

Effects of Land Property Rights on Agricultural Productivity on Ikwerre Nationality, Niger Delta

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Abstract

In most developing societies, land ownerships are defined by custom while others by statutory legislation or received law. The lack of proper land ownership and structure of land tenure, in addition to lack of improved agricultural technology and changing climatic conditions has affected agriculture. Dependent on land has profound and intertwined effects of poverty and environmental crises on the Ikwerre people of Niger delta. This paper is on the perception of people from Ikwerre nationality on how land property right affects their agricultural productivity. It discusses the effects of land property rights using environmental justice framework on socio-economic of four Ikwerre local councils and the role of government in ensuring agricultural sustainability.

1.1 Introduction

Land acquisition has been a very important issue in development; especially in Africa, where they have been large-scale land acquisition by foreign investors, urbanization, agricultural development and population growth etc. This has resulted in great challenge as to what property right exists under current regime of land tenure within these developing societies (Akpee, et al., 2018; Keke, 2014).

In most developing societies, land ownerships are defined by custom, statutory legislation or received law. Before the advent of formal law in Nigeria, each region had its independent customary land tenure system indigenous to them with varieties of such tenure even within the same locality (Mabogunje 2007). The rights over land were basically that of families or communities. The concept of individual ownership was not common, communal lands are share on general consent.

However, with the introduction of the land use Act of 1978 in Nigeria which gives the rights of all lands in Nigeria to be vested in the state to hold in trust for them, radically changed the holder's right to land (Land use Act, 1978). This act is the most impactful of all the legislation as it evoked some sort of mixed feeling, confusion and uncertainty. The changes introduced by the Act had extensive effects on the tenure of land, and the only right a citizen might have is a statutory grant to right of occupancy. It means that where such grant is made, then the existing rights to the use and occupation of such land shall be extinguished. The tenure rights in Nigeria are enshrined in the constitution, with each successive government introducing land policies that affect the tenure and property rights of its inhabitants. The Act has made it easy for governments to acquire land for public purposes, minimized the burden of land compensation and considerably reduced court litigations over land. However it has come with lots of problems that affect agricultural productivities, and induce youth restiveness, and violent conflicts in Niger Delta.

The Ikwerre people like other communities in Niger Delta have a history of transferring lands from one generation to the other in a family and community through inheritance and absolute rights of land ownership. The right to freely alienate land by the communities and families is now severely threatened by Land use Act. This is because, it is now mandatory to obtain the consent of the governor for the transaction to be fully valid which is contrary to the cultural and social heritage of land administration of the Ikwerre people (Kingston and Oke-Chinda, 2016).

1.2 Study groups

Four Ikwerre local council areas were used as a case study (figure 1). The areas include Port Harcourt, Emohua, Ikwerre and Obio/Akpor local government councils with land cover of 1,380km². They form the Ikwerre ethnic nationality which is one of the major indigenous groups in Niger Delta region of Nigeria, with an estimated population of three million people.



Figure 1. Map of Nigeria and Rivers State showing the study area

Port Harcourt is the capital of the Oil-rich Rivers State with other adjoining local councils of Ikwerre land serving as the economic hub of oil and gas development in Nigeria. Most multinational oil and gas producing and servicing companies have their operational headquarters located in these areas. Several oil and gas facilities are sited in Ikwerre land. Four federal universities and states institutions, four military installations, two airports, one sea ports and several jetties, and one railway terminal, have brought untold pressure on Ikwerre land. Port Harcourt as the only economic cosmopolitan city in South-East of Nigeria has received tremendous population surge which has made urbanization to spread to other Ikwerre communities. The immediate results of these developments were the loss of farmland and therefore their livelihoods.

The people of the Ikwerres are traditionally agrarian with unshakable attachment to land. Land serves as the most valuable assets, and instrument of social, political and economic control. A major threat to these people is the land use Act of 1978 that ironically made them strangers in their land as most of their ancestral lands have been taken from them by

government, multinational investors and other interest groups with no equitable compensation.

1.3 Methodology

A review of sociocultural connection of the people to land in addition to four key informant interviews and four focus group discussions were conducted in each local council. A total of twelve key informants consisting of two village elders and one indigenous farmer and focus group of 25 to 30 individuals were randomly selected from some villages in each of the four local councils respectively. Participants were interviewed using environmental justice framework approach on distribution, participation, and recognition (Schlosberg 2004 and Martin et al., 2014) and prompted to supply in-depth answers, which helped elucidate the dynamics between agricultural productivity and their rights to the land. Secondary data reviewed include Reports from National Bureau of Statistics, literatures, the land use act, federal and state land policy.

1.4 Summary of Findings

To the Ikwerre people, land is the essence of human-self-definition, economic and cultural survival; destruction of which is considered a threat to life. It is an intrinsic part of their social, economic, political and spiritual survival. Land is not to be abused or degraded, but a material element to be cherished, and preserved by present and future generation (Mmadu 2013). According to United Nations Centre for Human Settlements, there is a close relationship between land tenure and property rights. Property rights to land are describe by land tenure as how these rights are allocated; how access is granted, to use, control, and transfer land, as well as associated responsibilities and restraints on land use within the societies (Tenaw et al., 2009). Ownership and right to land is based on inheritance by individual, family or community and is primogenitary in nature with strong gender bias in favour of male children. Whereby only the first-born son can inherit the family land, but of recent, lands are allowed to be inherited by all the children.

There are three social groups within the communities. The first is the high-income group that includes the wealth and /or educated indigenous people that live in big city, have the most private land and non-land properties. The second is the low-income group or the smallholder farmers, mostly represented by non-educated, poorer indigenous group that had less access to land and finally, the government and non-indigenous group that are wealthy and have easier access to land.

In Port Harcourt, most of the lands have been acquired by the government and non-indigenous group. However, the high income indigenous group buys private lands which when not in use can be converted to farms for low income group to use on lease or sharecropping. Large amount of lands are acquired at little or no compensation by the government in the name of development projects. The land use Act leaves free holder and owner of lands as lease holder, because the certificate of occupancy is just a certificate to indicate that the land belongs to the government and is occupied by the holder on a term certain. Land owners are reluctant to get the formal statutory certificate of occupancy and may be vulnerable to losing their land to the claim of any other individuals who may succeed in getting a statutory right of occupancy over the land. In addition to that, some governors use

their consent for assignments as a means of raising revenue for their States through imposing heavy charges for granting such certificate.

In the other local councils, the land are fast diminishing to make way for urbanization and to support the population surge. Though getting a certificate of occupancy is not common here, Individual lands are inherited by the males, and communal lands are shared. During the farming seasons, family land are regularly shared and given to married men and their wives.

Communal lands are either shared by the elders and members of community development committee (CDC); or are used for beneficial projects in consultation with the representatives of the family heads.

It was revealed in the discussion that there is uneven distribution of land among the social groups at the detriment of low-income groups. More lands are often allocated to the executive committee members which are mainly high income males. Most times, these allocated lands in access are not being utilized by the high income group and are leased to the low income group for a fee. The low income groups are not often recognized and do not participation in decision-making over the use of the communal land. An informant complained that the village meetings are dominated by high income interest groups and the voices of the poor farmers are often ignored during such meetings.

From environmental justice framework; injustices occur as a result of unequal distribution of land, low participation and lack of recognition or consideration in decision making that affects the whole population. This oftentimes, had led to violent conflicts within the communities; with the government and non-indigenous investors. The Ikwerre of Obio Akpor and Port Harcourt local government areas of Rivers State are affected greatly because of the urban nature of their lands. The Act made it possible for governor to classify lands at their discretion; a governor can simply mark rural land as urban and publish same in the gazette with no objection allowed (Kingston and Oke-Chinda, 2016). This continual land acquisition was undertaken through the application of several relevant laws and policies that relate to land in Rivers State but these laws and policies have not been equitably applied in other parts of the state. The constant fear that the government would seize their lands has made some people to go into partitioning the land and placing them for sale to those who cared to buy (Ikunga, 2017).

In developing country like Nigeria, smallholder or low income farmers play important role in agriculture. Some informants explained that the extent to which farmers in Ikwerre land will increase food production depends partly on the opportunities they have to increase their access to land, as well as commercialization of agricultural production and other economic opportunities. Many Ikwerre farmers now have less acreage of farm land for farming in a particular year. Without proper land security and property rights, it is impossible for farmers to increase agricultural productivity.

This is because; farmers having property rights to their own land are encouraged to make long term investment decision on land and to adopt the best cropping system. The land can be used as collateral for credit loan from the bank to make agricultural investment or adapt to modern technology that will enhance their agricultural productivity. Feder et al., (1988) found that secured property rights increased the demand for improvements of land; and use of land as collateral which will ultimately led to greater-long term investments in productive and land conserving technology. Land tenure and property rights affect how decisions are made

by the government and people on food production, marketing, consumption, and investment and general lifestyle.

1.5 The role of the Government

Equitable distribution of land properties, participation in decision-making on their land and consideration of different groups in implementation of land laws and policies should be encouraged in Ikwerre land as it is obtained in other communities (Keke, 2014). Investment in agriculture is capital intensive and cannot be borne by smallholder farmers. The government should allocate more share of the national budget to expenditures on agriculture in Niger Delta. There should be greater institutional coordination in policies related to land tenure systems, lending arrangements, infrastructure development, taxation policies and agricultural development policies. Governance mechanisms and financing should ensure that policies encourage the directing of new and existing agricultural investments towards activities that enable smallholders have access to land and improved technology and promote equitable access to land for all. Other agricultural livelihood initiatives that require less use of arable lands that reduce dependencies on the high income group should be encouraged. Establishment of Infrastructures such as good roads, efficient transportation, processing technology etc. that could help farmers have access to local and regional market should be established.

Opportunities to increase access to land, as well as economic enhancement of agricultural production should be encouraged for a sustainable socioeconomic systems and improved agricultural productivity. It is important for government to ensure that environmental justice in terms of distribution, participation and recognition were inserted into land policies and administration and maintain good governance and transparency in land tenure and property rights.

In the case of Ikwerre, their lands have been acquired by government and foreign investors for developments or other businesses. The leftovers are polluted by waste from these developments. If Ikwerre people participate on land use or adequate compensations are paid for acquisition of their land, it will go a long way to reduce youth restiveness and conflicts experience in the region; and create opportunity for small-scale farmers to be more productive.

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