

THE CHANGING LAND TENURE PATTERNS AND AGRICULTURAL DEVELOPMENT IN SOUTHERN TIVLAND OF BENUE STATE-NIGERIA

VENATUS V. KAKWAGH¹, TERKAA LUGA² AND SEBASTINE, GWABO³

¹Department of Sociology, Kogi State University, Anyigba-Nigeria

²Director of Administration, Benue State University Teaching Hospital, Makurdi

³Skye Bank Nigeria Plc, Ankpa- Nigeria.

ABSTRACT

The study was undertaken to examine the implications for agricultural development that may result from the changing land tenure patterns in Southern Tivland. Data for the study was collected through personal interviews and focus group discussions. The study has shown that there is a shift in the patterns of land tenure in Southern Tivland. For example, the study has shown that land redistribution has become problematic because of the growing individual attachment to land. Land gift has completely disappeared because of land shortage while the rules regulating rent transactions have almost completely changed. The study has noted that because of these changes individuals are developing a strong attachment to land and this is creating security problems for many farmers. The study has thus recommended that land should be consolidated. The consolidation should be participatory, democratic and community driven. It should be based on the principle of assisting rural communities to define new uses of their land and to reorganize its spatial components. It has also recommended that agricultural support services and technical advice be made available to farmers to enable them manage their small sized farms more effectively.

Key words: Land; Tenure patterns; Agriculture; Development; southern Tivland.

1 INTRODUCTION

In all agrarian societies, both land tenure and agricultural development are inextricably interwoven. The level and efficiency of agricultural production in all agrarian societies depend on the form of land tenure. Particularly in developing countries, there is a strong relationship between investment and land tenure (Lund,

2000). For instance, a farmer's willingness to adopt agricultural practices that promise to increase his/her total income expectation during a later period is mostly dependent on the nature of the land tenure.

Nigeria is naturally endowed with abundant arable land, and the system of agriculture is also extensive. But Nigeria, like most other African countries, is experiencing major social transformation. Local production systems are becoming increasingly integrated into the global economy with cash cropping expanding into areas previously used for locally consumed products, population is increasing rapidly. Urban settlements are growing fast, encroaching on agricultural land. Due to the new methods of agricultural production especially agricultural intensification and commercialization, population growth and attempt to increase the size of farms, land tenure systems have been subjected to considerable change. These pressures are greatly enhancing the evolution of new land laws and norms. For example, there is strong individual attachment to land. In other words, individualization of land tenure is being strengthened. The evolution of these new land laws and norms has implications for the social, economic and political development of the society. For example, in many parts of Nigeria, changes in population, urbanization and the commercialization of agriculture have brought about land shortage resulting to increased competition for land. The competition for land has often led to land disputes leading to the closure of markets, social and political unrest, and costly litigations in connection with the land disputes. The disputes have also led not only to the breakdown of peaceful co-existence and cooperation which are necessary for communal development, but also to a decline in soil fertility and the scaring away of potential investors in agriculture.

In spite of the obvious changes land tenure systems, like the changes in inheritance procedure, land gift, rent, etc Nigerian communities have been undergoing and the attendant consequences, land policies have rather been concerned with the principles and processes of land acquisition and transfer. Neither the land development schemes nor the Land Use Act have been concerned with understanding the nature of changes in land tenure systems and the attendant outcomes. This study therefore, seeks to examine the implications for agricultural development of the changing land tenure pattern in Southern Tivland.

1.1 STUDY AREA

Southern Tivland is made up of four local government areas namely; Konshisha, Kwande, Ushongo, and Vandeikya with a combined population of 892,830 (NPC, 2006). These local government areas were purposively selected for study because (1) they are characterized by high population growth that is almost beyond the carrying capacity of the land; (2) because they have witnessed the most frequent and violent forms of intra and inter communal land conflicts, and (3) regardless of whether the disputes are among the Tiv themselves or with their

neighbours, these local government areas have always received the largest number of return-migrants. Because these local government areas have common characteristics, it is assumed that land tenure system in these areas is more likely to undergo changes and hence the reason for selecting them for study.

Each of the local government areas is made up of districts. Simple random sampling was used to select three districts from each local government area. A total of twelve (12) districts were selected. In each district, twenty respondents were randomly interviewed. Total sample of two hundred and forty respondents (240) were randomly interviewed.

1.2 POPULATION DENSITY OF THE LOCAL GOVERNMENT AREAS

Table one presents the population of the local government areas. The table shows that Kwande local government area has the highest population of 248,697 (25.86%) and is followed by Vandeikya LGA with a population of 230,120 (25.77%). Konshisha LGA has a population of 225,672 (25.27%) while Ushongo LGA has 188,341 (21.10%). The combined population of these LGAs accounts for 21.16% of the population of the entire Benue State which is 4,253,641 and which occupies about 33,955 square kilometres of land (Benue State Government, 2011).

In terms of density, Vandeikya LGA is the most densely populated with over 294 people per square kilometre. Next to Vandeikya is Konshisha LGA with 279 people per square kilometre. Ushongo and Kwande LGAs have 266 and 91 people per square kilometre respectively. It should be noted that the population density of Kwande LGA is low compared to other local governments because of the topography of the area. The local government is dominated by high mountains and hills that make human habitation extremely difficult. On the average, the entire study area has a population density of 177 people per square kilometre. This is even higher than the entire Benue State with a total population of 4,253,641 and a land mass of 34,059 km² representing a population density of 124 people per square kilometre. It is similarly higher than that of Nigeria with a land mass of 921,343 km² and a population of 162.5 million indicating a population density of 176 people per square kilometre. This clearly shows that Southern Tivland is highly populated. (See table 1)

Table 1: population and density of the study area

LGA	POPULATION	LANDMASS	DENSITY
Konshisha	225,672	810km ²	279
Kwande	248,697	2744km ²	91
Ushongo	188,341	709km ²	266
Vandeikya	230,120	784km ²	294
Total	892,830	5047	Average density=177

Source: Bureau for Local government and Chieftaincy Affairs, Benue State and NPC, 2006

1.3 METHODS OF DATA COLLECTION

The information for the study was gathered through personal interview and focus group discussions. Personal interviews were held with village chiefs, very elderly people and compound heads. The unstructured interview was made up of open-ended questions. The choice of the open-ended questions was to allow free responses from the respondents. In other words, no particular structure of responses was suggested as this was to give respondents a better opportunity to answer the questions in their own terms and in their frame of reference. The personal interview method facilitated information to be obtained about the Tiv customary land law structure.

Focus group discussion sessions were also held with respondents across gender and generation. This method was helpful in obtaining information about the Tiv customary land law structure- inheritance and general patterns of land acquisition and conveyance. It also provided opportunity of exploring necessary knowledge grounds on the factors that shape land tenure.

1.4 LAND TENURE PATTERNS IN SOUTHERN TIVLAND BEFORE 1960

Among the Tiv in general, land is a sacred entity and everyman has a right to it. It is sacred because it belongs to the dead, the living and those yet unborn (Wegh, 1998). Land rights are therefore a part of the birth right of every man; they are an aspect of his social and political status (Bohanan, 1954). Discussions with key informants showed that the only traditional form of land tenure is the communal tenure. Traditionally, land is communally owned.

It should be pointed out that Tiv society generally is a highly segmental society based on lineage groupings. Within each lineage group, there are compounds and every compound has an area of land it exploits. This custom was reported by Bohanan (1954) decades ago that no group has rights in land. The compound is the largest group which has rights in land.

This was the position of all the key informants interviewed. For example, the district head of Mbaakov in Konshisha LGA had emphasized this position thus;

All life in Tivland is centred on the compound. The compound is the land owning unit. Each compound has its distinct territory and land rights are restricted to the members.

The position expressed by Bohanan and reiterated by the key informants show that the only form of land tenure that operated in the whole of Tivland was the communal tenure. Because land was communally owned, any member of a compound could use any fallow field without resistance. In fact, even when a member of a family travelled, he was still entitled to a piece of land upon his return. Discussions with key informants further revealed that under communal tenure, land could be accessed through inheritance and rent. Traditionally there was no rent transaction in land because Tiv people generally did not see land as an economic commodity.

As already stated, traditionally, land could be accessed through inheritance. According to all the key informants, inheritance is the customary transfer of landholding to children on the death of the father. For instance, when a man dies, his sons take over the cultivation of his fields. In Tivland in general and Southern Tivland in particular, the conception of land is communal. However, all the key informants warned that;

In practice, communal ownership of land does not exist. Even family members do not use land indiscriminately. Individuals have particular parcels of land which they farm.

This position was also noted by Bohanan (1954)

Among the Tiv, rights to land are individualistic. No matter how many people have a right in a piece of land in which X has a right, it still remains X's individual right. A woman, her husband and their compound head each has an individual right in a given piece of land. No one else has that particular right.

Therefore, on the death of a father, each son farms on the fields of his mother. If a man had three wives for instance, then the fields he controlled are divided among them. All the farms belong to him but each woman has rights over her own farm, and her fields are as much hers as the husband's. After the death of the man, each woman's sons take over the fields of their mother'

Among the Tiv, it is the compound head that allocates land to members of his compound. But in the course of subdividing, or fragmenting inherited land, his overall rights are only supervisory in nature and exercised only when there is shortage or dispute. In terms of shortage, an elder in Mbaduku clan of Vandeikya LGA explained it thus;

If the fields of one of the wives are too small for the inheriting children, then fields of the deceased as a whole are considered. The compound head can now share the fields proportionately to the farming needs of all the inheriting children.

This principle was called land redistribution and it enabled individuals to meet their land needs.

Another traditional route of accessing land was through land gift. This happens when land is freely given by a landholder to either relatives or friends to use while residing with the land-owning group. Gift of land was mostly granted to friends or migrant farmers from distant areas after the residential permission was granted to the person.

1.5 CHANGES IN LAND TENURE SYSTEM IN SOUTHERN TIVLAND AFTER 1960

Traditionally, in Southern Tiv, land was communally owned at the level of families. Every member of a family had a share in the family land to meet his farming needs. This was the position of all the key informants in all the communities surveyed. However, all the key informants were of the opinion that the conception of land as being communal is giving way to individualistic ownership in Southern Tiv communities. For example, an elderly man in Tsar-Mbaduku expressed his views thus;

My sons, I can use my mouth to tell you that land is communally owned in my place but my heart knows that I am not telling you the truth.

This statement shows that something is certainly wrong with the communal conception of land. And this was brought out by the district head of Mbaakov in Konshisha LGA

Group ownership!!! That was before. Today we talk of group ownership of land only when there is conflict. Otherwise, individuals are maintaining absolute rights to the land they farm

This position confirms Bohanan's (1954) position almost 60 decades ago that among the Tiv land rights are individualistic.

Though key informants were careful in choosing their words with regards to the conception of land, the youth discussants were rather blunt. For example, a youth discussant in Mbagbam district of Vandeikya LGA had this to say;

Land is no longer communally owned. Individuals own their pieces of land. Since many of us became of age, we have not been given any piece of land. We rent or borrow land from our uncles and neighbours.

This position by the youth discussants was reiterated by an adult discussant in Mbakuha district of Ushongo LGA thus;

Land in many southern Tiv communities today is an individual thing. People hardly talk of group ownership of land today in the strict sense. The perennial land skirmishes in our community are because of individual attachment to land.

The position by both key informants and focus group discussants is a clear indication that there is a shift in the communal land tenure system in Southern Tivland to individual or private tenure. The study observed that the change from communal to private tenure has become so pronounced that every family member has specific portions of land to crop with only members of the immediate family. Due to the change, the study observed that those who inherited land had small pieces of land because of excessive fragmentation.

Looking at the responses of both key informants and focus group discussants, it is clear that there is a change in the pattern of land tenure system in southern Tivland from communal tenure to private tenure. Table 2 shows the distribution of land acquired by farmers before the consolidation of commercial farming and the growth in population. Respondents maintained that during this time the only routes of accessing land were inheritance and gift and that an individual could own large parcels of land.

Table 2: Distribution of land acquired by farmers under traditional routes

Routes	Vandeikya		Konshisha		Ushongo		Kwande		Total	
	No of farmers	No of ha								
Inheritance	57	298	58	271	60	336	55	400	230	1305
Gift	3	87	2	73	-	-	5	92	10	252
Total	60	385	60	444	60	336	60	492	240	1657

Source: Field Survey (2016)

The table shows that when population was not much and commercial production was not well established people had controlled large tracts of arable land. The table shows that in Vandeikya LGA 57 of the respondents had at the time of their parents 298 hectares of land; in Konshisha LGA, 58 respondents had 271 hectares while Kwande LGA, 55 of the respondents had 400ha. It was only in Ushongo LGA that all the respondents interviewed said their parents had 336ha of land because no surviving member of the beneficiary of land gift was found.

Discussions with the respondents revealed that two (2) of the respondents were direct beneficiaries of land gift while 8 were the surviving members of the beneficiaries of land gift. A critical examination of table 2 shows that a farmer could own 6.9ha of land on the average. A deeper look at the table shows that farmers controlled large sizes of holdings. This, discussants said that when there was no population pressure, production was mainly for subsistence and land was seen only from its social dimension, beneficiaries of land gift could own large tracts of land. However, at the time of the survey, it was observed that the sizes of the holdings had decreased significantly. (See table 3).

Table 3: distribution of land acquired by farmers under different forms of tenure

Routes	Vandeikya		Konshisha		Ushongo		Kwande		Total	
	No of farmers	No of ha								
Inheritance	28	113	30	109	36	113	44	123	138	458
Rent	16	21	17	21	15	23	9	28	57	93
Borrow	8	13	8	12	6	12	2	9	24	46
Gift	3	7	2	3	-	-	5	11	10	21
Purchase	5	9	3	7	3	7	-	-	11	23
Total	60	163	60	152	60	155	60	171	240	641

Source: Field survey (2016)

For example, in Vandeikya LGA, 113ha are now controlled as against the 298ha their fore fathers controlled. In Konshisha LGA 109ha as against 271ha, Ushongo 113 ha as against 336ha while Kwande has 123ha as against 400ha. Respondents attributed the decrease to population growth, land shortage and the attendant subdivision of land that is always carried out to take care of the land needs of future generations.

The table also shows that the sizes of the beneficiaries of land gift have greatly reduced. For example, the 3 beneficiaries of land gift in Vandeikya had their land reduced from 87ha to 7ha; Konshisha from 73ha to 3ha while the beneficiaries in Kwande had the sizes of their holdings reduced from 92ha to 11ha. The reduction was explained by the surviving members of the beneficiaries of land gift as resulting from the insistence of the youth for a renegotiation of the arrangements reached between the settlers and their parents.

1.5.1 Changes in inheritance procedure

In Tivland generally, like everywhere else, people have been able to travel out of their communities for varying lengths of time. Upon the return of such people, land was always redistributed to take care of their land needs. Most of the key informants and focus group discussants however maintained that this principle of redistributing land has continued to generate a lot of crises. Respondents posited that though in principle land inheritance is still recognized; in practice the rules that stipulated that inherited land be redistributed for the benefit of younger generations have almost given way.

Table 3 shows that at the time of the study less land were inherited. For example, of the 641ha of land owned by the sampled farmers, 138 farmers inherited 458ha representing an average of 3.32ha per farmer. This is below the 1657ha controlled by 240 respondents averaging 6.9ha when less pressure was on land. Respondents posited that land redistribution is only sparingly carried out now especially when an immediate member of a land –owning group wants land but not to take care of the extended members of the family.

1.5.2 Changes in Gift.

Survey of Southern Tivland showed that gift of land as a form of land acquisition and transfer has completely disappeared. Discussions with key informants revealed that the disappearance is due to land scarcity occasioned by population growth. An elderly man in Mbagbam district of Vandeikya LGA retorted thus;

My sons, you cannot give what you do not have. It is when you have enough food to eat that you can give to another person. Where is the land to give to another person as gift?

It should be pointed out that only in Mbagbam district of Vandeikya that two direct beneficiaries of land gift were still surviving. In the other areas surveyed, only the surviving children of the beneficiaries of land gift were living. Nevertheless, 10 people had land through gift. The study observed that these are the people who have become natives in the areas they have settled. However, because of the increasing population growth, the youth are increasingly insisting on the need to renegotiate the arrangements reached between the settlers and their parents. An elderly man in Mbagbam district of vandeikya LGA who incidentally happened to be a beneficiary of land gift explained the implication of this insistence thus;

This insistence by the youth on the renegotiation is making the security of those of us who were given land decades ago precarious.

New concepts hitherto unknown to Tiv land tenure rules have become very operative because of the influence of population increase, conflict, migration and urbanization. These include the concepts of rent, borrowing and sale.

1.5.3 Rent transactions:

It should be first noted that before 1960, land was not rented in the whole of Tivland for one's right to it depended on kinship status and residence (Bohanan, 1968). And moreover, Tiv people did not see land as having any commercial or market value. Rent transactions became operative in Tivland because of the monetization of the Tiv economy through cash crop production and land shortage occasioned by population growth.

Rent of land happens when land is transferred to an individual for a period of time- usually for one cropping cycle in return for money. In Tivland, like in most agrarian communities in Nigeria, land is not equally distributed. So, individuals who have small holdings often rent land from neighbours and friends to supplement their small holdings. Usually the rented land is for only one cultivation or rotation cycle and could be renewed on payment of agreed sum of money.

In Southern Tivland, rented land was traditionally for one rotation cycle. The term rotation cycle was explained by the clan head of Mbaakov in Konshisha LGA this way;

The cycle begins with the clearing of the field (ihyande u huran) followed by the planting of yams (end of 1st year). With the coming of the new rains (2nd year), the field now called akuur is levelled for the planting of either groundnuts, beniseed or millet. It is when these crops are harvested that the rotation cycle ends and the land is reverted to the owner. At this time the land seeker is expected to come to new terms with the land owner for the re-use of the land

This explanation was collaborated by discussants in all the focus group discussions held. Discussants especially in Vandeikya and Konshisha LGAs pointed out that though rent transactions are still on the increase, in many areas in southern Tivland, rented land is no longer used as described above but only for one year. For the land-seeker to re-use the land (akuur), he or she must enter into a fresh agreement (ie pay another rent) otherwise another person may pay for the use of the akuur. Discussants generally attributed this change to the changing value of land. They maintained that land is now of immense economic value and land owners are taking advantage of this by exploiting farmers who have limited land especially the landless farmers. Table 3 shows that 57 of the respondents rented 93ha of the 641ha of land representing an index of 14.51% of the land controlled by the sampled farmers.

1.5.4 Borrowing:

According to the discussants in all the focus group discussion sessions, this is an informal procedure in which a farmer uses portions of another farmer's land to grow food crops but not permanent crops. Borrowing could be for short term or long term. In all the areas surveyed, land is borrowed only for a short term. It is therefore temporal since it endures for only one or two growing seasons

Land borrowing has become very operative in Southern Tivland because of the smallness of individual land holdings, the unwillingness of individuals to allow their portions of land to be redistributed and the general desire of farmers to expand the size of their farms. Table 3 shows that 24 of the respondents borrowed 46ha of the 641ha (7.18%) to expand the size of their farms.

1.5.5 Land sale:

This refers to the acquisition of absolute rights in land by the payment of cash. In Tivland generally, outright sale of interests in land was seen as extremely provocative because rural land sales were forbidden by custom. Since land was the people's main source of livelihood, selling of land therefore meant selling their very means of subsistence.

Though sale of land amounts to alienation, there has arisen in Southern Tivland sale of land. In fact, commercial transaction in land has almost become a common feature in Vandeikya, Konshisha and Ushongo LGAs (see table 3). Discussants in all the focus group discussion sessions correlated the emerging commercial transactions in land with the shift in the economy, from a largely non-monetary to a monetary economy. A retired soldier who was one of the discussants in Tsar-Mbaduku in Vandeikya LGA explained why the concept of land sale is introduced into Tiv land tenure thus,

In Nigeria generally and Tivland in particular, money is now seen as an important measure of value. Coupled with poverty, this change has brought about pressures on individuals to sell their land so as to provide for their other monetary needs.

However, an adult male discussant in Mbagbam in Vandeikya LGA argued that besides poverty, other people are selling land because of mere selfishness. He expressed his views this way;

In my community, some people who are compound heads are selling land because they do not have useful children that will survive them. These people are like chickens. You know chickens have a saying that what I cannot eat I will scatter.

It is logical that land obtained by purchase has the attributes of inherited land. However, in Southern Tivland, commercial transactions in land are taking place illegally. That is, they are violating the Tiv concept of land. Thus in Southern Tivland, conflicts are increasingly occurring because the land transfers are being carried out without the consent of others. The consequence is the numerous unresolved disputes arising from claims of titles.

1.6 CHANGING LAND TENURE PATTERNS AND AGRICULTURAL DEVELOPMENT

Changes in the patterns of land tenure in Southern Tivland have had evere consequences for agricultural development. The study has revealed that most of the land was acquired through inheritance, rent borrow and purchase in order of predominance. The study has established that there is a change from communal conception of land to private tenure through land sales. Due to this change, conflicts are increasingly occurring because the transfers are being carried out without the consent of others. Moreover, most of the lands are being bought by people who have made their money outside agriculture. In Southern Tivland, politicians, retired civil servants and business men/women have carved out distinct socio-economic classes for themselves. This means the control of land by these groups of people portends serious security threat to the rural farmers as they may be forced to operate their farms on arrangements that are temporal in nature. This supports Ega' (1986) position in a study of Zaria villages that control of rural land will create security problems for the farmers as it will lead to the formation of an aristocratic class.

Already land disputes abound in Southern Tivland. These disputes, whether before, during or after cultivation have serious implication on the development of agriculture. The disputes are particularly scaring away potential investors in agriculture, entrenching hostilities, political unrest and the dissipation of the capital that would have been used to improve the land.

It should however be pointed out that the change from communal to private tenure has brought about intensification of land use through the cultivation of permanent tress and orchards which was not possible under the communal tenure. These orchards have become more economically profitable than arable farming.

A striking feature of the villages studied was the general smallness of holdings. This general smallness of holdings is a consequence of successive subdivision of land upon inheritance. Land generally is fixed in nature but population has been on the increase. Due to the small size of holdings, farmers do not see it profitable to invest in modern farming practices and technologies such as the use of chemicals, herbicides, tractors, etc. The non-investment into new farming practices due to small size of fields has continued to affect crop yield.

1.7 CONCLUSION AND RECOMMENDATION

The study has shown that there is a shift in land tenure patterns in Southern Tivland. It has particularly revealed that there is growth of individual control over and above group interest and this is accompanied by commercial transactions in land and the introduction of hitherto unknown concepts in Tiv land tenure rules. This

growth of individual control over and above group interest and the sale of rural land have been generating conflicts among farmers and tenure insecurity and consequently on agricultural development.

The study has also established that many farmers in Southern Tivland operate their farms through renting and/or borrowing. But these are temporary arrangements and do not encourage investment. The implication of this is that agricultural development is greatly hampered because of the temporal arrangements by which farmers access land. The study has thus recommended that;

- 1 The tenure system should be modified. However, the modification must recognize the present set-up of the customary tenure arrangements. It must be based on the existing Tiv traditions as no tenure system can be effective if it is imposed on the rural population.
- 2 Efforts should be sincerely made to consolidate land. However, the consolidation should be participatory, democratic and community driven. It should be based on assisting rural communities define new uses of their land resources and then recognize its spatial components

With regards to the consequences of land fragmentation, it is believed that the small-sized farms can be made more productive if there are productivity enhancing inputs and technical advice in agriculture. It is therefore recommended that

- 3 Farm inputs such as fertilizers and chemicals are made readily available and at affordable prices. Also, an effective extension service scheme should be put in place to avail farmers the opportunity of managing their small farms more effectively.
- 4 In Tivland generally and Southern Tivland in particular, there is an alarming rate of poverty. Most farmers' basic source of insecurity is poverty. To the farmer, the pivotal constraint to investment is economic uncertainty. Due to poverty, most farmers are preoccupied with food security. Considering the level of poverty, the sale of rural land becomes very tempting. Though tempting, the sale of rural land should be vehemently resisted. This is because with the emerging socio-economic class differentiation in Southern Tivland, sale of rural land will create greater inequality as those who have accumulated much wealth will buy up most of the land. Besides, with the absence of non-farm opportunities, sale of rural land means selling one's basic source of livelihood.

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