

Land Tenure System in Ekiti State, Nigeria

Felix O. AJIBADE, Nigeria

ABSTRACT

Land is a very significant property and is one thing that man could not do without. It is the major determinant factor for the existence of man, plants and animals. For instance, Simpson (1976) said that Land is the source of all materials wealth, from it we get everything that we use or value, whether it be food, clothing, fuel, shelter, metal or precious stones. We live on the land and from the land, and to the land our bodies or ashes are committed when we die. This paper examines the illegal roles of the family chiefs and the 'obas' (kings) on the native land in Ekiti. It is true there are rules governing owning of land in Nigeria and Ekiti in particular, these rules are mere "paper tigers" that cannot bite. Traditional chiefs and 'obas' allocate lands without following the existing government regulations made for holding land. As a result of this, industrial and economical development are negatively affected.

Key Words: Ekiti State, Land Tenure, Land Use Act, Land Management

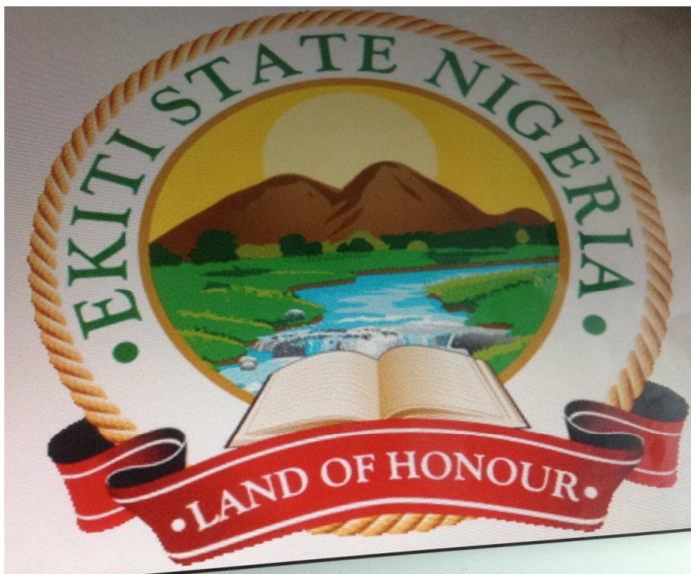
1. INTRODUCTION

Ekiti State is located in the South West Geo-Political zone of the country. It was created out of the former Ondo State in 1996. The state is reputed as the Fountain of Knowledge on account of the large number of educated elites in the state. In the 2006 Population and Housing Census, Ekiti State is made up of 1,215,487 males and 1,183,470 females totaling 2,398,957 (*National Population Commission*) Ekiti State occupies 6,353 km² area of land. Ekiti people are called Ekitis and the language is generally Yoruba but the native dialect is Ekiti.

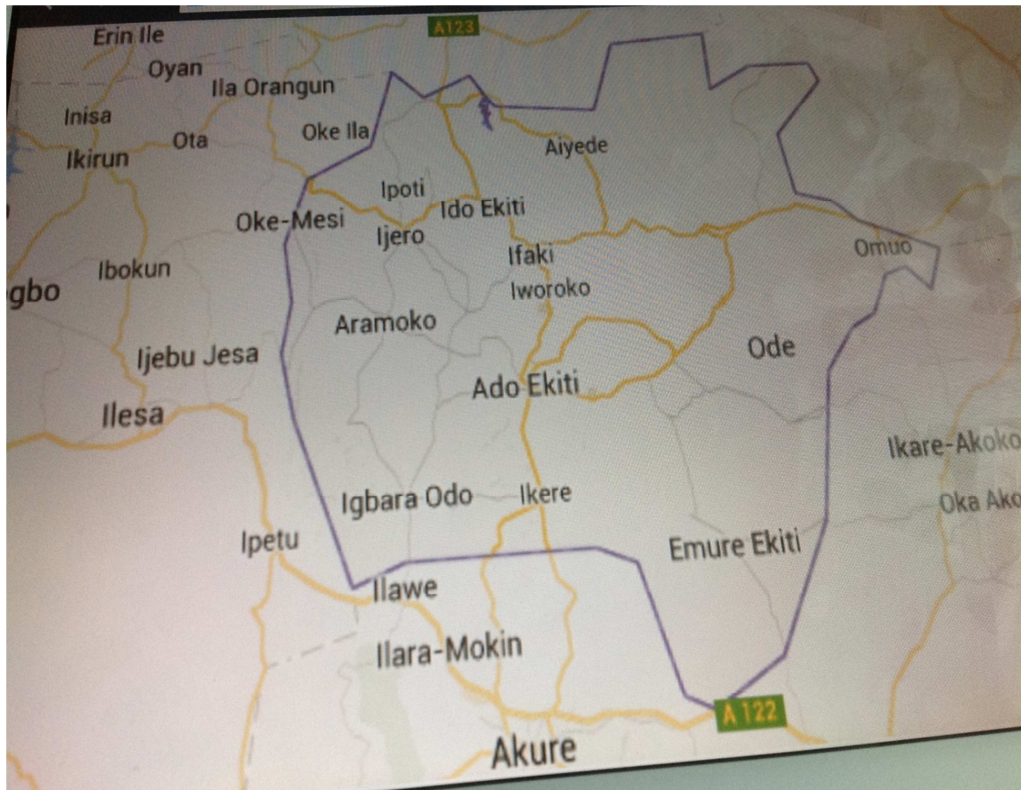
The State enjoys tropical climate with two distinct seasons. These are the rainy season (April-October) and the dry season (November-March) temperatures ranges between 21⁰c and 28⁰c with high humidity. Tropical forest exists in the south, while savannah occupies the northern peripheries.



MAP OF NIGERIA SHOWING THE STATES



EKITI STATE LOGO



EKITI STATE, NIGERIA

2. LITERATURE REVIEW

Land Tenure in Ekiti State before the Colonial Era.

Land plays many roles in Nigeria owing to the complexity of the society.

In Ekiti State as in many states in Nigeria, land determines the extent of wealth a man has, it is a sacred thing and is worshipped by many as a goddess. Land tenure or land ownership is derived mainly from customary pattern. According to Obenson (1977), there are three basic categories of tenure under which land is held

- 1) Community land
- 2) Family land
- 3) Individual or personal land

Community land

Land Tenure System in Ekiti State, Nigeria (7607)
Felix Ajibade (Nigeria)

3/10

FIG Working Week 2015
From the Wisdom of the Ages to the Challenges of the Modern World
Sofia, Bulgaria, 17-21 May 2015

The term community may refer to a family, clan or to a village consisting of a number of kindred or lineage group families. (Oluwasanmi 1966)

Looking at a community from a wider point of view, it could be taken to be a conglomeration of families. With this, community land is regarded as the land jointly owned by a large group of people. Every member of this large group has equal right to the use of the land. There are other rights and interest widely enjoyed by communities in some activities associated with land. These include the right of hunting, the right of collection of wild forest products and firewood, and the right of fishing from the public water. All labour or manual works concerning such lands are done jointly by the community.

Examples of Community Lands are market sites, cemeteries, religious houses, schools and other public utilities.

Family land

This is a land whose rights have passed by succession to the descendants of the original owner. The title to the family land is vested in members of the family as a corporate body.

The definite extent of a family is vague as one cannot define exactly from what generation a group changes from a family to another higher grouping like village or town. Family land could change to individual holding when it is sub-divided among the members of the family or a personal land may change to family land at the instance of the death of the holder, hence it is said to be static (Obenson 1977). In many areas in the state inheritance of land is by the sons of the deceased landowner. Out-right alienation of family land is rarely done without the consent of members of the family. Every member of the family is assigned a portion of the family land upon request and does not have the absolute right on such parcel of land. Ironically on the other hand, after the portion so assigned had been farmed by a member and his descendants for many farming rotations, he gradually establishes the primary right to the use of the particular portion before any member of the family.

Individual or Personal land

The method of individual ownership of land is alien to the customs of the society. Before the advent of the Europeans an individual could not hold an interest on land equivalent to that held by the community or the family.

However since individual ownership of land has found its way into our society, it is regarded as land which an individual has inherited or acquired and which is at his disposal and not subject to the family sanction.

The boundaries of land in each case are demarcated using different shrubs like 'peregun', 'Akoko' tree, foot paths, pineapples, kola nut trees and other notable and durable plants, some people adopted natural feature, like rivers and ranges of hills.



SOME OF THE BOUNDARY FEATURES

Land Tenure System in Ekiti State, Nigeria (7607)
Felix Ajibade (Nigeria)

5/10

FIG Working Week 2015
From the Wisdom of the Ages to the Challenges of the Modern World
Sofia, Bulgaria, 17-21 May 2015

Situation before the Land Use Act

When the British made a colony and protectorate of Nigeria, there was a multiplicity of Land tenure systems in the country. Apart from the system in Lagos colony where an English freehold system had been established following its annexation in 1861, these diverse systems can be grouped broadly into two (*Meek 1957*)

This first obtained in Northern Nigeria, where the colonial administration had placed all lands under the control and subject to the disposition of the Governor. In Southern Nigeria where Ekiti State is located, the second system recognized that land was owned by lineages or extended families. Individuals have only right of use on such family land. The only land held at the Governor's disposal was that which had been expressly acquired for public purposes as crown land.

The only control imposed by law on the lineages and other local land-holders was an obligation to seek the consent of Government when rights are being conveyed to aliens.

The land tenure system of southern Nigeria created a number of problems for land management in the country. First, it encouraged the practice of multiple sales of the same land to different buyers by land-owning families in the absence of titling and appropriate registration mechanisms for transaction in land. It also led to tremendous land speculation and a sharp rise in the prices of land for urban and infrastructural development (*Mabogunje 2011*). Land alienation and sales which were taboo in the southern Nigeria, not only grew in volume and geographical spread but also became the cause of considerable litigation and communal strife, often resulting in violent confrontation as the colonial era progressed.

It was not surprising therefore that Military Government in 1978 promulgated the Land Use Decree to see to it that:

- the rights of all Nigerians to the land of Nigeria be asserted and preserved by law

- *the right of all Nigerians to use and enjoy land in Nigeria and the natural fruits thereof in sufficient quantity to enable them provide for sustenance of themselves and their families should be assured, protected and preserved.*

The Land Use Decree by implication seeks to establish what is known in the developed world as “National Cadastre” for Nigeria. (*Dowson and Sheppard 1952*).

The Land Use Decree vested the title to land in the Governor of the state. It makes unlawful all forms of alienation of any land or any part thereof or all rights of occupancy without the consent of the Governor or the Local Government. It also makes null and void any transaction or instrument which purports to counter on any person any interest over land other than in accordance with the provision of the decree.

The Decree had directly or indirectly abolished the traditional way of acquiring land among Nigerians especially the southern Nigerians.

The Land Reform

The Land Use Decree of 1978 was poorly implemented, thereof Nigerian agitated for a new land reform. Consequently, in 2009, the president of Nigeria inaugurated an 8-man Presidential Technical Committee on Land Reform with the following seven terms of reference:

- i. To collaborate and provide technical assistance to state and local Governments to undertake land cadastral nationwide;
- ii. To determine individuals “possessory” rights using best practices and most appropriate technology to determine the process of identification of locations and registration of title holdings;
- iii. To ensure that land cadastral boundaries and title holdings are demarcated in such a way that communities, hamlets, villages, village areas, towns, etc will be recognizable;
- iv. To encourage and assist State and Local Government to establish an arbitration/adjudication mechanism for the land ownership conflict resolution;
- v. To make recommendations for the establishment of a National Depository for Land Title Holdings and Records in all states of the Federation and the Federal capital Territory;
- vi. To make recommendation for the establishment of a mechanism for land valuation in both urban and rural areas in all parts of the Federation and;
- vii. To make any other recommendations that will ensure effective, simplified, sustainable and successful land administration in Nigeria.

3. METHODOLOGY

This study adopted interview method. Students were sent to visit and interview traditional chiefs and rulers in the local government areas. Photographs of some features were taken. The result was that the story or history is just the same since there is only one ethnic group in Ekiti State.

Searches were made into previous works on land tenure in Nigeria as it affected Ekiti State. The official website of government of Ekiti State, Nigeria was visited. Relevant government ministries were visited and officers interviewed.

4. FINDINGS

Mapping is a key physical planning and development, and for any meaningful physical development, it is the bedrock. One of the discoveries is that Ekiti is yet to be mapped in a scale that is useful and relevant for planning and development.

The land use decree had not been effective in Ekiti State as in many states of Nigeria. In all the towns and villages covered, it was discovered that the natives had set aside the Decree. Community and family land holding systems are still very strong among the people.

Individual holders still sell land without the consent of relevant authorities; therefore the land in the urban centre is in the control of the rich. For instance, now in 2015, in Ado-Ekiti, the state capital, a plot of land sells for between Five hundred thousand naira and Twenty-five million naira (USD 2,700 and USD 131,600). That is to say that the sales of land is at its peak in the state; and this is easily done by back dating the relevant documents to pre-date the Land Use Decree.

Encroachment on Government acquisition areas is on-going with impunity. There are lots of dispute and litigations in all the sixteen local government areas of the state; many of which have lasted for several years.

In the state, mechanized farming is scarce and majorly by the Government. Interested few individuals found it difficult to acquire sufficient land to practice mechanized farming. Land administration has little or no place in the government budget; for instance in 2014 budget, only ₦1.135b (about USD 6.0m) was allocated to Land/Urban/Physical Planning out of ₦103b (about USD 542m). This was just 1.1 percent of the state budget that year. (Ekitistate.gov.ng)

The ineffectiveness of the laws guiding the use and holding of land in the state paved way for illegal and dubious land vendors who could sell a piece of land to two or more buyers and thus leading to violence and litigations.

5. CONCLUSION AND RECOMMENDATIONS

- Considering the trend of global development (which is Land based). It is obvious that no meaningful development can take place in a place without adequate mapping of the land and computerized land registration, therefore, Ekiti State Government should carry out a detailed digital mapping of the State.
- A Robust Land Administration Policy which is guided by the existing laws should be put in place; this policy should not leave out the Judiciary sector.
- The traditional rulers, who are the chief land vendors in each town and village should be educated on the existing laws guiding land tenure in Nigeria and by extension, Ekiti State.
- The astronomical rise in the sales of land should be looked into with a view to checking or controlling it so that investors could come to Ekiti State.
- The Government should put in place efforts to reclaim all Government lands encroached upon; This is common in the state capital, Ado-Ekiti. Ekiti State.
- Government should increase her budget allocation on Land/Urban/Physical Planning.
- Scholarship should be awarded to students to study land related courses as few students are available in these fields.
- The Land Use Act should be removed from the constitution of Nigeria and be made an ordinary law.
- The on-going land reform should be adequately funded so that it could be concluded on time.

REFERENCES

- Dowson, E. and Shephard, V.L.O. (1952), "Land Registration", Her Majesty's stationery office, London.
- Elias, T.O. (1971), *Land and Law in Nigeria*, Sweet and Maxwell.
- Fajemirokun, F.A. (1984), *The Land Use Decree and the surveyors: Invited paper presented at the symposium on "Land Use Decree – Six Years after"* by the Nigerian Institute for Estate Surveyors and Valuers, Nigeria. Fajemirokun, F.A. and Atilola, O.(1979), *The Surveyor's Roles in the successful Implementation of the Land Use Decree. The Map Maker. Journal of Nigerian Institution of surveyors*, vol.5 No.2.
- Federal Republic of Nigeria, (1978), *Land Use Decree. Decree No.6, Official Gazette (Extra. Ordinary) No.14, Vol.65.*
- Mabogunje, A. L.(2012) "Land Reform in Nigeria: Progress, Problems and Prospects" Contribution to Presidential Technical Committee for Land Reform.
- Meek, C. K. (1968), *Land law and custom in the Colonies*.Londo: Frank Cass, 2nd edn.
- Obenson, G.(1977), *Land Registration in Nigeria*. London, Oxford University Press.
- Oluwasanmi ,H.A.(1966), *Agriculture and Nigeria Economic Development*. London, Oxford University Press.
- The Official Website of Government of Ekiti State, Nigeria.