

AFRICAN RATTAN RESEARCH PROGRAMME

BRIEFING NOTE

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LAND TENURE AND ITS IMPLICATIONS FOR RATTAN CULTIVATION IN CROSS RIVER STATE, NIGERIA

SUMMARY

This briefing note considers the implications of land tenure systems in African Rattan Research Programme's study zones in Cross River state, Nigeria for the willingness and ability of resource-poor farmers to cultivate rattan cane and other non-timber forest products (NTFPs). Three contrasting zones were selected for the study: relatively remote "off-road" settlements; "border" settlements located near the boundary with Cameroon; and relatively accessible "on-road" settlements. In general, the participation of farmers in rattan cultivation trials seems to be determined by economic considerations (including market access), cultural attitudes and land tenure.

Some farmers, particularly migrant tenant farmers, have shown an interest in cultivating rattan cane, despite the fact that such farmers are, by customary law, generally not allowed to plant perennial tree crops on leased farmland. Land tenure arrangements in the study zones can be flexible and the participation of migrant tenant farmers in rattan cultivation trials may be possible through negotiation with indigenous landlords so that both parties could potentially benefit from rattan cultivation. There is a need for education and training of farmers to raise their awareness about the benefits of rattan cultivation. Changes in state policy and national land tenure laws would also help to create an enabling environment for rattan cultivation in Nigeria.

THE PROBLEM

Many urban and rural areas of Cameroon, Ghana and Nigeria are relatively densely populated and socially heterogeneous compared to other parts of West Africa. As a result a "bewildering variety of customary land tenure arrangements" (IIED 1999) exist in this region, alongside modern state land tenure legislation. In Cross River State, as the population density increases and land becomes scarce particularly in peri-urban areas, land values have risen. This increase in value has been compounded with the introduction of cash crops such as cocoa. These trends have brought about changes in land tenure arrangements.

It is taken as given that land tenure influences the choices farmers make about the crops they grow. This assumption was tested to see whether it holds true for this part of Africa. Do changes in land tenure affect the ability and willingness of different socio-economic categories of farmer to cultivate rattan and other NTFPs? Understanding existing land tenure arrangements is an essential step towards attempts to strengthen tenure security, which in turn may improve the ability of farmers to cultivate rattan and other perennial NTFPs more sustainably.

THE AFRICAN RATTAN RESEARCH PROGRAMME is an initiative of University College, London and the Royal Botanic Gardens, Kew. Currently in a second phase of research, the Programme is focussing on the importance of the rattan sector in Cameroon, Ghana and Nigeria for forest and artisanal livelihoods. The Programme is developing strategies for the sustainable management of the wild resource, on-farm cultivation and the transfer of improved processing and transformation techniques for artisans. For more information contact: Programme Manager, African Rattan Research Programme, Limbe Botanic Garden, SW Province, Cameroon. E-mail: afirrattan@aol.com website: www.africanrattanresearch.com

THE CONTEXT:

In Nigeria, customary law is practised alongside modern state law.

Customary law applied to indigenes

According to customary law, vacant land and forest resources within the community lands that surround each settlement belong to the community under the custodianship of the community council. Rights of use to farmland are claimed by indigenes either by clearing new areas of forested community land or through inheritance. Every indigene has a right to cultivate as much communal land as she or he wants. However, a person has no right to lease or sell family land without the consent of the family head. Nobody else can cultivate land, once it has been cleared, without the permission of the person who originally cleared it. Land that is no longer being used by an individual reverts to the community. Outright sale of land is prohibited. Land that is inherited or cleared gives indigenous farmers exclusive informal rights to land and use of standing trees on their farms and permits them to plant perennial crops such as cocoa on their land.

Customary law and migrants ('strangers')

Migrants, also called 'strangers', (these are mainly from neighbouring Akwa Ibom, Anambra and Ebonyi States) are excluded from these customary land use rights. In general, strangers are only allowed to rent land from individuals or the community. Three types of tenancy arrangements are common in the study zones. Firstly, strangers may clear forested land owned by the community, then may pay rents to the community council for as long as they cultivate the land. Secondly, strangers may rent farm or fallow land that has already be cultivated from individuals on an annual basis. Thirdly, strangers may enter into a sharecropping arrangement that is known locally as "work and divide", where the landowner gives out a cocoa farm to a tenant. Both landlord and tenant provide inputs, but the former provides relatively more inputs. After harvesting, the proceeds or profits made is shared on a ratio of 6:1:3, where 60% of the profit belongs to the landowner, 10% is shared equally between the two parties for cost of inputs and 30% goes to the tenant. "Work and divide" arrangement is more common in on-road and border zones where cocoa farming is more prevalent.

Under customary law, trees that are planted are considered the property of the person who planted them. Indigenes are allowed to establish perennial tree crop plantations on both inherited and newly cleared land. Tree planting in south-eastern Nigeria tends to strengthen the security of rights to land (Francis, 1987). It is therefore not surprising that migrant farmers are not allowed to own or cultivate tree crops on land leased to them.

State law

In 1978, the Federal Government of Nigeria enacted Land Use Decree No 6 of 1978. It was decided that henceforth, all land in the country would be held in trust by the state government on behalf of and for the benefit of the people. The Decree vests all land in each state (except land vested in the Federal Government or its agencies) solely in the state governor who holds such land in trust for the people and is responsible for allocation of land in urban areas. Similar powers are conferred to the Local Government Area Land Allocation Advisory Committee with respect to non-urban areas. It was decided that the rights of the members of a community to use land and enjoy its benefits should be ensured, protected and preserved by the state or local government as the case may be (Federal Government of Nigeria, 1978).

According to Nigerian law, all forest resources belong to the state except those planted by local councils or private individuals. However in practice, in most cases local people do not recognise that forested land within the village territory (except forests within forest reserve boundaries or national park boundaries) as state land. Farmland and forest resources continue to be informally allocated by village councils according to customary principles.

State law (cont'd)

Under Nigerian State law, all land without a title deed or permanent improvements (normally buildings), is considered to be part of the national domain or 'state land' under control of the state governments (not the Federal government unless in the Federal Capital Territory).

Current legislation allows any Nigerian to acquire land anywhere within the national territory even if s/he is not an indigene of the area provided it is state owned land outside of protected areas. To secure legal ownership of land, a person must apply for a state land certificate or title deed. This is a lengthy and costly procedure that may involve bribery and corruption. As a result, it is generally the elite – richer, better educated and politically influential people – who are in a position to secure legal title to land. Where title deeds are awarded to individuals, there is always a risk that they may take over land 'customarily' owned by the poor. This situation could lead to land-use conflicts and weakens security of tenure particularly for relatively poor people.

As stated above, this legislation is rarely applied particularly with regard to any land that is considered to belong to a community under the custodianship of a village council (which applies to all land in Nigeria outside of protected areas). Wherever it is applied (and this is becoming more frequent), government officials mindful of the possible conflicts between customary law and state law, often insist that the prospective title deed buyer provide written proof of consent from the traditional village authorities, before awarding the title deed. However this is tacit recognition of customary law outside of current Nigeria law.

Many people in Nigeria are now calling for reform of land tenure laws to avoid potential conflict.

THE EXPERIENCE OF THE AFRICAN RATTAN RESEARCH PROGRAMME

Case study 1 (off road – the Ekuri villages)

In Old Ekuri, a remote village (off road), over right inside the forest and 30 km from the nearest main road, there are no migrant farmers. Most people in the village are indigenes and they have relatively secure tenure to their land. All have the right to plant trees on their land. Despite this there was little interest in rattan cultivation. After over two years of interaction with the project, there was one farmer in Old Ekuri said he had started stem propagation of rattan on his farm. A few others expressed interest in planting rattan cane individually on their farms but had not done so.

Case study 2 (On road – Abontakon)

Abontakon, by contrast is located right on the main Calabar to Obudu highway. . Here, the community has a mixture of indigenous farmers and migrant farmers renting land from indigenes. In this village, the indigenous landowners showed little interest in planting rattan on their farms (similar to Old Ekuri). Migrant farmers, however, were very keen to plant rattan on their farms despite the fact that customary law disallows migrant tenant farmers from perennial tree crops on rented land. . However, they were concerned that their host communities would not be willing to allow them to participate in the cultivation trials, because of the fact that the strangers concerned may claim *de facto* ownership to land leased to them. Other migrants were concerned that as rattan is a perennial crop they may be gone from the community long before the rattans are ready to harvest. These farmers were keen to discuss the possibility with their respective landowners and felt that it might be possible to work out mutually beneficial agreements between both parties involved to enable them (the tenant farmers) to participate in the rattan cultivation trials (Living Earth, 2002).

This appears to indicate that land tenure arrangements in some areas are flexible and that the participation of migrant tenant farmers in rattan cultivation trials is possible through negotiation with landlords so that both parties can potentially benefit from the activity.

LESSONS LEARNT

It seems that rattan cultivation in Cross River State is influenced by 3 factors:

- Economic considerations (including market access): In addition, planting and initial care and maintenance of rattan seedlings is a time consuming process. It that farmers are cautious about cultivating a new, unimproved crop that they are unsure will be economically viable. The existence of competing demands on farmers' time is likely to be a major determining factor in the willingness and ability of farmers to cultivate rattan cane.
- Cultural attitudes: the general lack of interest by farmers in rattan cultivation trials seems to be influenced by the belief that there are still sufficient supplies of wild rattan in the forests.
- Land tenure: while land tenure is relatively secure for farmers living in their home village (indigenous farmers), there are increasing numbers of migrant farmers who are unable to plant tree crops (such as rattan) on their rented farms.

Thus, in the off road communities where there are relatively large stocks of rattan cane available in the surrounding forest and access to markets is limited (due to the remoteness of the village), there is little economic incentive for farmers to plant rattan despite having relatively secure tenure to their land and the right to plant tree crops. In the on-road communities, rattans are scarce and often completely absent from the land surrounding the village and market access is good. In this circumstance, one would expect indigenous farmers with secure tenure (and the right to plant trees) to be interested in planting cane. However, cultural attitudes come into play. Why on earth should one cultivate a wild plant that is still perceived to be plentiful (even if it is not) and god given?

It is instructive that in these on road communities; the migrant farmers were more interested in planting rattan than the indigenous landowners. Migrants generally tend to be better traveled and better educated and more open to new ideas. They tend to appreciate the implications of forest destruction, having moved from deforested areas to forested ones in order to have access to farmland, and hence are more likely to show an interest if rattan cultivation. Unfortunately, this group, which is more open to new ideas, such as rattan farming, are the very group with insecure tenure, and thus are unable to try these new ideas out.

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