International Journal of Arts Humanities and Social Sciences Studies
Volume 6 Issue 8 ǁ August 2021
ISSN: 2582-1601
www.ijahss.com

The Impediments of Land Tenure Systems on Rural Development in Erei, Biase Local Government Area, Cross River State, Nigeria

Dr. Leonard Edadi Ukam
Department of Urban and Regional Planning,
Cross River University of Technology Calabar, Nigeria

Abstract: *The purpose of this research was to determine the disconnect between land tenure system and the physical development and by extension, tourism activities in Erei. A total of 150 respondents were used for the study, chosen by stratified and random sampling techniques. Two hypotheses were postulated for the study and tested at 0.05 level of significance. The first hypothesis when statistically tested, showed a significant relationship between farm size and output from the farm. The second hypothesis when analyzed shows that there is a significant relationship between development and the type of predominant land tenure system in the area. The implication of this study is that there are social and economic effects of land tenure problems on the people of Erei, which have gone a long way to hinder the physical development of the area, not only in terms of infrastructure but also in terms of the provision of other recreational and tourism facilities.*

Keywords: *Land Tenure, Rural Development, Infrastructure, Erei, Impedement, Fragmentation*.

INTRODUCTION AND REVIEW OF LITERATURE

Land is an important factor of production. It is an asset that permits development whether agricultural, physical or otherwise to take place. Though land is not a limiting factor of development its tenure system can make the optimum use of land difficult if not impossible.

I. LITERATURE REVIEW

Omole (2010) defines land in its simplest term as the ways in which land is occupied or owned. Comprehensively, land tenure is defined by the report of land use panel of 1977 in Omole (2010) as "the fabric of rights and obligation which comprises the tripartite relation between man, land and society."

The customary tenure is the corner stone of landholding in Nigeria, under which land is held on community basis in trust by the family, the village or the clan and the individual right to use the land is based strictly on being a member of that community. Non indigenes can only use the land by the special permission from the head of families.

Individual ownership of land is also recognized in this community, where the individual is the first person to clear the portion of the land from premvial form. In this part of the world, land under this customary ownership is merely usufructuary. Udo, 1990 rightly observed that land is seen as belonging to the living members of the community as well as to those who are dead and buried in the land as well as those members of the community who are yet unborn.

In the customary tenure system, land or the use of land may be pledged but outright sales of land is completely prohibited. It is this prohibition that makes the use of land for other rural development projects such as extensive plantation agriculture, expansion of settlement, provision of recreational sites, and tourism destinations difficult. The conception of land in Erei as not only a source of wealth but also a symbol of power (polities), religion, prestige and social standing is responsible for the various land tenure systems which recognizes different interest held in land. These different interest tend to delay or even hinder the execution of development projects as all persons who lay claims on a parcel of land have to be duly consulted to give their consent for the use of the land. On many occasions, land developers have met with uncoordinated decision by members of a family or title societies who have interest in a particular parcel of land. This is because people do not want to play down on their individual or family status in the community.

Besides, people or families do not want to deprive their future generations of their portions of land to inherit or disintegrate the family unit since man to land relationship in the use of land has made family ties wax stronger. The inheritance factor has resulted in the fragmentation of land to smaller portions that do not permit the use of machines without encroaching on neighbor's land. The impediments (problems) of land tenure are numerous and are viewed from different perspective by different people from different background and training. This is equally based on the conception of land by different people. Famoriyo (1979) observes that the different meanings that people give to land depends on their cultural, physical, spiritual, socio-political and economic concepts of the people as well as their ideological or occupational orientation.

Hence, Barlowe in Famoriyo (1979) defined land to include land surfaces, minerals found on and below it, the flora and fauna that subsist upon it, the water supplies it carries and the atmospheric advantages it enjoys in addition to water, ice and building sites as well as the man-made improvement which are attached to the surface of the earth and which cannot be easily separated from it. This is reminiscent of the situation in Erei villages. The way land is perceived by different people have resulted in several systems of land tenure and their attendants problems. In Erei, land is conceived of as not only a source of wealth, but as a symbol of power (politics), religion, prestige and social standing. Hence for the sake of inheritance, family land ownership has emerged, for power and religion, communal land ownership has come to stay and for social standing and prestige, individual land ownership has arisen. The various ownership of land results in various interest being held in land, thereby making its acquisition for development projects difficult. The projects here are seen in terms of large scale plantation agriculture, infrastructure development and tourism facilities development. This view is supported by Oluwasanmi (1960) as he said that land is not a limiting factor of development but its tenure system and social organization in the area are. Land tenure has been defined in the legal sense by Board (1982) and Omotola (1982) to include the ways in which individuals gains access to and acquire rights over land, the duration of such rights of use, the privileges, opportunities and claims conferred in the individuals and the relationship that has developed between men to govern their behavior in the use and control of land. These various interest held in land makes Elias (1951) and Beten (1947) to think that the actual ownership of land in the English sense is lacking in Nigeria. Customary tenure is the corner stone of land holding in Nigeria (Omole 2010). More importantly, the title of the member of the community to land is purely usufructuary and land which is no longer in use by and individual usually reverts to the community (Udo, 1990). This poses an impediment on the land developer who can embark on a permanent development projects that can sustain his family even after he is dead and gone.

Though there are various schools of thought as to whether land tenure system actually poses an impediment to development, the researcher has observed that if not for any other thing, the fragmentation is a very great obstacle to rural development. The fragmentation is not conducive for agricultural development, and the resultant low percentage of land under cultivation present a problem to agriculture in tropical countries (Hodder, 1965). Analyzing the problem further, Rhodes (1978) sees land tenure as reducing incentive to agricultural improvement and Money (1954) observes that land tenure results in inefficient allocation of resources by tenant cash farmers. To Preston in Hoyles (1974) land tenure gives rise to disputes. This assertion has not been proven wrong ever since they were made.

Though, Obialo (1999) identified physical factors such as topography, geology, landscape as determinants of unfavorable and difficult land for developments, such lands would have been put into passive land use such as recreation and tourism but for the dispute that will arise because of the tenure system where various interest subsist on a single portion of land. This dispute may not be unconnected with the fact that the basic and primary activity of most rural economies is farming to meet the needs of the rural family, (George, 2015). It is in view of the importance of farming that Egunjobi and Asiyanbola (2014) postulated that despite the high rate at which Nigerian cities are growing in population and areal extent, quite a majority of the country's population still live and will for some time in future, continue to live in the rural environment and agriculture continues to contribute the highest volume of employment (not productivity, not export earning) and so offers a high degree of prospect with regard to sustainable development of the country.

The dispute from land tenure is noticed in Erei (the study area) where participants have either been killed or maimed, houses raised down and completely demolished. Precisely, from 2018, out of the ten villages in Erei west, two have been totally annihilated by their neighbors because of dispute. Nowadays court cases are the accompanying other aspects of land dispute.

Omotola (1982) in his contribution see land tenure as a problem to societal desired goal. The 1978 Land Use Degree was intended to solve this problems. It is clear from the foregoing that any tenure which does not make for optimum use of land constitutes an impediment to development.

II. PROBLEMS AND HYPOTHESES

The researcher was puzzled by the fact that inspite of the vast hectares of land in Erei, people still found it difficult to obtain parcels of land for development projects because of the problem posed by the land tenure system. This study was designed to examine the effect of land fragmentation on agricultural output and its consequences on the farmer's income, housing quality and the availability of infrastructural facilities and social amenities to mention these few.

III. Hypotheses

The following hypotheses were postulated for the study

1. There is no significant relationship between farm size and farm output
2. There is no significant relationship between physical development and type of land tenure operating in a village.

IV. Research Methodology

The research design used for the study was survey-inferential. Data was collected on various subjects including social and economic status of land owners, farm size and the number of yams barns as well as infrastructure in the villages.

The first step in data collection was the administration of two hundred copies of questionnaire to household heads who were randomly selected. Villages stratified and each village represented a stratum where the household heads were chosen. The questionnaire were administered to only male household heads for the fact that they are land owners or they can obtain land from other families, villages or individuals by virtue of their position as house hold heads. Two sets of questionnaire were prepared one for farmers and the other on the village. The two set of questionnaire were similar in some aspects for the fact that certain things happen to the individual land owners as well as the village as a whole. Of the two hundred questionnaire copies given out to respondents only one hundred and fifty were returned.

While designing the questionnaire, the level of education of respondents was taken into consideration. Since most of them are illiterates, it was difficult for to give accurate answers, hence possible answers were provided for most questions and the respondents only had to choose from a range of those options he/she deemed appropriate. However, some of the question were open ended and the respondents were required to supply answers after the researcher's explanation of the questions. In addition to the questionnaire, an oral face-face interview was conducted by the researcher in each of the villages to obtain information on land tenure from all categories of land users and also the general attitude of farmers to forceful acquisition and sales of land. The method of direct oral interview proved to be the most useful, because it enhanced explanation on some questions to bulk of illiterate rural people. Other information not included in questionnaires but relevant to the study were also obtained through the oral interview land use map of the area was not available hence farm size were measured.

V. Measurement Of Farm Sizes

Farm sizes were measured by the researcher using only tape and ranging rods. The length and width of farms were measured. The methods or stratified random sampling was used in choosing farms that were measured. The strata was based on the different farm sectors cultivated according to fallow years (7 years). An average of fifty (50) farms measured. The result shows that a single piece of farm planted by a farmer was 81.72 by 9.21 meter square, giving an area of 752.6412 meters square.

This is equivalent to 0.07 hectares. The farm size were measured to show that the small farms sizes cultivated by a farmer as shown by this study is an indication that land tenure has limited the use of land for an extensive agricultural ventures that would have meant more income for the farmer, other things being equal. Also, that there is little or no land for other development project since agriculture which is the mainstay of the rural people do not have enough land. Let alone providing land for tourism activities which is alien to the people.

VI. Number Of Yams In A Yam Barn

An average number of seeds of yams in a barn were calculated using the stratified random sampling and the researcher arrived at 4,500 seeds of yams of different sizes being the capacity or volume of a yam barn.

The essence of calculating the number of yams in a yam barn was to see the effect of land fragmentation on output as a result of land tenure system. All other things (fertility of land, available technology for land improvement, healthy seeds planted etc.) being equal.

VII. VALIDITY OF INSTRUMENT

The questionnaire as an instrument used for the study was validated by a selected sample size for test experiment. It was also reliable in the sense that the personal contacts of the researcher with the respondents made possible for more salient information to be elicited for the study.

VIII. Limitation Of The Instrument

Some of the farmer were afraid of supplying information for fear that their farms will be taken from them. On their income, many thought it was meant for tax assessment hence correct amount was not given. On the other hand, some farmers were not able to estimate their annual income from farm produce.

IX. RESULTS AND DISSCUSION

In testing the first hypothesis, that there is no significant relationship between farm size and farm output, the table below shows average farm sizes and corresponding farm outputs (number of yam barns) in relation to the frequency of respondents. From the figures in the table, degree of association was calculated to be r = 0.82 showing a very strong positive relationship between farm size and farm output. The statistical method used was the Pearson Product Moment Correlation Analysis.

The result shows that calculated 't' is greater than the tabulated 't'. This led the researcher to reject the hypothesis that there is no significant relationship between farm size and farm output, other things beings equal. To do this the number of respondents that use the same average farm size and the same output were grouped together. For instance 18 respondents used an average farm size of 0.52 hectares and their average output was two yam barns (9,000 seeds of yam).

TABLE 1: RESULT OF CORRELATION ANALYSIS SHOWING RELATIONSHIP BETWEEN ANNUAL AVERAGE FARM SIZE (IN HECTARE) AND ANNUAL AVERAGE FARM OUTPUT (IN NO. OF YAM BARNS) IN EREI

Variable	N	∑x	ẋ	r	t=value
Annual Average Farm size (in Hectare)	15	4.96	0.33	82	16.83
Annual Average Farm Size (in Yam Barns)	15	43.0	2.87		

Significant at 0.5 level. Critical t= 1.76 (df = 14)

HYPOTHESIS II

There is no significant relationship between physical development of a village and the types of land tenure operating in the villages.

To test this hypothesis villages were ranked according to available infrastructure and social amenities. Village were also ranked according to predominant land tenure. The researcher used ordinal scales of measurement to assign numerical values to land tenure in respect of the ease with which land could be acquired in such land tenure system(s) for development projects. The numerical values were assigned in descending order (from 4 -1) beginning with the most problematic land tenure system as shown below

Individual land ownership = 4

Family land ownership = 3

Compound land ownership = 2

Communal land ownership = 1

On the other hand, villages were ranked according to the number of infrastructural and social amenities available. The ranking was in ascending order (from 1 – 10). The village with the highest number of infrastructure was assigned '1', while the village with the least number of infrastructure was assigned '10'.

Furthermore, villages with land tenure system where acquisition of land tenure system where acquisition of land was easiest was ranked "one". This was followed by other villages with land tenure system(s) that do not easily make for the acquisition of land as the first and so on.

After this, the correlation was calculated between Rank of villages according to infrastructure and ranks of villages according to predominant land tenure using Spearman's rank-order correlation method.

Table 2 shows the calculated r=0.61. This shows a strong positive relationship between land tenure system and the level of development (measured according to number of infrastructure). This led the researcher to reject the null hypothesis that there is no positive relationship between land tenure and physical development of a village

TABLE 2: Result of Correlation Analysis Showing Relationship between Physical Development of Village and Type of Land Tenure System in Erei

Variable	No. of Villages (N)	d^2	r	t-value
Physical Development of village (No. of infrastructures)	10	65	0.61	7.75
Type of Land Tenure System	10			

Significant at 0.05 level; Critical t=1.83 (df=9)

d=difference between ranks given to the two variables in each village

TABLE 3: The opinions of people to permit lands for alternative uses (tourism)

Frequency	Percentage
135	90
10	15
5	8
Total 150	100

Source: researcher Field Work 2021

In terms of whether people cab allow their hectares of land to be used for tourism activities instead of agricultural, the table below shows that out of the 150 respondents, over 90% (135) respondents objects to it.

X. Discussion/Conclusion

It was discovered that the poor farm output in Erei is as a result of the fragmentation of land to very small holdings. Apart from the statistical test, out of 150 respondents who returned their questionnaire, 32.67% (49) attributed their low output to insufficient land, 24% (36) said their output is high because of availability of

land, another group 14% (21) said that their favorable output is not as a result of available land, the last but one group 18.6% (28) did not attribute their poor yields to land while 10% (16) did not know the reason.

The high percentage of respondents as well as the statistical result on the effect of farm size on output shows that lack of land or its insufficiency is a problem to agriculture. The consequence of this is poor financial standing of the people for investment on large scale agriculture, industries and development projects. This was confirmed by the findings in the second hypothesis that, lack of adequate land has affected the development of infrastructural facilities. To confirm, that acquisition of land is difficult in this area, out of 150 respondents, 7.33% (11) will not want to give out their land at all for any development, 39.34% (59) say they will demand for a high compensation; 18.67% (28) will demand for another piece of land from the community in exchange for theirs, only 7.33% (41) will willingly give out their lands for community development projects while 7.33% (11) are undecided. Suffice this to mean that those who make the acquisition of land difficult are on the high side.

It is therefore not surprising that the acquisition of land here is difficult in spite of the good intention of the request for land. The poverty of the people because of their poor farm output has affected their types of building and housing conditions.

The fragmentation of land into smaller and smaller portion shows how difficult it will be to acquire large portions of land for development projects. This has resulted in the low level of infrastructural development. Based on the research, it is evident that:

i. The Traditional system of land tenure in Erei had made optimum utilization of land for large scale extensive agriculture and non-agricultural activities difficult, hence the lack of agricultural modernization for rural transformation.
ii. The small holdings of farmers in Erei are responsible for the low agricultural output and consequent low level of income of the farmer in Erei
iii. The level of physical development in terms of infrastructures depends on the type of land tenure system that operates in the area. This is why some villages in this area have more amenities and infrastructures than others.
iv. Most of the land disputes in the rural areas are the result of traditional land tenure system because land boundaries are ill-defined. This has resulted in the loss of both material and human resources, there by stagnating development as could be seen in the recent land dispute (the tradition war 2018) in Erei where many lives were lost and two villages completely destroyed and sacked.
v. Because of the low income of the farmers, the quality of houses in Erei are poor in terms of structure. Poor materials are used for the construction and basic facilities are lacking in them. Even the few modern houses that were constructed have been completely raised down and demolished by the war.
vi. Land ownership extends to the ownership of fishing “fences” and locations in the streams, lakes and rivers of the coastal villages. Group fishing is therefore not encouraged to boost the income of the rural dweller in the fishing communities.
vii. Land tenure systems operating in most villages have hindered the construction of good motorable roads there. Hence the narrow, crooked and scanty network of roads.

In view of the findings above, there is no doubt that land is a problem to rural development in this area.

There is need, therefore, to evolve in this area a kind of land reformation in order to eradicate the problems of small farm holdings resulting from land tenure system. This reformation must not be rapid to avoid causing an untold hardship on the poor farmer who may not have the money to obtain certificate of occupancy for the use of a piece of land. The reformation should follow three stages of first removing the individual land ownership, because it is the most difficult system of land tenure whereby land cannot be acquired. Next is the removal of family land tenure system which is the next system that makes acquisition of land difficult. The third stage is to remove compound land ownership and stress on communal land tenure system in line with the 1978 land use decree. It should at least take three years between removing one difficult system of tenure to the removal of the next difficult system of tenure.

At each stage, government should employ trained personals, indigenous technicians and administrators to enlighten the farmer or rural dweller on the need and benefits of land reform measures. There should be free exchange of ideas and willingness to learn between the teachers and the rural exchange of ideas and willingness to learn between the teachers and the rural dwellers (the taught). It becomes necessary therefore, for planners to incorporate the rural dwellers in the decision making process to ascertain what type of development and reform that is needed by the rural dweller and not what the planners thinks the rural dwellers needs.

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