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## Legal Issues in Land Acquisition for Agricultural Production in Nigeria

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### ABSTRACT

Land is the nations' most valuable asset, as it provides sustenance. Legally speaking, land tenure in Nigeria is a complicated web of connections between many organizations that establishes land ownership patterns in connection to various land uses. This study examined the legal issues in land acquisition for agricultural production in Nigeria. Secondary data sourced from books, journals, and the internet were used. Normative legal research techniques were adopted to discuss legal issues in land acquisition, while qualitative content analysis was used to ascertain the level of agricultural production in Nigeria, as well as the relationship between land acquisition and agricultural production in Nigeria. The study's findings showed that Nigeria's land tenure system supports land partitioning (land fragmentation), which leads to scattered small-scale farming. Tenure rules stipulated in the Nigerian Land Use Act of 1978 hinder agricultural productivity in Nigeria. Additional relevant factors and challenges influencing Nigeria's agricultural production include land tenure insecurity, and political and bureaucratic bottlenecks in the acquisition of land rights for agricultural uses. To ensure improved agricultural productivity, the government should initiate and implement a new land tenure reform that will address the inherent challenges in the current land tenure system.

### INTRODUCTION

The quantity of land utilized for agricultural production and crop yield are the two main drivers of the rapid gains in crop diversity that have occurred recently, contributing to the drastic changes in global crop production (Meyfroidt *et al.*, 2019). For most people in developing countries like Nigeria, agriculture is the primary source of income and is essential to improving nutrition (Hannah *et al.*, 2023). According to Adeite (2022), Nigeria's agriculture industry accounted for about 35% of all jobs in Nigeria in 2022, establishing it as a significant economic sector. It continues to be the cornerstone of the Nigerian economy, supporting millions of jobs and giving the majority of Nigerians a means of subsistence (Adeite, 2022).

Nigeria's primary sources of income are its agricultural exports and crude oil. According to the data from the National Bureau of Statistics (NBS, 2019), the agriculture industry experienced year-over-year growth of 14.88%, and during the third quarter of 2019, the sector's share of the real GDP was 29.25%. Agriculture made up approximately 23.3% of the GDP between January and March 2021. This industry is changing as a result of commercialization at the small, medium, and large enterprise levels (Isaac, 2022). However, there are a number of obstacles facing Nigeria's agricultural industry, one of which is an antiquated land tenure system that restricts access to land.

According to the Food and Agriculture Organization (FAO, 2021a), the agricultural area in Nigeria totals 70.8 million hectares, with 34 million hectares designated as arable land, 6.5 million hectares utilized for permanent crops, and 30.3 million hectares serving as pastures and

meadows. Land is generally the solid surface that makes up a portion of the planet and provides resources for human existence. It is the most precious asset because it is important not only as a place to live but also as a food source. From a legal perspective, land refers to its inherent rights, whether incorporeal or legal, as well as its solid nature or content both above and below the surface. Land tenure systems are the institutions and rights that control who has access to and uses land, whereas land acquisitions are generally defined as the purchase of ownership rights, including the acquisition of user rights through leases or concessions, whether for the short or long term (Sanusi *et al.*, 2021). A land tenure system encompasses a set of rights, obligations, and responsibilities pertaining to the use, ownership, alienation, and transfer of land and its resources. Several institutions in Nigeria are intricately tied together to determine how land is used, creating a complex land tenure system. These institutions include the government, customary laws, and others, all of which play major roles in defining the pattern of land ownership and use (Dabara *et al.*, 2019).

In Nigeria, several land documents influence the transfer of ownership and legal interest in real estate. A potential land buyer must be familiar with the required land documentation pertaining to the property being acquired (Kehinde *et al.*, 2021). One cannot overstate the significance of land titles. Individuals who have taken it for granted have either incurred significant financial losses or become entangled in needless legal disputes. Therefore, it is important to understand and confirm the title that goes with any property before buying it. A comprehensive discussion of agricultural production in

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Nigeria must take into account the land tenure structure, land acquisition, land legislation, and land use.

Therefore, this study offers an analysis of the literature on Nigeria's land tenure, land ownership, land laws, land reforms, and their implications for the nation's agricultural output.

### Research Questions

The following research questions were posed to guide the study's conduct:

- i. What structure of land ownership and land tenure types exist in Nigeria?
- ii. Which the legal land documents are used to prove land titles or land use in Nigeria?
- iii. How is land acquired under the Land Use Act of 1978 and what is the possible land reform in Nigeria?
- iv. What is the level of agricultural production in Nigeria?
- v. What relationship exists between land acquisition and agricultural production in Nigeria?

### Objectives of the Study

The main objective of this study is to examine the legal issues in land acquisition for agricultural production in Nigeria. The specific objectives are:

- i. To examine the structure of land ownership and land tenure types in Nigeria
- ii. To explore the legal land documents that are used to prove land titles or land use in Nigeria
- iii. To evaluate land acquisition under the Land Use Act of 1978 and land reform in Nigeria
- iv. To investigate the level of agricultural production in Nigeria
- v. To ascertain the relationship between land acquisition and agricultural production in Nigeria

## LITERATURE REVIEW

### Theoretical Framework

The appropriate theoretical frameworks underpinning this study are stated below

#### Theories of Conservatism

According to conservative theory, the land serves as a social, political, and economic link amongst family groupings, so living customary tenure provides enough tenure security (Nkwae, 2006). Conservative theorists argued that titling lessens tenure security and that the uncodified, living customary tenure system provides adequate tenure security, therefore advocating for the maintenance of most of the customary status quo. This concept originates from an understanding the multifunctional and multigenerational land, rooted in a widely African worldview where land serves as the basis for political, religious, and socioeconomic systems (Hull *et al.*, 2019).

Conservative theorists thus support the adoption of customary tenure systems, in which traditional leaders are in charge of allocating and managing land. However,

since colonialism began, traditional leadership in Nigeria has undergone significant transformation, and many traditional leaders today reflect such a negative perception of them (Hull *et al.*, 2019). According to Hull *et al.* (2019), customary tenure systems may subject commercial farmers to tenure insecurity if traditional leadership perceives them as a threat and targets them as sources of wealth and power. However, conservative theory may have limited applicability in situations of subsistence agriculture and land abundance. The ineffectiveness of traditional leaders as land administrators or their misuse of power can also result in tenure insecurity.

#### Adaptation Theory of Land

The adaptation theory of land was proposed by Charles Darwin in 1859. Darwin proposed that the land tenure system should gradually modify or introduce hybrid tenure systems to accommodate local and changing demands. Hull *et al.* (2019) refer to this tactic as renovating customary tenure systems, which acknowledges the importance of current customary tenure systems. Hull *et al.* (2019) argued that creative adjustments and modifications to the traditional tenure system can rectify its flaws. The two primary categories of adaptation theory are:

#### Democratic Adaptation Theory

This theory places significant emphasis on the necessity of democratization, fairness, and accountability. In order to make things clearer about the current land tenure relationships that were shaped by colonialism and linked to power abuses (Lemmen *et al.*, 2013), the goal is to protect the legitimate land rights recognized by African customary law, explain these rights, and make sure that land tenure security is maintained in places where customary tenure systems are weak.

#### Hybrid Adaptation Theory

This theory enables communities to determine which rights are significant and should be documented through a participative approach (De Vries *et al.*, 2015). This strategy fosters an ownership sense about the formalization process while also allowing for adaptability, creativity, and the use of affordable and functional technology and instruments to document land tenure data. De Vries *et al.* (2015) argued that this strategy results in hybrid tenure arrangements that mimic the frequent formation of tenure through a combination of statutory law, tradition, or informal arrangements.

#### Replacement Theory

Replacement theory is divided into two categories, the evolutionary replacement theory and the collective replacement theory.

#### Evolutionary Replacement Theory

According to Knight (2010), the fundamental idea of evolutionary replacement theory is that land rights naturally evolve toward increased individualization when

market integration and population pressure combine. Eventually, this evolution pushes for the creation of properly formalized property rights, as demanded by rights holders. According to this view, in order to promote political stability, economic progress, and land security for all holders of customary rights, a state must put in place a land titling scheme to formally recognize private property rights if land becomes scarce (Jones & Land, 2012).

### Collective Replacement Theory

The collective replacement hypothesis is based on socialist philosophies and emphasizes the universal effects of land tenure reform (Nkwae, 2006). Socialism is an ideology that aims to alleviate social and economic injustice. It involves nationalizing all land and using leaseholds to redistribute it to beneficiaries in collectives. This strategy might be typical of customary tenure systems in which the tribe's heir is represented by the state (Hull *et al.*, 2019). The goal of the non-individualized land tenure reform is to increase land production through collective farming communities, with the potential to achieve the following goals:

- i. Resource allocation that is equitable
- ii. Democratization of traditional and community leadership
- iii. Increasing land productivity and development
- iv. Emphasis on self-sufficiency
- v. Efficient provision of utilities like water, power, healthcare, and education

Collective ownership of land may be desirable for poor land reform beneficiaries because it provides them with a sense of group support akin to customary tenure but the imposition of such an approach on inexperienced groups takes no consideration of their desires or needs, hence, may be problematic (Mahlati, 2019). The communal paradigm, from which the collective replacement theory emerged, disregards the individual rights inherent in customary land systems and implies that individuals will prefer to work and live in communities. Hull *et al.* (2019) argued that subdivision and individuation should precede the use of cooperatives as a transitory device for the quick transfer of title to groups of individuals on large farms.

### Conceptual Framework

This study examined the legal issues in land acquisition for agricultural production in Nigeria. Land tenure, the legal land documents held by land users to prove title or ownership and acquisition of land under the Land Use Act of 1978, determine the levels of agricultural production in Nigeria. Successful execution of land reform that encourages land consolidation may ultimately result in a higher level of agricultural production, despite the fragmented holdings caused by land inheritance.

## METHODOLOGY

### The Study Area

The study area is Nigeria. Nigeria is located on Africa's western coast and features a diverse environment that spans from humid to desert equatorial climates. The Gulf

of Guinea in the Atlantic Ocean borders Nigeria to the south, Benin to the west, Niger to the north, and Chad and Cameroon to the east. As of Monday, November 20, 2023, the most recent United Nations data, elaborated by Worldometer, shows that Nigeria has a live population of 225,860,663 and is endowed with both natural and human resources (Worldometer, 2023). In Nigeria, there are 246 people per km<sup>2</sup> (636 per mi<sup>2</sup>) and the total land area 910,770 km<sup>2</sup> (351,650 mi<sup>2</sup>). In 2023, 120,696,717 or 53.9% of the total population is estimated to be urban residents. Small-scale farmers occupy approximately 70% of Nigeria's fertile land and produce 90% of the nation's food (Tamarapreye, 2023). As reported by the Food and Agriculture Organization (FAO, 2020), in Nigeria, there are an estimated 34.5 million farmers, or around 70% of the labour force.

### Source of Data

This study used secondary information sourced from books, journals, and internet to discuss land tenure, land laws and land reforms, as well as the level of agricultural production in Nigeria. Literature on the subject matter was also reviewed. This paper adopts the conservative theory, adaptation theory, and replacement theory to explain the nature of land tenure and land laws in Nigeria. The models were adopted as the theoretical framework due to their relevance in the subject matter.

### Methods of Data Analysis

This paper adopted normative legal research techniques as adopted by Isye and Feibe (2020) in describing the structure of land ownership and land tenure types in Nigeria, legal land documents held by land users, and land acquisition under the Land Use Act of 1978. It also adopted qualitative content analysis, as utilized by Lisa and Christoph (2022), and Gift (2023), to ascertain the level of agricultural production in Nigeria, as well as the relationship between land acquisition and agricultural production in Nigeria.

The normative legal research techniques is considered suitable for this study because it is commonly used in the field of law science to textually examine the positive legal substances, as well as the norms and principles (Isye and Feibe, 2020). Also, the qualitative content analytical technique is considered suitable because it is very essential to analyze the relationship between concepts, provide a detailed and in-depth description of the content (Nayeem and Huma, 2017), validate existing theories, and provide robust descriptions of particular settings or phenomena.

## RESULTS AND DISCUSSIONS

### Structure of Land Ownership and Land Tenure Types in Nigeria

#### Structure of Land Ownership in Nigeria

According to Chimhowu (2019) and Oluwatayo *et al.* (2019), the Nigerian land system has evolved over the years, and are classified into precolonial, colonial, and postcolonial periods.

### **Precolonial Land Ownership Structure**

Prior to the colonial era, lands were solely owned by families and communities. The community and household heads held the land, and they divided it up according to what their subordinates needed. There was legal estate or authority at family or community level. Thus, the leadership of communities and families had absolute interests, while constituents had derivative interests.

### **Colonial Land Ownership Structure**

The colonial authorities regulated the ownership of land before independence through various legislation. The legislation included the Treaty of Cession (1861), the Land Proclamation Ordinance (1900), the Land and Native Rights Act (1916), public land acquisition (1917), state land acts (1918), and the Town and Country Planning Act (1947). The colonial legislation aimed to remove property rights from the grasp of community leaders. Lord Lugard enacted the 1900 Land Proclamation Ordinance, stipulating that the high commissioner must be involved in the acquisition of land titles in accordance with the principles of native law and custom.

### **Postcolonial Land Ownership Structure**

The Land Use Act of 1978 and the Land Tenure Law of Northern Nigeria, both passed after independence, are the two most important pieces of legislation. According to Northern Nigeria's 1962 land tenure law, the minister in charge of land matters owns, controls, and distributes land to local people living in the region, whether it is vacant or inhabited. For a finite period of time, the law gave Northern Nigerian natives the right to possess land. The minister's approval is required before the individual or native can sell, mortgage, or transfer the land. The government repealed the Land Tenure Law of 1962 and implemented the Land Use Decree of 1978.

### **Types of Land Tenure in Nigeria**

About 62.7 percent of the lands handled by men and 63.4 percent of the holdings managed by women were inherited (Doris, 2023). Gift (2023), Doris (2023), and the Charman Law Firm (2020) outline various types of land tenure in Nigeria.

#### **Inheritance Tenure System**

The inheritance system transfers land ownership to kin as well as to both born and unborn progeny, making it the primary way Nigerian households obtain land.

#### **Communal Land Tenure System**

The land is held by the community under the communal land tenure system. The chief of such a group determines the most equitable way for its members to share and possess the land. Although it prohibits a person from using this land as collateral, it does support large-scale farming.

#### **Gift Tenure System**

The owner gives away land or a portion of it to a third

party. The new owner may use it as collateral for a loan, even though a court decree has the power to revoke the land's ownership.

#### **Rent Tenure System**

Under the rent-tenure system, a tenant (the person who is granted access to the land) pays a designated landlord (the person who gives out the land) a certain amount, called 'rent', for the use of the land. The rent duration is usually short as land is held for a temporary period. The land cannot be used as collateral. The land reverts to the owner once the rent contract expires.

#### **Freehold Tenure System**

Under this system, anyone who wishes to own a piece of land must pay a set price determined by its size. Once obtained, the land can be used as loan collateral. The survey and closure of the land are completed by signing backup documentation. However, as a result of the Land Use Act's Section 1 repealing freehold, Nigeria now uses a leasehold system as Government tenants.

#### **Tenant at Government Will**

When the Nigerian Federal Government distributes land to farmers, this mechanism takes place. To use the land, the farmer pays a sum of money that covers the use of the land for a time period, although the land is relatively not too expensive to acquire. The purpose of this is to promote agriculture large-scale farming and crop cultivation throughout the nation.

#### **Leasehold Tenure System**

Within the leasehold tenure system, the owner temporarily grants a person ownership of a block of land. During the lease period, a person has temporary access to the land, but it cannot be used as collateral for a loan.

### **Legal Land Documents in Nigeria**

The various legal documents that are used to prove title, transfer, and convey land or ownership rights in Nigeria, as pointed out by Adeyeye (2023), are as follows:

#### **Receipt**

A land purchase receipt certifies that payment for a specific piece of real estate has been received. When a property is sold, vendors typically provide the buyer with a receipt. If the clause for a receipt is contained in the deed, the receipt may not be required.

#### **Certificate of Occupancy (C of O)**

This is a legal document that certifies the holder's ownership and the use of a piece of property for a predetermined amount of time. It is granted by the government of the state in which the land is located.

#### **Deed of Assignment**

A deed of assignment, also known as a conveyance, is a legal document that transfers ownership rights from

the present owner (the assignor) to the new owner (the assignee). A lawyer often prepares the deed of assignment and files it at the land registry.

#### **Governor's Consent**

This is the permission of a governor for any instrument that transfers property to another individual. The Land Use Act in Nigeria, in particular, requires a governor's consent for any the transfer of a recognised government title (Certificate of Occupancy) before a new owner can obtain perfect title to a property.

#### **Contract of Sale of Land**

Before the final stage of the land transaction is completed, the contract of sale of land is typically accompanied by other title or land documents on the property to agree on certain terms. Typically, the preparation of a deed of assignment precedes the preparation of a contract for the sale of land.

#### **Deed of Gift**

This is a formal document that transfers ownership rights permanently and without regard to money from one individual (the donor) to another (the recipient). Parents often use this document to transfer ownership of a plot of land to their child, relative, or anyone else.

#### **Power of Attorney**

It is a legal document that gives someone the authority to act on behalf of another party in situations involving land transactions, particularly when the owner of the property is unable to act on their own behalf. A power of attorney could be granted by deed or not.

#### **Survey Plan**

This is a written record created by a licensed surveyor that provides precise dimensions and delineations of a plot of land. Usually, a Deed of Assignment or Conveyance is appended to it.

#### **Legal Mortgage Deed**

In mortgage transactions, a deed of mortgage is a document that certifies the transfer of land or other property from the mortgagor, or borrower, to the mortgagee, or lender. It is a temporary transfer because the mortgagor will be able to reclaim his property from the lender after the loan balance and interest have been paid in full.

#### **Probate**

A grant of probate is a document given to executors upon the production of proof of a deceased person's will through inheritance in the probate registry. The executors of the estate, who are occasionally the legally acknowledged owners of the property, are authorized to deal with or transfer the deceased person's land or property, thereby vesting all of the assets in the will in them.

#### **Letter of Administration**

This kind of letter transfers ownership of a deceased person's belongings to the executors of a particular estate. The surviving individual's personal representatives typically receive this letter in cases where the decedent does not have a will or in cases where a will has been declared void for whatever reason(s).

#### **Assent**

It is a legal document that the executors or administrators of an estate use to grant an interest in a particular estate to the beneficiaries of the estate or to any buyer who is not a party to the estate. Executors or administrators of an estate always attach a copy of a letter of administration or grant of probate.

#### **Judgment of Court**

Another crucial document that might change or transfer someone's interest in a particular piece of property is a court's ruling. In Nigeria, rulings made by different courts have resulted in the transfer of legal interests in multiple assets from one individual to another.

#### **Land Acquisition Under the Land Use Act of 1978 and Land Reform in Nigeria**

##### **Land Acquisition Under the Land Use Act of 1978**

Nigerian land law is derived from statutory and judicial authorities that include the 1999 Constitution, Customary Law, Received English Law, Judicial Precedents or Case Law, and the 1978 Land Use Act. Prior to the Land Use Act of 1978, communal authorities owned and managed the land, allocating or renting it to whoever they saw fit. The 1978 Land Use Act grants the local governments authority over lands in rural areas, and state governments power over lands in urban areas. This was to integrate pre-existing land ownership rules and regulate land ownership nationwide. The Act grants state governors the authority to hold land in trust for the benefit of all Nigerians, and to grant land to any person. It also permits the right of ownership to be revoked with due compensation and, subject to ground payment, a maximum holding period of 99 years.

According to Section 1 of the Land Use Act, all land situated on state territory within the Federation of Nigeria belongs to the governor of that state and it is to be held in trust and managed in accordance with the Act's provisions for the use and common benefit of all Nigerians. The Act's Section 5(1) gives state governors the authority to award any individual, whether or not they live in an urban region, the statutory right to occupy land. In compliance with Section 9(1) of the Act, they can also issue a certificate of occupancy as proof of this right. Additionally, from Section 5(2) of the Act, all prior rights to the use and occupation of the land must be terminated upon the issuance of a statutory right of occupancy under the terms of Section 5(1).

Nonetheless, Section 15 grants the holder of a statutory right of occupancy the right to improvements and the

disposal of the same, so long as the governor's consent is requested and obtained in compliance with Section 22 of the Land Use Act, which deals with the alienation of statutory rights of occupancy with the governor's consent. In certain circumstances, Section 29 also grants the holders compensation in the event that the governor revokes their right of occupancy (Nwabueze, 2009). There are the different forms of land acquisition available in Nigeria, according to Oluwatayo *et al.* (2019) and Resolution Law Firm (2023).

### Free or Under Acquisition

A plot of land is considered free if the government has not expressed any interest in it. It is considered under government acquisition if the government is interested in the area for industrialization or urban development projects.

### Committed Acquisition

When a piece of land is designated by the government for a particular project, it cannot be transferred to private parties or organizations for use in other development projects. If not, the government will eventually seize full control of the land, and the land holder will lose all the investment in the land.

### Global Acquisition

Since the land under acquisition has no predetermined government purpose, it can be committed or left free at a later time. Ratification and excision are the two primary procedures for declaring a piece of land free under global acquisition.

### Excision of Land

In order to make up for the loss of original proprietors, the government returns a portion of property to native owners or settlers so they can carry out development projects while adhering to legal procedures and guidelines. Within the parameters of local rules and regulations, a grantee who excises land retains title to and management of the land. A formal title can be processed on an excised portion of land, making it safe to purchase and develop once it is published in the government's official gazette.

### Land Ratification

This process is used when a person or business buys land that the government owns. Regularized land must comply with state urban planning standards and not lie inside a government-committed area. The procedure is costly since purchasers must pay the government for the land after purchasing it from the seller (Omoonile). The government releases the land and gives the applicant a certificate of occupancy (C of O) upon regularization.

### Land Reform in Nigeria

One of the main techniques for managing land is land reform, typically initiated by the government and involves utilizing existing or modified institutional arrangements

to allocate, distribute or redistribute title and use land. Because getting a certificate of occupancy is a time-consuming, costly, and fraudulent process, just 3% of Nigerian land is now registered under land title (Adeniyi, 2023). As a result, Nigeria is currently promoting two different kinds of land reform. The first entails removing the Land Use Act of 1978 from the constitution and the sections that granted state governors the authority to assign and mortgage land. The second involves the removal of the uncertainties under which most Nigerians continue to enjoy their possessory rights to their land. Due to this Act, landowners and occupiers are exposed to the claim of anyone who manages to get a statutory right over the land they have a possessory right over.

As contributed by Dinebari *et al.* (2017) and Hull *et al.* (2019), the land reform program of the 2009 administration aims to address this anomaly in the land use act with the seven terms of reference stated as follows:

- i. To work with state and local governments to register land ownership.
- ii. To identify individual possessory rights using best practices and the most appropriate mechanism to determine the process of location identification and title-holding registration.
- iii. To guarantee the discernible demarcation of title holdings and recorded land borders.
- iv. Supporting and motivating state and local governments to set up an adjudication or arbitration process to resolve disputes over land ownership.
- v. To suggest establishing a national depository for federal and state land title holdings and records.
- vi. To suggest the creation of a land valuation mechanism in the federation's rural and urban areas.
- vii. To offer any essential suggestions for a viable, efficient, sustainable, and effective land administration system in Nigeria.

### Current Level of Agricultural Production in Nigeria

Nigerian landholdings are primarily farmed by small-scale farmers, with average farm sizes ranging from 0.5 ha in the south to 4 ha in the north. Nigeria has 70.8 million hectares of arable land, of which the main crops are rice, millet, yam, beans, cassava, guinea corn, and maize (FAO, 2021a), and 70% of households work in this industry. In the Northern region of Nigeria, 69.3% of households own or raise livestock, compared to 7.3% of households in the South (FAO, 2021b).

### Rice

Of the 6.7 million metric tons of rice consumed in Nigeria per year, around 57% is produced domestically, leaving a 3 million metric ton shortfall that is either illegally smuggled or imported. In 2019, the government outlawed the import of rice in an effort to boost domestic production.

### Cassava

Nigeria is the world's largest producer of cassava,

accounting for 20 percent of worldwide production in 2017 with 59 million tons. There are significant economic opportunities, including large revenue yields from derived income and domestic value addition, as well as government revenue (FAO, 2020). Production is expected to rise with improved cultivars and production methods.

### Animal Production

Small ruminants such as goats (76 million), sheep (43.4 million), and cattle (18.4 million) are the most common livestock raised by farm families in Nigeria. Along with small and large ruminants, there are 169 million chickens in the world, with 184 million being the highest stock in 2018 (Doris, 2023). Despite several interventions by development partners to enhance output and protect against diseases, especially trans-boundary animal diseases, domestic demand in this subsector still exceeds production.

### Fish

Nigeria is the largest fish consumer in Africa and among the largest fish consumers in the world, with about 3.2 million metric tons of fish consumed annually (FAO, 2021a). With an 853 km coastline and more than 14 million hectares of inland waters, the region produces around one million metric tons of fish annually (313,231 metric tons from aquaculture and 759,828 metric tons from fisheries). Fish farming was practiced by 7.3% of households in the South-South zone, which accounted for the biggest share of all households. The lowest percentages were found in the South-West and South-East zones (Doris, 2022). Only 3% of Nigerian households, particularly those in rural areas, engage in fish farming.

### The Relationship Between Land Acquisition and Agricultural Production in Nigeria

Since land is necessary for agricultural output, access to and ownership of agricultural land plays a critical role in determining the level of agricultural production. The following were the findings from this study:

- i. Nigeria's land tenure system promotes the division of land according to inheritance, which leads to small-scale farming.
- ii. The small and dispersed size of Nigerian farmland only serve to promote more of subsistence farming, in which farmers produce less than their production capacity and underutilize their land. Consequently, Nigerian farmers earn just enough (from their marketable surplus) to meet their essential demands.
- iii. Once the small pieces of land are cultivated, farmers tend to give up farming for leisure, which discourages them from continuing farming activities over the long term.
- iv. The fragmentation of land promotes dispersed holdings in various places, which obstructs the best use of available land.
- v. Dispersed farmland also poses a significant challenge for the transportation of crops and inputs to and from the farm.

vi. Landholding inequality in Nigeria leads many ambitious farmers to run small farms, while less ambitious farmers possess more land than they can properly manage (Dell'Angelo *et al.*, 2021).

vii. As noted by Lisa and Christoph (2022), and Dell'Angelo *et al.* (2021), formal land claims and land tenure insecurity have led to an increase in the eviction of smallholder farmers and indigenous people through large-scale land acquisition, land concentration, and elite land grabs.

viii. Nigeria's current land ownership structure is socialist, with a disproportionate amount of state control over how land is used and developed. Therefore, it is ineffective in promoting development and businesses led by the private sector (Gift, 2023).

ix. It is believed that 95% of Nigeria's agricultural land is untitled, which makes it more difficult for farmers to use their property as collateral to obtain official bank loans (Ogundele, 2020).

x. The Nigerian Land Use Act of 1978's tenure regulations impede the country's agricultural output. In Nigeria, other relevant difficulties and challenges that contribute to redundant agricultural productivity include land tenure insecurity and political and bureaucratic obstacles to land rights acquisition for agricultural reasons (Dabara *et al.*, 2019).

xi. Lastly, the inability of farming households to grow cash crops limits their potential for generating money because they lack an absolute or non-derivative property interest.

### CONCLUSION

This study used qualitative content analysis approaches to evaluate legal issues in Nigeria's land acquisition and agricultural production. This study's findings showed that the predominant tenure system (inheritance) in Nigeria is not beneficial to agricultural output due to the high levels of land fragmentation and, subsequently, small-scale farming. Also, the goal of land laws and reform in Nigeria is, according to Section 1 of the Land Use Act, to place all land in the trust of state governors and administer it for the use and common benefit of all Nigerians; however, excessive state control over land ownership, use, and development does not support private sector-driven businesses like farming. Furthermore, it was found that a significant portion of Nigeria's agricultural land remains untitled, thereby restricting farmers' access to supplementary benefits that could facilitate the expansion of their operations.

### RECOMMENDATIONS

In light of the findings of this study, the following recommendations are made:

- i. The government should promote large-scale farming by giving potential large-scale farmers land on highways and expressways that are remote from populated areas.
- ii. Achieving land productivity and sustainable land sharing among Nigeria's land users should be the main

goals of the country's agricultural land policy. To solve the problems with the current land tenure system, there should be a new land tenure reform that will promote land redistribution and tenure security. Greater land tenure security will encourage small-scale farming households to invest more in agricultural production.

iii. Under the customary land tenure system, a new land tenure reform strategy should foster an ownership sense about the title formalization process by allowing for the use of affordable and functional technology and instruments to local document land tenure data.

## REFERENCES

- Adeite, A. (2022). Agriculture in Nigeria: 7 Interesting Facts and Statistics. Retrieved online: <https://babbangona.com/agriculture-in-nigeria-7-interesting-facts-statistics/>
- Adeniyi, P. (2023). Improving Land Sector Governance in Nigeria. Synthesis Report. Pp. 1-34.
- Adeyeye, I. (2023). What are the Methods for Acquiring Land in Nigeria? Available Online: <https://www.linkedin.com/pulse/what-methods-acquiring-land-nigeria-adeyeye-ifeoluwa>
- Charman Law Firm (2020). Land Tenure System in Nigeria. Retrieved Online: <https://www.charmanlawfirm.com/land-tenure-system-in-nigeria-20/11/2023>.
- Chimhowu, A. (2019). The New African Customary Land Tenure: Characteristics, Features and Policy Implications of a New Paradigm. *Land Use Policy*, 81, 897 - 903
- Dabara, D. I., Lawal, O. K., Chiwuzie, A. O., Omotehinshe, O. J., & Soladoye, J. O. (2019). Land Tenure Systems and Agricultural Productivity in Gombe Nigeria. *Madrigle Journal*, 1(2), 51-59. Available Online: <https://ssrn.com/abstract=3443664>
- De Vries, W. T., Bennett, R. M., & Zevenbergen, J. A. (2015). Neo-cadastrals: Innovative Solution for Land Users without State Based Land Rights, or Just Reflections of Institutional Isomorphism? *Survey Review*, 47(342), 220-229. <https://doi.org/10.1179/17522706144.0000000103>.
- Dell'Angelo, J., Navas, G., Witteman, M., D'Alisa, G., Scheidel, A., & Temper, L. (2021). Commons Grabbing and Agribusiness: Violence, Resistance and Social Mobilization. *Ecological Economics*, 184, 1-13. Article 107004. <https://doi.org/10.1016/j.ecolecon.2021.107004>
- Dinebari, A., Baadom L. E., Kpalap, E. M., Aselemi, E. A., & Igbara, S. A. (2017). Land Reform and Policy Issues in Nigeria: The Way Forward. *International Journal of Public Policy and Administrative Studies*, 11(3), 1-8.
- Doris, D. S. (2023). Agriculture in Nigeria - Statistics and Facts. Retrieved Online: <https://www.statista.com/topics/6729/agriculture-in-nigeria>
- Doris, D. S. (2022). Fish Farming among Households in Nigeria 2019, by Zone. Retrieved Online: <https://www.statista.com/topics/6729/agriculture-in-nigeria>
- Food and Agricultural Organization (FAO) (2020). Nigeria Agriculture at a Glance. Retrieved Online: <https://www.iita.org/cropsnew/cassava/>
- Food and Agricultural Organization (FAO) (2021a). Nigeria at a Glance, Food and Agriculture Organization of the United Nations. Retrieved From: [www.fao.org](http://www.fao.org)
- Food and Agricultural Organization (FAO) (2021b). Nigeria at a Glance, Food and Agriculture Organization of the United Nations. Retrieved From: <https://www.nationsencyclopedia.com/economies/Africa/Nigeria-AGRICULTURE.html>
- Gift, S. (2023). Land Tenure System in Nigeria. Retrieved Online: <https://www.aziza.com.ng/read/2023/02/land-tenure-system-in-nigeria/amp/>
- Hannah, T., Emma, J. D., Bnjamin, T. W., & Francis, S. (2023). Food for Future: The Nutritional Science behind the Sustainable Fungal Protein-Mycoprotein. A Symposium Review. *Journal of Nutritional Science*, 12(44), 1-6.
- Hull, S., Kehinde, B., & Jennifer W. (2019). Theories of Land Reform and Their Impact on Land Reform Success in Southern Africa. *Land*, 8(11), 1-28. Available Online: <https://doi.org/10.3390/land8110172>
- Isaac, N. (2022). Agriculture Contributed 23.3% to National GDP in Q2. Science Nigeria.
- Isye, M., & Feibe, E.P. (2020). The Impact of Legal Land Acquisition for Public Interest. *Advances in Social Science, Education and Humanities Research*, 473, 206-210
- Jones, B., & Land, N. (2012). Cadastre 2.0 – A Technology Vision for the cadastre of the future. In *Proceedings of the FIG Working Week, Rome, Italy*. Pp. 6-10.
- Kehinde, M. O., Shittu, A. M., Adewuyi, S. A., Osunsina, I. O. O., & Adeyonu, A. G. (2021). Land tenure and property rights, and household food security among rice farmers in Northern Nigeria. *Heliyon*, 7(2), 1-12.
- Knight, R. (2010). Statutory Recognition of Customary Land Rights in Africa: An Investigation into Best Practices for Lawmaking and Implementation; Food and Agriculture Organisation of the United Nations, Rome, Italy.
- Lemmen, C., Van Oosterom, P., & Van der Molen, P. (2013). Land Administration Domain Model. GIM International, Pp. 18–23.
- Lisa, M., & Christoph, G. (2022). The importance of different land tenure systems for farmers' response to climate change: A systematic review. *Climate Risk Management*, 35, 1-18
- Mahlati, V. (2019). Final Report of the Presidential Advisory Panel on Land Reform and Agriculture. Pretoria, South Africa, Pp. 1-132.
- Meyfroidt, P., Abeygunawardane, D., Ramankutty, N., Thomson, A., & Zeleke, G. (2019). Interactions between Land Systems and Food Systems. *Current Opinion on Environmental Sustainability*, 38, 60-67.
- National Bureau of Statistics (NBS) (2019). Nigerian Gross Domestic Product Report Q3 2019.

- Available Online: [https://www.nigerianstat.gov.ng/pdfuploads/GDP\\_Report\\_Q3\\_2019.pdf](https://www.nigerianstat.gov.ng/pdfuploads/GDP_Report_Q3_2019.pdf)
- Nayeem, S. & P. Huma (2017). Content Analysis. *Media and Communication Studies*, 27(2) 1-7.
- Nkwae, B. (2006). Conceptual Framework for Modelling and Analysing Periurban Land Problems in Southern Africa. Ph.D. Thesis, University of New Brunswick, Fredericton, NB, Canada, 2006.
- Nwabueze, C. (2009). Reporting: Principles, Approaches and Special Beats. Owerri: Top Shelve Publishers. Pp. 69-79.
- Ogundele, F. (2020). Factors Influencing Output Commercialization among Small Scale Farmers in Nigeria. *African Journal of Agricultural Marketing*, 8(10), 1-9.
- Oluwatayo, I. B., Timothy, O., & Ojo, A. O. (2019). Land Acquisition and Use in Nigeria: Implications for Sustainable Food and Livelihood Security. In: Land Use-Assessing the Past, Envisioning the Future. Intech Open: London, UK.
- Resolution Law Firm (2023). Types of Land Titles in Nigeria. Retrieve online: <https://www.resolutionlawng.com>. 13/11/2023
- Sanusi, O. S., Musa, J. M., Hyelni, S. D., & Sharon, O. A. (2021). Land Tenure Systems and Agricultural Productivity in Nigeria: a Case of Rice Production. Research Square, Pp. 1-11. <https://doi.org/10.21203/rs.3.rs-1008949/v1>
- Tamarapreye, E. (2023). 9 amazing facts about Smallholder Farmers in Nigeria. Retrieved Online: <https://www.crop2cash.com.ng/blog/9-amazing-facts-about-smallholder-farmers-in-nigeria/>
- Worldometer (2023). Current Population in Nigeria. Retrieved Online: <https://worldometers.info>