agricultural development in Nigeria.

An earlier provisional draft of this paper was submitted in March. In the few weeks since then several of my colleagues in Nigeria have read the manuscript and made helpful comments and criticisms - most of which have been accepted, in the revision of the manuscript. We are particularly indebted in this regard to Dean O. I. Odumosu and Mr. A. B. Kasunmu, Senior Lecturer, Law Faculty of the University of Ife; Dr. A. O. Anjorin, Lecturer in History, University of Ife; Dr. R. O. Adegboye, Senior Lecturer in Agricultural Economics, University of Ibadan; Dr. Vernon C. Johnson, Deputy Director, US-AID Mission to Nigeria; and Dr. D. J. King, Lecturer in Agricultural Economics, University of Ife.

K. H. Parsons
University of Ife, Nigeria.
20th April, 1970.

THE LAND REFORM PROBLEM IN NIGERIA

Prof. K. H. Parsons

I. Introduction

A land tenure system defines the relations of man to man in the use and occupancy of land. Customary systems of land tenure have developed over many centuries and specify the rights, privileges, duties and immunities of the people of Nigeria regarding the use of land. These systems provide group security and survival, and are integral parts of traditional subsistence agricultural economies; they are not designed to give positive support to the development of agriculture. Hence, a reformation of the system of customary tenure is essential if tenure arrangements are to give adequate support to the modernization of Nigerian agriculture.

The traditional and mainly subsistence system of agriculture cannot meet the needs of Nigeria in the years ahead. The system is running down, while the requirements from or demands upon the agricultural sector mount. Population is increasing at faster rates of growth than can be absorbed by non-agricultural employments: thus the population economically dependent upon agriculture is destined to increase for some decades to come, at least one or two. As the traditional agriculture expands to accommodate more people even to provide food for them, the system is extended to include more land. The consequences of this spread differ according to the density of population in relation to land. As the cultivatable land comes into use (and the more densely settled areas of the south are already filled up) the fallow system of

rotation is shortened, impairing the regenerative capacity of the land.

There is no reliable information in Nigeria on intensity of land use. But it is reasonably certain that in Southern Nigeria - in the former forested areas - that both the quality of the natural vegetation and the natural fertility are far below the levels of a generation or two ago. Thus one of the great glacial drifts toward agricultural deficiency is the push, as population increases, against the declining quality of land. The traditional or customary tenure system is deeply embedded in the performances of the people which actualize this drift.

In sum, then, the traditional system of agriculture is losing its capacity to provide the conventional subsistence for the people on the land, while the demands upon the agriculture increase: for export crops, and food for cities - where the numbers grow and the per capita incomes increase.

The land tenure problem in Nigeria, and therefore the land reform problem, needs to be understood in relation to such drifts in event. Nigeria is a vigorous going concern. There is no major current crisis in agriculture. The agricultural economy is not now paralyzed by economic inequality and unresolved conflicts. The situation thus provides an opportunity, probably for a decade or two, in which a reformation may be achieved to turn ~~the~~ the great powers of economic growth to constructive purposes.

In the presentation for this occasion these sources of growth need not be discussed; however, they are worth mentioning to provide an orientation for what follows. This is an age of man's increasing control over physical nature and upon this power rests much of man's hope for agricultural improvement; through the application of science and technology, investment and the accumulation of physical capital. When such powers function through a system of firms and markets, the benefits of specialization can be realized. This kind of system requires new orders of ability. All of these forces for growth are fitted together and function as a system - as a system of human relations and performances, for it is the will and energy of man which carries the whole. Such comprehensive systems can function and grow only by the constructive use of the powers of the state by which the basic systems of state and economy are created and ordered.

The problems of land tenure and land reform in Nigeria can be fully understood only as they are related to transformation processes which are sufficiently comprehensive to encompass all these sources of growth. Quite obviously what follows must be selective. Thus the reform problems in Nigeria are to be understood as problems of the reformation and reconstruction of agriculture; with land reform an integral part of the transformation of traditional agriculture. Such is the general thesis of this paper.

The land tenure system of a country, or area, is both comprehensive and pervasive. It is comprehensive because a society must have general

rules for resolving or reconciling conflicts of interest regarding rights in land in systematic and approximately uniform ways over both area and time, once land becomes scarce. It is pervasive because the rules of tenure define the nature of alternatives open to entrepreneurs, cultivators, and investors regarding possession, use, occupancy, and transfer of land. Thus the terms of tenure, in this latter aspect, influence the organization of farms - by placing constraints upon the accessibility and exploitation of opportunities on the land, which constraints qualify both the time horizons and the security of expectations regarding land use and occupancy.

Inevitably there is tension between these two aspects of a tenure system - between (a) the necessity for order and security of expectations in the system of relations and (b) the efforts of entrepreneurs and investors to bring the rights of use and disposition of increasingly valuable land under the dominion of their own wills.

Lawyers being primarily concerned with the resolution and reconciliation of conflicts tend to concentrate upon the preservation of order and the achievement of security of expectation in contests over scarce goods: economists tend to emphasize the substantive and organizational aspects of maximizing the use of scarce factors. In situations such as how obtain in Nigeria, it is essential that these two approaches be harnessed together preferably in collaboration with anthropologists and sociologists, in the quest for institutional innovations which liberate and expand the constructive efforts of

entrepreneurs, innovators, and investors, without impairing to an intolerable degree the system of tenure relations which still provides security of expectation for survival for millions of people. Such a quest, if successful requires that a new system of agricultural economy, of state and economy, be designed and made operative.

The comments which follow are brief, partial and admittedly far short of a full statement of the problem. Furthermore they are selectively directed to what are judged to be operational or actionable issues - to points of tension in the system - where pressure is mounting for adjustment. Even so, creative and innovative adjustments at points of tension, cannot ensure the needed reformation and reconstruction, unless such adjustments are related to some emergent system. It is the whole which gives meaning to the parts - in any system.

The general pattern of the argument which follows is to first indentify the central concepts and practices of the systems of customary tenure which has developed in Nigeria. Brief attention is then given to past attempts to modify this system by state or public action. An attempt follows to indentify significant points of tension as the pressures for the modernization of agriculture press upon the constraints imposed by the systems of customary tenures. The statement is concluded sketching out some of the general or theoretical considerations in the design and institution of a modern system of tenure.

II. The Customary Tenure System of Nigeria

Although there are no doubt significant differences in systems of land-holding among the approximately three hundred tribal societies of Nigeria,^{1/} something of a common system of customary tenure has developed in Nigeria.

The system can be characterized most effectively by direct quotations from two eminent Nigerian scholars - one an economist, the other a jurist.

Professor H. A. Oluwasanmi has characterized the Nigerian tenure system as follows:

"Land tenure practices vary from community to community and there exist as many tenure systems as there are ethnic groups. There are, however certain concepts which are common to every traditional tenure system in Nigeria.

"Land is regarded throughout the country as the property of a community. The term community may refer to a family, a clan, or to a village consisting of a number of kindred or lineage groups or families. A family in the Nigerian sense usually consists of a man, his wife or wives, and children, the wives of his sons and their children, his brothers their wives and children, and other close relatives. In land matters as distinct from other forms of property, it is the group that

^{1/} C. K. Meek - Land Tenure and Land Administration in Nigeria and the Cameroons. Colonial Research Studies 22, 1957. p.113.

exercises the right of ownership. The individual does not possess absolute title to land. His right in land co-exists with those of the community to which he belongs by birth or adoption.

"The claim of a Nigerian farmer to a particular piece of land derives from his membership in the land-holding group^{2/}

"The peasant cultivator is a sort of tenant at will who has possessory rights in land which he enjoys in perpetuity and as long as he uses the land in a manner beneficial both to himself and society Individuals are prohibited from disposing of land of the group either by sale or mortgage. Land is not negotiable property as is as such not 'heritable, disposable and alienable' by individuals".^{3/}

Although this paper is concerned with Nigeria, it is of significance that approximately the same set of concepts and practices noted by Professor Oluwasanmi are also of importance in the whole of African customary land law. "..... The land-holding recognized by African Customary law is neither "communal" nor "ownership" (in the strict English sense of the term) the term corporate would be an apter description of the system of land-holding, since the relation between the group and the land is invariably complex in that the rights of the individual members often co-exist with those of the group in the same parcel of land. But

^{2/} H. A. Oluwasanmi, Agriculture and Nigerian Economic Development.
Ibadan; Oxford; 1966 p.25.

^{3/} Ibid. p. 26.

the individual members hold definitely ascertainable rights within the comprehensive holding of the group^{4/}

"..... a member's right to his holding is in the nature of a possessory title which he enjoys in perpetuity and which confers upon him powers of user and of disposition scarcely distinguishable from that of an absolute freeholder under English law. His title is, therefore, in a sense that of a part-owner of land belonging to his family But a member's portion of land cannot be sold by him or taken away from him in satisfaction of debt, though he may pledge the use of his portion for a debt"^{5/}

It is this set of tenure concepts and practices^{6/} that have come

^{4/} T. O. Elias, The Nature of African Customary Law. Manchester, 1956, p. 164.

^{5/} Ibid. p. 165.

^{6/} This is a general characterization of the system of customary tenure of farm land, the rules are somewhat different for urban land, with wider degrees of freedom alienation. "There is in general, a distinction between bush farmland on the one hand, and (a) home farm or garden land, and (b) House-land, on the other. The former bush farm-land as the source of the peoples' food, is regarded ultimately as community property (though various degrees of private rights are admitted) while the latter are purely private property, since their value is due primarily to the improvements effected by their owners. Home gardens are fenced in and kept continuously in cultivation as a result of the addition of house refuse; while house property owes its existence to the labour of private individuals and the materials supplied by them. And so, while rights in bush farm-land are customarily regarded as usufructory only and unsaleable, rights to house property and the gardens attached are proprietary rights at the free disposition of their owners. Rights of disposal in urban lands and house property may, however, be qualified in a variety of ways. They may be subject to a village or tribal priority. Most villages, also, throughout Nigeria, place restrictions on the alienation of urban lands (as of rural lands) to strangers" C. K. Meek, Land Tenure & Land Administration. p.222.

under pressure as programs for the modernization of Agriculture have been undertaken. Some of those points of tension will be considered in a subsequent sector.

The role of the government in the modernizing reformation of a tenure system is crucial. To place this issue in perspective in Nigeria, we should notice that the systems of customary tenure are older than the state. It is useful in defining the essential character of a subsistence traditional agricultural system to notice that this type of economy was devised by the people without the aid of science, capital or market specialization; therefore, the systems of production economics in traditional agriculture are pre-market, pre-scientific and pre-capitalistic systems of economy. Similarly the customary tenure systems are pre-state. The parallel distinction carries over into the modernization process. As the productive capacity of agriculture is increased and development supported, by the integration of science, technology and capital into the farm economy, with the correlative conversion of agriculture into a market oriented economy, so have the customary tenure systems to be modernized by bringing the powers of the state to bear upon the system of tenure relations.

III. Past Programs for the Modification of the Customary Tenure System of Nigeria

Since Nigeria is a relatively new nation, it is useful to distinguish the programs of independent Nigeria, from those of the colonial past.

A. Land Policy and Colonial Administration:

The British presence in Nigeria dates from the early decades of the

nineteenth century. In 1849 a British consulate was established for the coastal area of eastern Nigeria. In 1861 the Island of Lagos was ceded to the British. This was the crucial step in establishing British administration in Nigeria. In 1886 a charter was granted to the Royal Niger Company." "The Company received taxation, judicial, police, administrative and other powers for the almost untouched (by Europeans) area north of Onitsha on the Niger, as far as Jebba on the Niger and Ibi on the Benue. Much of the vast area included the land under the Fulani Emirates"^{7/}. The charter was withdrawn in 1900 and the Company was replaced by a colonial administration. In 1900 also, a southern Nigerian Protectorate was established which included the territory of what became the Eastern and Western regions.^{8/} In 1914 the administration over all of Nigeria was consolidated. Concerted British policy dates from this time.

In the early years, British policy concentrated on the establishment of sufficient political and economic order to permit the development of an agricultural export economy. The most thorough-going reform of land tenure arrangements occurred in the colony of Lagos,^{9/} where a system of fee-simple ownership was established, supplemented by extensive use of 99 year leases by government. But British land policy in other parts of Nigeria had

^{7/} David J. King: A critique of approaches to Development in Western Nigeria. Ph.D. thesis (unpublished) Wisconsin, 1968, p.13. This study has been drawn upon extensively in the preparation of this paper.

^{8/} Now (1970), 5 states, plus Lagos State.

^{9/} C. K. Meek: Land Tenure and Administration, p.54.

a different orientation. Operating under the Lugardian^{10/} philosophy of indirect rule, the British adopted a policy of honoring the customary ownership of agricultural land by Nigerians. Thus no enclaves of European settlement were permitted; neither were large export crop plantations developed by expatriates.

This policy of reserving agricultural lands for Nigerians, accepted the rules of customary tenure as applicable to agricultural land. Consequently, a dual legal system came to prevail in Nigeria. Business and commerce, trade and finance were conducted according to English law; while in rural land-holding, inheritance and family affairs, the rule of customary law was honored. In the main, the dual legal and judicial systems continue to operate to this day.

In northern Nigeria there were two attempts by alien powers to alter the system of customary tenures. In the early years of the 19th century, the Fulani conquered much of this territory, then peopled by Hausas. The central effort of the Fulani was to establish the muslim system of law and administration. In the process they established a type of feudal regime not unlike the military feudalism of earlier centuries in Europe.^{11/} But the system had shallow roots. "Throughout the Fulani period, control of the land in the conquered areas continued to remain in the hands of the peasantry. In the areas which never yielded to Fulani conquest land was administered by village and clan chiefs and

^{10/} Lugard, Sir Frederick. The Dual Mandate in British Tropical Africa, London, 1926.

^{11/} Oluwasanmi, supra. p. 31-37.

family heads."^{12/} In the early years of the 20th century the British defeated the Fulani, and proclaimed themselves to be the heirs and successors to all the rights claimed by the Fulani rulers. As the sequence of events turned out, the Fulani claims over land, were annulled by the overriding principle of British policy which recognized the native laws and customs regarding the holding of land.^{13/}

The central thrust of these ordinances was to confirm native rights in land. The supervision and protection of such rights was placed in the hands of the government. This is sometimes referred to as the nationalization of land rights; but the effect in so far as we have been able to understand this situation, is to assure public protection of native rights from the in-roads of non-native strangers.

In a recent study of Land Law in Nigeria, it is noted regarding the Land Tenure system of Northern Nigeria "under the Land Tenure Law, which has continued the basic principle of Land & Native Rights Proclamation, No. 9 of 1910, all lands in Northern Nigeria, with some exceptions, are declared to be 'Native lands' and all rights in native lands are subject to the control and disposition of the minister charged with the responsibility for land, who would administer them for the common benefit of the natives."^{14/}

^{12/} Oluwasanmi, supra., p.31-37

^{13/} Formalized in the "Land and Native Rights Proclamation of 1910: and the Land & Native rights Ordinance of 1916.

^{14/} R. W. James: Land Law in Nigeria: From typed Mss. p.17.

From our brief study of the influence of British administration and policy in Northern Nigeria, we can only concur in the observation of Professor Oluwasanmi.

Viewing this episode, Oluwasanmi observed: "British legislation which on the surface seemed to nationalize the land has not radically changed the position of the peasant in Northern Nigeria. The rents foreshadowed in the law were never collected nor were the peasant farmers issued with certificates of occupancy. In practice [quoting Lugard] 'this law remained a dead letter as far as native occupiers were concerned. They were unaware that it had declared their titles to be invalid, unless granted under a certificate by the Governor.' Thus [concluded Oluwasanmi] in the face of powerful alien influence the Northern Nigerian peasant continues to enjoy undisturbed his usufructuary rights which, as we have seen, spring from his membership of a land-holding community."^{15/} Meek observed regarding the outcome of British policy, "there are, indeed, no longer any identifiable Crown Lands in the Northern Provinces. Land required by the Government for public purposes continue to retain the legal status of 'native lands'".^{16/} Thus, as was read the record, the system of customary tenures of Northern Nigeria remains essentially intact and was undisturbed, despite the attempts of alien governments to assert ultimate ownership, by right of conquest.

^{15/} Supra p.35.

^{16/} Supra p.110. This is evidently an over-simplification; at the minimum the lands taken over from the Royal Niger Company become public dominion lands.

The outcome in Southern Nigeria was not greatly different, even though the administrative procedures were somewhat varied. The Lugardian principles of administration were least suited to Eastern Nigeria. In that area British law and administration led to serious social disorganization.^{17/} Also, substantial areas were set aside by British administration as Trust Reserves, especially in Western Nigeria; these have served somewhat a Public Dominion lands. But in general the customary system of land tenure remained intact and operative in Southern Nigeria, with the dawn of national independence. The powers of government within the system of customary tenures in Nigeria, at the end of the colonial era, [aside from Lagos Island] operated primarily through the power of acquisition of land for public purposes.

B. The Farm Settlement Schemes of the Nigerian Government

The principal public program of the Nigerian government since Independence (1960) which embraces land reform is that of the Farm Settlement Scheme. Since these schemes have been few in number,^{18/} and remain both controversial and of uncertain outcome we shall only note them here. One of the more significant implications of the policy of establishing farm settlement schemes was the search for alternatives to both the systems of traditional agriculture, and of customary tenure. Organized on a "cooperative" basis, and patterned somewhat

^{17/} See Huth Wm. P., Traditional Institutions and Land Tenure as related to Agricultural Development among the Ibo of Eastern Nigeria. See VI & VII for discussion and reference.

^{18/} The F.A.O. Report. Agricultural Development in Nigeria, 1965-1980, lists 29 Settlements p. 508-10.

on an Israeli type, the schemes sought to demonstrate that modern farming on a much larger scale than traditional village farms would be both attractive to school leavers and demonstrate the profitability of modern farming.

These settlement schemes have been the subject of several studies,^{19/} and we do not propose to review this evidence here. However, the conclusions of a recent study regarding the impact of farm settlement schemes in nearby farms should be noted: "The existence of farm settlements near the villages visited has led in part, to the growth of economic interdependence between the farm settlements and surrounding peasant farmers. The farm settlements provide markets for the surplus produce of surrounding farmers, and also enable farmers to buy their needs in the form of seeds, eggs, and fruits. The farm settlement schemes provide economic opportunities also."

"However, when viewed from the overall objectives of the farm settlements, these advantages appear insignificant As far as the adoption of new methods is concerned, the farm settlements have for all practical purposes made only little impression on the surrounding farmers."^{20/}

To summarize this section, it is to be noted that the programs directed to the reformation of the land tenure systems of Nigeria

^{19/} Particularly the F.A.O. in Agricultural Development in Nigeria 1965-1980.

^{20/} R. O. Adegboye, A. C. Basu, and Dupe Olatunbosun, Impact of Western Nigerian Farm Settlements on Surrounding Farmers. Nigerian Journal of Economic and Social Studies, Vol. 11, No.2, July 1969, p.237.

by public authority have had little effect. The customary tenure system continues to function. The major administrative device used by the Nigerian government is that for land acquisition. There is no land tax; and regulatory measures, if any, are left to local councils. Adjudication over land disputes takes place in the customary courts: although there is right of appeal to higher courts, the principle questions at issue are such as: "what are the relevant customs in this community?"

The modernization of agriculture must either take place within this system or induce changes under pressure for adjustments. Undoubtedly the system of tenure arrangements is being modified at critical points. It is wholly impossible to discuss the particulars of such modifications in this paper. The rules of customary tenures are administered locally by locality; accommodations within the community are made in diverse ways; and very little study has been made of such accommodating changes. Here we attempt only to identify some major points of tension at which adjustments can be, and probably are being made.

IV. Points of Tension in the System of Customary Tenure

The systems of customary tenure in Nigeria have served admirably the purposes for which they were designed. The customary tenure systems are coming under stress in Nigeria from two major sources: (1) the growth of population and (2) the advances being made or sought toward the modernization of agriculture: through investment, market orientation, technology and attempts to increase size of farms to achieve economies of scale.

The customary system of tenure in Nigeria functions as an integral part of the traditional subsistence system of farming. These traditional systems serve the implicit basic purpose of group security and survival. Cultivation practices, especially in southern Nigeria have been organized within a system of bush-fallow, which permits periods of rest and regeneration of vegetation and fertility. The tenure and inheritance procedures support these rotational practices by assuring to the inheritor-cultivator the continual use of the land during the full cycle of cultivation and fallow. Also within the domain of descent land, a cultivator acquires presumptive rights of occupancy and use by clearing the land and putting it to crops.

Upon the death of the individual who has improved the land, the land becomes a part of the family estate, to be shared among successors according to the rules of rank and participation in the family. In this way the tenure system supports the extended family.^{21/}

The combination of security for members of the extended family and the devolution of land by inheritance within the extended family prescribe the procedures used for allocating land in the community. It is one of the cardinal principles of customary tenure that "no member

^{21/}The family, to repeat the definition of Oluwasanmi, quoted above, is: "A family in the Nigerian sense usually consists of a man, his wife or wives, and children, the wives of his sons and their children, his brothers, their wives and children and other close relations". Agric. and Nigeria Econ. Dev. p.25.

of the community shall be without land"^{22/}

Population growth in a family operates to decrease the size or area, of a member's share through inheritance. The absolute size of the inheritance, in any particular instance, quite obviously is a function of the size of the family holding being shared and the number (and degree of equality in inheritance) of the inheritors. There is wide variation in the area of land held by any one family. They did not all start evenly. Although we have only impressions rather than solid statistical evidence on this point, it is clear that some of the stronger or more important families acquired claims to much larger areas of land than others. Also, over time some families die-off leaving few survivors; others have lost land through pledging. Furthermore, communities differ widely even in southern Nigeria, in the amount of community reserve land that is available for allocation to members in need of more land. It is a simple fact that the size of farming units in Nigeria is small. In the (original) Eastern Region 87.7% of the farms in 1963 were under 2.5 acres in size; in the Western Region of that time 78% of the farms were under 2.5 acres. Even in the North the percentage was 40%^{23/} The rural population in Nigeria is relatively

^{22/} C. I. Jones, Ibo Land Tenure, Africa Vol. XX, No.4, out 1949, p.313. The quotation is taken from William P. Huth; Traditional Institutions and Land Tenure as related to Agricultural Development among the Ibo of Eastern Nigeria. Paper No.36, Land Tenure Center, Univ. of Wisconsin, July, 1969. This report is an abbreviated edition of a Ph.D. thesis. Wisc. 1968 and has been drawn upon freely in this statement.

^{23/} Huth (Ibid.) These acreages are areas of land under cultivation and would need to be multiplied by a factor representing length of fallow to get average total area per farm.

dense: Nigeria has 30% as many people as the U.S. in 12% of the area, with 70% of the people engaged in agriculture. If the U.S. were as densely populated, it would have 500 million inhabitants.

The general question to which the argument is now addressed is that of whether and how the growth in population in rural Nigeria leads to small fragmented holdings of land. It is clear that given a fixed area of family land, and definite rules of inheritance, subdivision and ultimate fragmentation must occur, if the total population is growing. There is, of course, extensive, but geographically uneven, migration of people from farming villages to urban centers. This may leave some areas with a reduced resident population; but it needs to be remembered that members of a family continue to inherit land though they live elsewhere.

Considering the procedures, the institutional arrangements, whereby land is reallocated, there are relatively few degrees of freedom to be exploited. There is very little Public Domain land available for distribution by the government. There are some Forest Reserves in Southern Nigeria under the control of the local councils. There are some areas of land held by absentee owners, the descendants of strong men. And there are some community lands available for distribution to needy cultivators in the customary way depicted above. These reserves vary widely among different parts of the country. In southern Nigeria, the concentration of rural population is least dense in the middle belt between East and West. However, there as elsewhere the land is under control of the community; and any shifting of population from

densely settled to thinly settled areas could be achieved only by the consent of the local community.

In 1952-53, the population density of the Eastern Region was reported to be 245 persons per square mile; in the Western Region, 134. During the past 17 years the growth of population will have been at least 50%.^{24/}

From the view point of national development policy, however, there is very little that can be done by national policy regarding the reallocation of land, unless the present institutional arrangements are modified. The control over land is local. Thus, with the growth of rural population such that the rural-farm population of Nigeria is almost certain to grow for at least another decade or two, it must be expected that the family sharing of a relatively fixed area of land will continue. This must put pressure on the size of farm, and will almost certainly force the shortening, and even the abandonment, of the bush-fallow rotations. Although the pressure will be uneven among families and communities, the needs will intensify every where, for a shift from a system of land use based upon the exploitation of natural fertility to an investment-based agriculture, in which the land is improved and the resource base of agriculture is augmented by investment.

Since the extended family with the rights of inheritance to land is the major form of social security in Nigeria, it is unlikely that any major modification in the rights of inheritance can be made in Nigeria

^{24/}Data from Oluwasanmi, Supra. p.62. The estimates of population growth since 1952-53 do not take account of the dislocations of the population by the civil war.

until non-farm employment coupled with some sort of retirement income provides acceptable security in old age. Rather the process of inheritance and fragmentation of interests in rural land should be expected to continue.

B. The Modernization of Agriculture with the limits of inheritance processes

Although the land belongs to the clan or descent group an "improvement including the planting of tree crops belongs to its creator and will at his death become the family property of his issue, but this group will be but a segment of the descent group holding the land."^{25/} Since the extent of the holdings of land varies among descent and family groups, one may presume that in a considerable number of instances that a person may have inherited a large enough tract of land to establish commercial plantings of crops, particularly tree crops. One may also presume that an enterprising young farmer may have good enough family connections so as to be able to assemble tracts of land from other members of the clan or descent group. On this point we speak impressionistically, but not without some observation.

The point of relevance here, and one which deserves testing by documentation which is not at hand, is that there is and has been enough variation in the scale of family holdings of land to provide latitude for some enterprising farmers to undertake modern commercialized farming.

^{25/}The reference refers specifically to the Yoruba: P. C. Lloyd, Yoruba Land Law. p.81.

including the production of tree crops.

C. Points of Tension and Potential Institutional Innovation

The constraints upon agricultural development and therefore the points at which liberating institutional innovations are needed in the system of tenure, are rooted in situations where there is a discrepancy between the incidence of inheritance and the requirements for development. These points of adjustment in Nigeria come especially in the status and privileges of "strangers", in the "borrowing" or "pledging" of land, and in acquiring sufficiently large areas of land to permit modernization. In time, some modification of inheritance practice is likely to be required also. It is through adaptations to meet such needs that the constraints upon the inalienability of land are being over-come or circumvented, to some degree. Surely in Nigeria as elsewhere, the prospect of reward through the production and sale of crops, acts as a strong incentive for a farmer to enter commercial production.

It is no doubt true, as noted in the C.S.N.R.D. report that the customary tenure system is yielding to pressures for change.^{26/} But it does not follow that the institutional innovations achieved under a laissez-faire policy of natural evolution of tenure relations will lead to a satisfactory outcome for the development of agriculture in Nigeria.

It is not possible in this paper to do more than to consider briefly a few of these points of tension, and the challenges to institutional innovation which they report.

^{26/} C.S.N.R.D. 33, Strategies and Recommendations for Nigerian Rural Development. 1969-1985. p.28-29.

(1) The rights and privileges of strangers in Nigeria

Persons who come into a community from the outside are referred to as strangers^{27/} - and strangers they and their descendants may remain for generations. The very terminology of "strangers" is testimony to the degree of kinship and solidarity of the descent groups in the villages. The reception of strangers varies according to the need for the contribution of the talents of the strangers, their adjudged character, whether they marry into the community and probably most important of all whether there is ample land in the community. With the declining availability of land, strangers are less welcome as entrepreneurs in many areas than previously.

But the general rule still obtains that strangers are restrained in the planting of tree crops, such as cocoa. By the principle of a rightful claim to harvest the fruits of one's labor, strangers who plant tree crops, would become defacto owners of the trees. A stranger may plant tree crops only by formal consent of the group owning the land. Since the relation of owner and stranger is still a personal one, with the stranger paying tribute rather than rent, the stranger is in effect a tenant-at-will (in the Anglo-American sense of the term), with limited time horizons. Although "strangers" may work in a community as casual or migratory workers, thus serving the mobility of labor

^{27/}The term stranger has varied meanings in different parts of Nigeria; always a stranger is a non-native of the community; but in some areas only non-Nigerians are considered to be strangers.

it is through the function of "strangers" as entrepreneurs, investors and innovators that the tensions are occurring, the adjustments to which are providing one of the cutting edges of reform in Nigerian agriculture.

(2) Mobility of Land

One of the deepest tenets of the system of customary tenure in Nigeria, is that land belongs to the descent group and is inalienable without the consent of the group, which may be granted by the key heads of families. This has several implications and consequences.

This restraint upon alienation is simply the other face of passing of land by inheritance. In view of the honor, prestige and security that attends the ownership of land in Nigeria, it is natural that persons who inherit rights in land should wish to retain them.^{28/} This leads to absentee ownership of land.

Where the non-farming inheritor receives large tracts of land, a type of tenancy develops. There are large areas of cocoa in Western Nigeria on land operated under such "tenancy" arrangements. Actually the usual relationship is not one of land-lord and tenant, but rather a more personal one of tribute to the land owner. But the occupant-user is in effect a tenant at will.

Commenting on this type of situation Dr. R. O. Adegboye of Ibadan

^{28/} It is significant that rural people cling to their inheritance of land even though they may consider even manual work in cities to be preferable to farming.

University has observed "Problems are created when witnesses to oral leases forget the clause or die. Boundary lines and amount of tribute to be paid become subjects of endless litigation. The planning horizon of the tenant becomes clouded when he is restricted to the cultivation of certain crops only. He is even more frustrated when the amount of tribute to be paid has to be determined by the mood of the land-lord at the material time the tribute payment is due."^{29/}

(3) The Constraints of inalienability

The greatest single constraint upon both mobility of land and investments to improve the quality of land is undoubtedly that of inalienability. The general rule is that the ownership is not saleable; neither can land be borrowed on terms which yield the kind of security of expectations over time which come with ownership.

This very complicated problem cannot be analyzed deeply in this brief paper. There are several aspects to the problem. One is rooted in the nature and meaning of ownership. Very little fee simple ownership of farm land, in the English sense, is found in rural Nigeria. Interests in land which are less than fee simple are being bought and sold. More functional and less honorific attitudes toward land are spreading. The problem, as a colleague observes,^{30/} is in the determination or

^{29/} R. O. Adegboye. The Need for Land Reform in Nigeria; Nigerian Journal of Economic and Social Studies Vol. 9, No.3, Nov. 1967; p. 341.

^{30/} A. B. Kasunmu, Senior Lecturer in Real Property, Law Faculty, University of Ife.

ascertainment of what one buys. Clear and unambiguous titles of ownership are difficult, or even impossible to get.

It would seem that another critical limitation here would be that of the kind of investment intended. Since the ownership of trees follows the ancient principle of allowing the one who plants to harvest the crops produced, it would seem that persons could have security of the use of land through the control which follows the ownership of trees. But if investment were to take the form of land improvements, other than trees or buildings, the time dimension of the interest acquired would seem to be limiting on the security of expectations.

The radical ownership of land being vested in the group rather than the individual, would seem to jeopardize the title of land acquired by an individual, where the value of land is increased by external economies, such as those of urbanization.

Another strategic variable in the continued operation of the rule of inalienability is the increasing value of land. Historically land has been treated as almost a free good in Nigeria. Within the past decade recognition has been growing rapidly that land is potentially valuable property. Thus while farm boys have been drifting away from the villages, as school leavers, enterprising persons have been acquiring interests in land from village heads who have seen their sons leave the village. These young men are now coming to see that land is likely to be valuable, and are therefore beginning to protest to their fathers

and the village hierarchy, the assignment (selling) of land to these outsiders.^{31/}

Although the rules of inalienability are being challenged and circumvented to some degree,^{32/} at the present time there is no market for agricultural land. Thus land, the principal natural resource of Nigerian agriculture, is not a part of the financial capital of agriculture.

(4) Constraints upon Agricultural Credit

If land is inalienable, except by consent of the descent group, it cannot serve as collateral for loan by a farmer. This does not preclude agricultural credit altogether, for much credit in agriculture is extended through marketing channels. This latter type of credit is, however, mostly production credit; and the current commodity flow of crop production cannot provide security for the acquisition and improvement of lands when the value of investment is reckoned by calculating the capital value of anticipated income flows.

^{31/}This is admittedly an impressionistic comment, but the point has been made by several Nigerian colleagues in recent discussions of the issues raised in this paper.

^{32/}Which cannot be reviewed systematically in this comment. For analytical comments on this point see Oluwasanmi, *Supra.* ¶. 40-47; Meek *Supra.* esp. Chaps. 20-26; and Lloyd, *supra.* esp. Chaps. 4, 10 & 11.

The restrictions on the alienation and mortgaging of land have led to the pledging of crops, especially tree crops.^{33/} This practice is sometimes referred to as pawning the land. Such practices, however, deprive the debtor of the use of and income from the land, during the time when the crop is under pawn.

This practice, one infers is an embodiment of the deeply personal character of economic relations in traditional agriculture. The debt seems to be personal, the debtor becoming economically dependent upon the lender. The service on the loan is met from the productivity of the trees; but even the full annual product does not diminish the face value of the debt.

(5) Investment in Land

Investment in land has two distinct meanings: real investment and financial investment. The two concepts are related to tenure in different ways.

Real investment is directed toward improvement in the quality of land i.e. toward physical changes. The major form of real investment in Nigeria in addition to land clearing, has been the planting and growth of economic tree crops. As already noted tree crops are considered as a form of property apart from, or different from, the land on which they are grown. This type of investment on the land of other persons is resisted, if not prevented, particularly by strangers who are "tenants".

^{33/} For a recent study of the pledging of cocoa trees, see R. O. Adegboye: Processing Loans through the Pledging of Cocoa Trees. Journal of the Geographical Association of Nigeria. Vol. 12, Dec. 1969, p.63-76.

One would suppose on "a priori" grounds that there is an increasing need for investments such as terracing to reduce erosion and channels for flow irrigation, which would actually improve the physical quality and capacity of the land. At least such questions will arise as Nigerian agriculture becomes more of an investment-based agriculture, in the attempts to surmount or overcome the down-drag of the exploitive type of crop farming now practised.

Investment in the sense of purchase of or financial investment in agricultural land, is normally prohibited by the tenure system. Admittedly, the non-saleability of land has served the needs and purposes of family security in a profound way.

But as Nigeria becomes more urbanized; and people become more permanently residents of cities, perhaps distant from their home villages, one may expect the security issue to change and one may even anticipate that the advantages of a person's having money to invest in urban residence by selling one's rural inheritance will modify the attitudes and bring about a greater willingness to make land saleable, and therefore an object of investment by persons remaining in the village. The beginnings of a rural land market would probably take place initially within and among members of the same family or descent groups in the rural area.^{34/}

(6) Achieving economies of scale in farming

Under inheritance processes such as prevail in Nigeria, a cultivator is more likely to have few tracts of land than a farm in the Western sense

^{34/} See Meek, supra. Chap. 25; Sale of Land. p.216-221.

of the term. To have land in scattered plots is not, apart from distances of travel and head-loading, likely to be a serious handicap to a hoe-culture type of farming. But should some simple forms of mechanical power cultivation become economically feasible, so that tillage methods in the tsetse-fly belt of Nigeria could jump from hand to machine-tillage, there will be marked advantages in having farms of 10 or 20 acres rather than the present 2 to 4 acres of cultivated land. Also, the continual and increasing pressure to shorten and even to abandon the bush-fallow type of regenerative rotated land use can work in the same direction of shifting agriculture from tracts to farms - to mechanized farms for annual crops. This type of need presses toward the depersonalization of land ownership, with the enhancement of efficiency being accepted as a major public purpose of tenure arrangement. Stated differently, the problem of enlarging the size of farm operating units to take advantage of whatever efficiencies of scale are relevant to economical modernization requires that the use of farm land gravitate to effective managers; the traditional tenure system allocates land rights to inheritors on the basis of status in the family or group.

If such brief notings may be summarized, it is that we have attempted to identify a number of points where tension is mounting between the systems of customary tenure and the strivings, or even the necessities, for the modernization of agriculture. If the development of agriculture in other parts of the world can serve as even a rudimentary indicator, the agricultural economy of Nigeria will move

toward both more monetized investment market relations and a marked depersonalization of the economic system. One of the strategic factors of such transformations is the objectification and regularization of economic opportunities on the land.

V. Some Issues in the Design and Institution
of a Modern Tenure System

The traditional tenure system does not give positive support to the modernization of Nigerian agriculture. Under pressure for change the system is yielding at some points: it is no doubt being circumvented at others. This is not enough. An improved system of tenure is essential for economic progress in agriculture. A modernized system must not only be both designed and made operative, it will need to be modified endlessly, once established.

This is a major undertaking. As resources to draw upon, Nigeria has a long experience with the traditional system of tenure, though this experience is mostly unanalyzed; a system of law and administration shaped in the British tradition; a decade of experience with experimental forms of agricultural systems in the farm settlement schemes and the plantations of the Development Boards; and above all a rapidly growing university system with scholars concerned with basic policy issues.

The most that an outsider can do in this context to be some assistance in the advance toward a more adequate system of tenure, is to raise questions and make a few suggestions, preferably out of systematic inquiry. Since we have not had the opportunity for extensive, systematic

analysis of the Nigerian experience, and the occasion permits little time for reading and reflection, we cannot do more at the moment than to record a few points which seem to us to be important issues or elements in a modernizing reformation of tenure systems. We propose to make a few comments upon general issues in tenure policy which seem relevant to the reformation of the Nigerian system of tenure relations.

(1) What system or systems of farming?

The question as to which kind or kinds of systems of farming are appropriate for Nigeria is still an open one. The attitude of intellectual leaders is avowed experimental. In a recent address Professor Oluwasanmi urged^{35/} that serious consideration should be given to the establishment of co-operative farms. When such observations are considered along with the deep commitment in Nigeria to the farm settlement schemes, two implications are clear: (a) There is serious doubt among Nigerian intellectuals regarding the possibilities of developing agriculture by reliance upon individual private enterprise farms and (b) there is little faith that the managerial talent available among traditional farmers is adequate or can be upgraded sufficiently for the tasks of modernizing agriculture. Although one may have doubts regarding the validity of these inferences, they are supported by substantial evidence.

As the system of customary tenure attests, African village people have a deep sense of attachment to and membership in their kinship and

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Agricultural and Rural Development: Conference on National Reconstruction and Development in Nigeria. Ibadan University, March, 1969.

descent groups. This seems to argue for some kind of group farming. Yet, within the 'corporate' type of customary land holding - to use Elias' term - agricultural production seems to be the responsibility of the individual (nuclear) family. In fact, in many parts of southern Nigeria the production of food crops is the primary responsibility of wives - to feed their own children.

While experimentation in group plantation or co-operative farming is carried out mostly under public auspices,^{36/} enterprising individuals are experimenting with the individual enterprise approach to farming, acquiring sufficient land either by having latitude within the customary system of land holding, or finding ways to circumvent the system. Systematic study is needed of such experiments and much additional experimentation in Nigeria could be valuable. It is not an exaggeration to observe that no one knows, in an assured and warranted way, what kind of social and economic systems can provide appropriate organizational matrices for the modernization of tropical agriculture.^{37/}

(2) Tenure Status as a support for a middle Class?

One of the historic functions of the owner-cultivator system of farming in Western countries has been to provide an economic basis for a sizeable

^{36/}For a brief analysis of the history and decline of voluntaristic "group farming" in Western Nigeria, See Ojo, G. J. A., The Changing Pattern of Traditional Group Farming in Ekiti, North Eastern Yoruba country. Nigerian Geog. Journal: 6(1): 31-38.

^{37/}John C. de Wilde and associates have presented systematic analysis of a number of national programs in Experiences with Agricultural Development in Tropical Africa (2 vols.) IBRD and The John Hopkins Press. 1967.

middle class. In fact, western civilization has been predominantly a middle class phenomenon, for the past century or two. As one of the principal sources or seed-beds of entrepreneurial talent, independent farmers, and especially their sons, provided leadership in development, contributing significantly to political stability also.

While leaders in Nigerian farming villages have no doubt contributed substantially to both economic and political leadership, it can scarcely be maintained that traditional agriculture has spurred the development of a middle class in Nigeria. However, such could be made an objective of tenure policy, particularly if agricultural development policy should take the creation of a substantial number of independent farmers as a definite objective.

The success of independent farmers in producing crops for export is impressive.^{38/} However, the food crops of Nigeria are still produced very largely by traditional agriculture. The need for food crops in Nigeria will almost certainly require the modernization of food crop production within 2 or 3 decades at most. If this is not achieved by upgrading a substantial number of "peasants" into "farmers" (probably 10 to 20%), there will be great risk of the pauperization or proletarianization of rural people, given the prospective growth rates of population.

^{38/} See Carl Eicher : The Dynamics of Long-Term Agricultural Development in Nigeria, J.F.E., Vol. 49, No.5, December 1967, p.1158-70.

- (3) The limitations of a laissez-faire evolutionary policy for modifying the traditional tenure system.

The view is widely held, that because adjustments are being made in tenure relations in response to the needs and demands of agricultural development, that adequate or appropriate tenure adaptations can come automatically - that form follows function. This position in our view, overlooks several strategic considerations and is not to be trusted as the central means of tenure reformation. The principal merit of this position is that, by implication at least, it is recognized that the primary function of institutions is to resolve conflicts. As disputes are reconciled or settled, modifications are made in the arrangements which will presumably permit future actions to take the new route.

There are at least two serious shortcomings in this mode of institutional change: Unless the modifications in the rules or arrangements are made with a view to the total emerging system there is a great danger that the system will be frayed out or degenerate, losing its capacity to resolve conflicts constructively. There is also the risk and indeed the likelihood, that where changes in the rules of tenure are made by local resolution of conflicts, as under the present system, that the outcomes will be slanted in favor of the more powerful parties. Should this happen on a large scale as land becomes valuable property ownership is likely to accrue to persons of rank. In such a way, social and political power is augmented by economic power, consonant with the general principle that a cumulative inequality is inherent in the processes of economic development, unless there are built in public procedures for equalization.

This drift toward greater inequality is essentially what happened in the Middle East. Less than a century after the opening of the Suez Canal, which enhanced greatly the value of land, the area was in the throes of revolutions proclaiming land reform to break the economic power of the landlords.

(A) An integrated system of state and economy

Out of the world wide effort in the past 25 years to develop agriculture we seem to have learned that politics and economics, that state and economy, are both necessarily and inextricably inter-related in development. This is clearly the case in particular and emphatic ways, regarding the modernization of land tenure systems. But the achievement of appropriate systems of state and economy requires time, experimentation, and even trial and error. This is especially the case in tropical Africa; here the over-riding concern has been, and must be for some years yet, to create viable nation states. While this process of nation building goes forward, there are limits to what any country can do to reform the land tenure system.

The inter-relations of state and economy are manifest in the structure of an economic system in the form of a system of working rules sanctioned by the powers of the state. In fact it is the character of this system of rules that differentiates one kind of economic system from the other.

In totalitarian economic systems, primary reliance is placed upon working rules which stipulate the terms of specific performance of the participants in an economy. In such a system the allocation of land

among different users and even among specific crops within production units, is likely to be attempted by rationing procedures which stipulate specific goals and activities.

By contrast an economic system which relies upon, or attempts to foster, wide degrees of freedom and discretionary action, places primary emphasis upon working rules which define the limits to discretionary or voluntary action. Within this kind of system, working rules which attempt to direct particular acts do so by specifying what is to be avoided, rather than what is to be performed. In short major emphasis rests upon specific avoidances, rather than specific performances. Zoning and land use regulations in the U.S. may serve as an example of influencing behavior with reference to land use by specifying avoidances.

While nation-states are self created by those who exercise the powers of government, a national economic system - in the sense of an organized system of human relations - is brought into being and shaped by the use of the powers of the state. This is done under the guidance of the ideology or political philosophy which is adopted by those who exercise the powers of government.

Such systems of economy - which are in fact systems of state and economy - provide what economists refer to as the "social framework" of the economy - which embrace the systems of property, contract, and public administration. In economically advanced countries such a "social framework" can be treated as a datum, at least for short term policy analysis; but in developing countries this social framework must

be created - and in fact the design and creation of such a system is a precondition of comprehensive economic development.

The land tenure system of a country presents special problems in the establishment of a modern system of state and economy, where new states are being created out of old societies.^{39/} The customary systems of tenure relations are reciprocally and intimately involved with the whole mode of survival - including the ascription of what is good and proper in social affairs. If the customary system of tenure can be modernized gradually, even rule by rule, then the social disorganization due to institutional innovation should be minimized.

(5) Public in relation to Private

One basic question of national development policy is that of whether agricultural land should be publicly or privately owned. We infer, or suppose, that Nigeria accepts the private ownership of farm land as desirable. This does not mean necessarily that Nigeria will develop a system of individually operated farms. It may be that private ownership, in the legally sanctioned sense, will be group ownership - with participation by the members within the agricultural production concern governed by something more akin to 'shop rules' or the rules for stock holders of modern industry, than by the rules of property and contract in market transactions.

^{39/} See Old Societies and new States, Clifford Geertz(ed) Free Press 1963.

The institutionalization of the distinctions between public and private, and the realization of the reciprocity and inter-relation between the two spheres of influence is in itself a major achievement. One aspect of the differentiation of public and private out of antecedent forms of society, particularly where land is to be privately owned, is separation of sovereignty from property. The sovereign powers of the state are used to create and insure zones of private discretion, and conscience - in short, privacy.⁴⁰

In the Anglo American tradition the sovereign powers of government which refers specifically to land tenure have been categorized as the powers of taxation, police power, and eminent domain. These powers are instruments for the assertion of and the protection of the public interest in privately owned land. The full range of powers of government in this aspect have not been developed in Nigeria, according to our understanding. This is not due to any lack of power but is rather due to the acceptance, so far, of the customary system of tenure for Nigeria - which systems are older than, and to a large degree independent of, the nation state. However, the rudiments of the distinctions between sovereignty and property are implicit in the distinctions between the vesting of control and basic property rights in the descent group and the allocation of usufructuary rights to individual cultivator.^{41/}

^{40/} It does not seem appropriate to attempt a lengthy comment on such technical matters. P. C. Lloyd has a perceptive comment on this issue in relation to Yoruba land law; See "Sovereignty and Ownership" p. 62-70, Yoruba Land Law. J. R. Commons has a thoroughly analytical comment on the historical joint-derivation of sovereignty and property out of the earlier absolute prerogative of the British Crown, in Legal Foundations of Capitalism.

^{41/} See Lloyd, op. cit. p. 62.

(6) Credit, Taxation and the Registration of Property interests in Land

Since land is not subject to mortgage in Nigeria, land is not used as security or collateral. Such credit as is being extended to agriculture is through merchant credit; special government credit corporations; money lenders or relatives. (Economic trees do serve as collateral to some degree.) None of these sources has proven satisfactory. Also it is difficult to see how investment in land improvements in Nigeria can be financed without making land a part of the financial capital structure of Agriculture. This would require not only that land become alienable to some degree, so that it could be used as collateral for mortgages, but in the process the precise character of the existing interests in a particular tract of land would need to be ascertained and made a matter of public record.^{42/}

In such a task, there are two distinguishable technical aspects, both of which are difficult. A system of land records requires that the boundaries to land ownership units be determined unequivocally. Within these boundaries the precise character of the interests in a particular tract of land would need to be specified and recorded. The interests so recorded would report the nature of the ownership - whether group, or individual.

^{42/} In a discussion of progress toward Land Registration in Nigeria, see the forthcoming book by R. W. James, Land Law in Nigeria, Chap. 14; Registration. Plans of Surveys (ref. to typed Mss.) Urban landed properties are registered: few farm properties are registered.

Once land ownership is a matter of public record, it would then be possible to impose a tax on land. A land tax is especially valuable in providing financial support for local government. Such taxes, while regressive if over-worked, provide a way by which the public interest may be asserted and protected in privately owned land.

(7) The Common Law method of rule-making

One of the intriguing and possibly important possibilities in Nigeria is that of building upon and modifying tenure relations by the common law method of rule making, which is one of the great contributions of England to Western civilization. The central emphasis in this approach is upon the derivation of rules of law and economic organization from the experience of the people - by a selective strengthening or modification of particular customary practices which hold the promise of supporting economic progress. In this manner, it may be possible to derive workable modern tenure practices from the wisdom and experience of village people - in ways which they can understand.

The modification of customs now underway in Nigeria, in the adaptations of tenure arrangements would seem to be consonant with this common-law method: such as mortgaging of cocoa trees: the breaching of the rule of inalienability: the limiting of the number of family members who must consent to a valid sale of family land: the drift toward the conversion of the grantor-stranger relationship, with annual tribute, into a depersonalized, businesslike land-lord tenant relationship: and many more.

Clearly changes are underway, but such changes, whether by statute, formal adjudication or by the consensus and wisdom of ordinary village people need to be related socially to the life of the people and organically to the agricultural economy of the community and region. That is, the modification of the rules if constructive, needs to be understood both (a) by relation to a system of law which is common to the state and (b) through the change in the performance of people by which productivity, investment, and resource mobility are realized. Judgment about this type of reciprocal involvements need to be fortified by the findings of systematic research.

In drawing this statement to a close, we would emphasize the problem of security of expectations from the perspective of the village people of Nigeria.

Above all else the traditional agriculture, and especially the customary tenure arrangements, have provided for generations and even centuries, a minimum security of expectations for survival to the village people of Nigeria. It is this, one infers, that leads so many of the sons of the village to hold on to their rightful inheritance of land - regardless of occupation - thus retaining the possibility of returning to the home village, grow their own food and survive.

In a traditional customary society, security is derived from the repetitive honoring of the rules of customary behavior, which support the expectations that the future will be the same as of the past. Such expectations are frustrated under conditions of rapid economic and social change. In a modernized system of state and economy, security of

expectations is derived from assurances that the economy will function and that the services of the state can be relied upon. Until the latter condition is achieved through assured employment opportunities and retirement incomes there will surely be strong pressure in Nigeria to retain and honor the security of expectations which have been provided by the system of customary tenures.

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