



# Conflicts of land tenure and tree tenure on land use and management among agro-based households in Nigeria

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## ABSTRACT

**Tenure issues in natural resources management and control limit agricultural enterprise and effective land use. Conflicts arising from land tenure and tree tenure were examined in eight (8) communities across Northern and Southern Nigeria. The research included preliminary surveys, interviews and questionnaires to obtain relevant information on tenure conflict history, agricultural enterprises, resource user groups and rights exercised in land use and management. Root cause analysis was used to identify underlying and immediate causes of tenure conflicts. Furthermore, the intensity of conflict was analysed using resource devolution tool. Results obtained show informal procedural patterns of resource ownership and transfers as key underlying cause in land-tree tenure conflict in the Northern region while appreciation in the resource value was key underlying cause in the Southern region. The conflict situation affected different categories of resource users. In addition, to individualized agro-enterprises modifications among households, there are pluralized enterprise activities: a response to the conflict situation. In both regions, access, withdrawal and management rights had high intensity conflict cases involving mostly small scale farmers, land trustees, land tenants and land owners. Standardized property titling, strengthening of local/customary institutions in alternative dispute resolution and development of flexible tenure system to accommodate resource poor user groups especially in rural areas are salient policy issues that can stem resource conflict incidence.**

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## INTRODUCTION

Operational land rights in an area, land transactions and procedures involved, are strategic and focal to realizing the targets and objectives for land use and management either at household, communal or regional levels. In many regions of the world, issues relating to land use and management according to Olajide (2005) and Akinola (2006) leave much to be desired especially when one

considers operational policies on natural resources ownership and land governance especially across the third world countries. In an attempt to achieve set land use objectives, stakeholders often brainstorm on policy issues which bother on standardization of land transactions as well as championing reform alternatives when needs arise among other approaches. In the agricultural and forestry sub-sectors, for instance, stakeholders seek to identify constraints as well as opportunities for land and tree conservation, management and sustainability. Tenurial research is one emerging area of development interest which is

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instrumental to understanding and articulating effective natural resources management and conservation strategies in many communities and societies (Boakye and Baffoe, 2006).

The nexus in land tenure and tree tenure revolve around the presumption that security of land tenure is needed to provide the motivation for any meaningful land-based activity (for example, planting slow-maturing trees whose benefits accrue only after a certain time lag). Again, having rights in controlling the land on which trees are planted is crucial to reaping the benefits from tree planting or any land improvement activity (Tomforde, 1995). Nonetheless, in many societies in Africa and Asia, trees are used as a mark of ownership rights. Planting of commercial tree crops such as *Elaeis guineensis* (oil palm), *Theobroma cacao* (cocoa) and *Coffea* sp. (coffee) can substantially increase the economic and social value of land and thus accelerate commercialisation of land, individualisation of land tenure and interest in property value among others (Neef, 1999).

Scientists and practitioners in natural resource conservation consider land tenure and tree tenure as being associative, identical and in some cases complementary. The fact that land and trees standing on a given land area can be independently owned, controlled and used distinctly has not until recently become a somewhat recurring issue of conflict and burning concern undermined in tenurial research discourse. It is possible that male descendants of a land owner inherit the land while his daughters inherit the trees on it (Bruce, 1988; Neef, 1999). There are cases also where a resource user group is entitled to harvest fruits from trees, another group can own the right to the timber of these trees; and the land on which the above are grown is owned by a different individual or group. These incidences can be readily observed across local communities in Africa. These rights can also vary over time and/or space which have implications on land management, individual/public development initiatives, agricultural production and food security especially among agro-based communities (Agrawal and Ostrom, 1999).

Given that the processes of land tenure and tree tenure are almost uniform within a community where they exist and are practised, evaluation of land tenure and tree tenure processes determines which group stands to benefit from, and which group stands to be adversely affected by any land management policy and/or community development or agro-forestry projects. Such land and tree tenure assessment studies will provide a framework for conflict-solving mechanism in natural resources management. The non-recognition of cause and effects as well as the multiple levels of the conflict interaction among different operators or natural resource users has often resulted in mis-shaping policies, failed urban and rural development plans/projects and

interventions which often bring undesirable outcomes (Bruce and Fortmann, 1988). Consequently, drawing from experiences of Vietnam, there tends to be a wide spectrum of conflicts in individual rights, resource ownership rights and in some cases public controlled rights in land management and use (Neef and Schwarzmeier, 2001). The failure to accord recognition to operational rights of households in local and statutory land administration is seen to be another cause of failure in most projects at local, communal or regional levels (Idowu, 2006; Mesike et al., 2009).

The research would provide avenue for identification of conflict situation, land use preferences and areas of collaboration and/or co-operation by different resource users and land owners to forestall recurrent conflicts in land tenure and tree tenure among others.

### Conceptual foundation

Tension and conflict are a part of human society. Erosion of ownership rights (for example, individual resource ownership and security) is a source of human grievance that can contribute to conflicts. As recorded by some authors, where rapid demographic growth is not accompanied by increases in productivity or by new opportunities to acquire income (for example, from non-agricultural activities), competition over land heightens and may be manipulated by elites. Issues of access to land resources and uneven distribution are observed as veritable causes of disaffection which often feed conflict in communities and regions with a history of unfair and/or non-standardized land distribution (Deininger, 2003).

Security of tenure in land and/or other land based resources including trees and tree products is gradually becoming a necessary condition for any land-based investment. At the household level, one's rights to use land and/or trees are no stronger than the recognition given to those rights by others. Legislative interventions, including nationalization, are not automatically observed where they conflict with customary practices in some rural areas (NSW Department of Community Service, 2009). This underlies the fact that customary resource tenure is integral and should be fostered along the lines of continuing negotiations among rural and urban residents, concerned groups/organisations and relevant stakeholders, one of which is the State.

Approaches to land conflict resolution are varied. All societies have a framework of laid-down conventions or rules by which land conflicts are managed or resolved. The body of rules that defines and qualifies people's relationships on a given resource with each other forms the resource law (for example, land law) of a people. The basic sets of standards from which other standards in the culture derive then become the framework of conflict management and resolution. In traditional African

societies, for instance, the approaches to conflict resolution are intrinsically bound up with the values of the people. The various concepts of land (spiritual, legal, political, economic, social, etc.), influence the land conflict resolution approaches to adopt. In general, in most local areas, the roles of the family and kinship institutions are seen to be fundamental to land conflict resolution.

The domain of public land resolution has been dominated by many researchers. It is now recognized that most modern mechanisms (science, court litigation and administration) are in use to deal with resource disputes including land. The adversarial nature of many of these processes has in fact disrupted relationships among people and groups rather than solving such ownership problems and disputes.

Until recently, the complex interactions between land tenure and tree tenure have been widely neglected by researchers and development agencies (ECA, 2009). Due to sectoral differences, rights on agricultural lands/forest lands and rights in trees have severally been analysed in an independent manner. It is worth noting that across most societies in Africa, trees establish (sometimes get established) within land(s) held/controlled by another individual or household often within a predominantly smallholder farm layout (Cousins, 2000).

## METHODOLOGY

Regionally, land holding and tenure system in Nigeria are categorized into two distinct classes: Northern Nigeria Land Tenure System (NLTS) and Southern Nigeria Land Tenure System (SLTS) each of which exhibits up to-date, some distinct land tenure and land use procedures and practices (Meek, 1957). The major regions of Nigeria have sharp cultural and geographic dissimilarities with currently over 50% of their populations, agriculturally oriented (Foli, 2012).

The present study employed the use of preliminary survey with 45 randomly selected households across the study area. This was followed by administration of structured questionnaires and finally in-depth interviews (IDIs) with key community/village heads. The study covered four states: Kaduna and Niger states in the northern region and Enugu and Abia States in the Southern Region of Nigeria (Figure 1).

The preliminary survey adopted the use of issues analysis methodology proposed by Centre for Dispute involved in a situation: their interests, rights, relationships and differences (Means et al., 2002). The above methodology was used in the identification of community-based resource user groups involved in the context under Resolution (Engel, 2007). Issues analysis is a procedure applied in social research to investigate key parties'

focus, the rights they exercised in land and tree ownership processes. Root cause analysis tool was used to identify the causes of land-tree ownership and use conflict in the study area.

The above preliminary survey explored dominant resource users groups in the area and the land use enterprise activities families engaged in. Following these, questionnaires were structured and administered to farm families located in selected agro-based communities identified during the preliminary survey.

Eight (8) communities were covered during the study. They are Agwara and Borgu in Niger State; Giwa and Gangara in Kaduna State. Others are Igbo-Eze and Oji-River communities in Enugu State; and Ikwuano and Ohiya communities of Abia State. Four hundred and eighty (480) questionnaires (240 each for northern and southern regions) were administered to the heads of the farm families in these communities (60 in each community).

Respondents provided background social and economic information of their households, land use enterprise activities, rate of ownership of title to natural resources (owned lands, owned trees etc.), incidence of overlap/conflict in resource ownership with other groups or members, and conflicts in resource use rights, etc. The resource user groups or stakeholders identified during the survey include land tenants, land labourers, small-scale farmers, commercial farmers, land trustees, land owners and tree growers. The intensity of conflict in land/tree ownership rights was investigated by testing some resource user rights on some identified user groups (also identified during preliminary interviews/survey) using decision making tool in devolution proposed by Agrawal and Ostrum (1999).

The following user rights were noted to be exercised by households who own trees within lands owned by other groups or households which tend to cause undue quarrel and ignite apathy and friction. The user rights identified in the survey were defined and included in the questionnaire. They are:

1. Access Rights: Right to enter a defined physical land area and enjoy non-subtractive benefits;
2. Withdrawal Rights: Rights to obtain non-tree products from the natural resource system;
3. Management Rights: Right to regulate internal use pattern and transform land resource by making improvements;
4. Exclusion Rights: Right to determine who has access into the area and how that right may be exercised;
5. Alienation Rights: Right to transfer (sell or lease) tree management and exclusive rights.

The conflict analysis was based on the responses of the interaction in the above use rights. This was grouped into four classes (none, low, moderate and high intensity

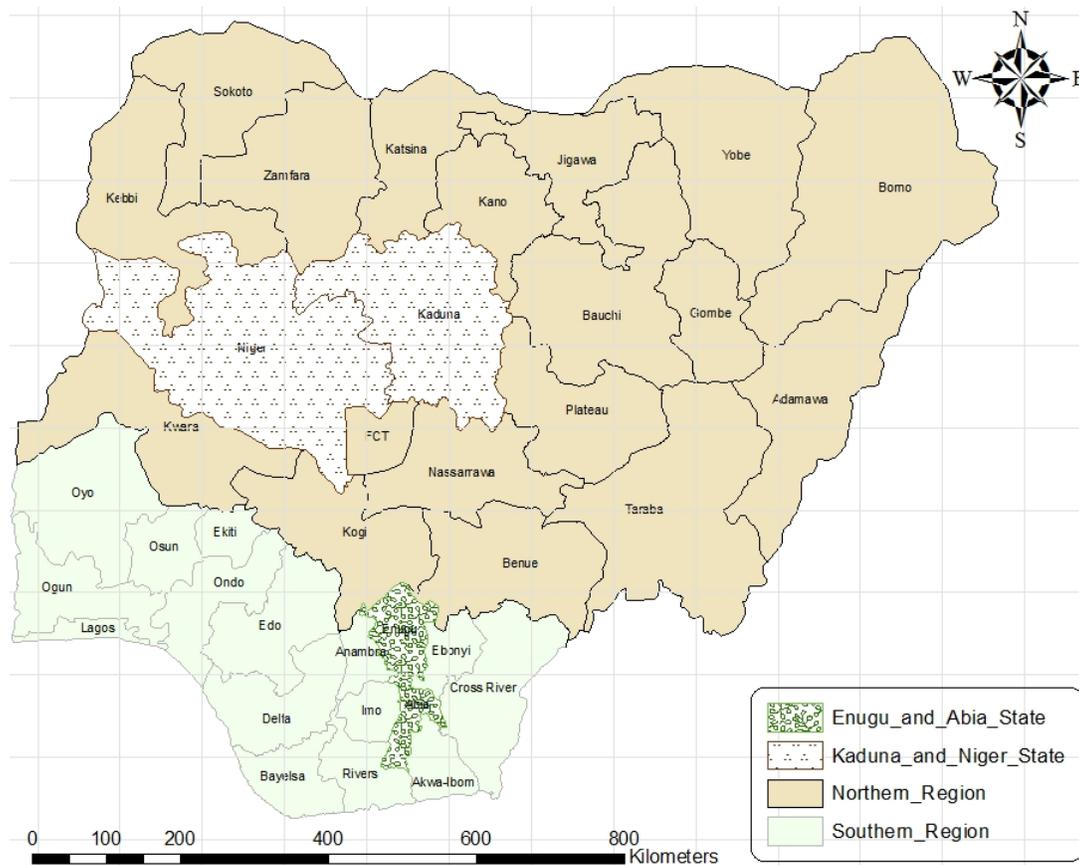


Figure 1. Map of Nigeria showing the locations of the study in the Northern and Southern regions.

conflict classes) and presented in form of a matrix. The four classes of responses were marked based on the strength of intensity of interaction/conflict of the user groups on resource user rights defined above. They are: No influence (no response from respondents); \*Low influence (with less than 25% incidence/cases from respondents); \*\*Moderate influence (with incidence/response rate from >25 - 75%); and \*\*\*High influence (with over 75% recorded incidence/ responses). 211 questionnaires were retrieved after administration in the Northern region while 183 was successfully retrieved in the Southern region.

## RESULTS AND DISCUSSION

Northern and Southern regions of Nigeria occupy land areas of varying sizes with the former occupying about 684,487 km<sup>2</sup> and the latter about 193,956 km<sup>2</sup>.

Competitions and conflicts over essential livelihood assets and resources are often exacerbated by dwindling household income base and living standards. Family size and educational attainment of the members within the community and their cultural affiliations influence the

enterprise activities in an area (Wanyama et al., 2010). The large household sizes (>10 persons per household) (Table 1), recorded across the Northern region (representing 19.9%) coupled with the level of illiteracy in the area (no education: 58.3%) are indicatives of possibility of high involvement in low to medium scale enterprise activities. The fact that there is a larger arable land in the Northern part of Nigeria (684,487 km<sup>2</sup>) than there is in the Southern part (193,956 km<sup>2</sup>) predicates the engagement in livelihood and survival activities that involve regular contact with land and land-based resources.

The land per capita in Nigeria is put at 0.3 ha (Auy, 2008; World Bank Trading Economics, 2012). The high quest for educational attainment in the southern region (Tertiary level: 88.5%) appears to be a profiting adaptation option to reduce land resource competition usually prevalent among agrarian communities and hence exploit alternative income generating sectors and/or industries for livelihood. This situation can possibly confirm the high competition rate in the employment/labour market in the southern region of Nigeria where many are in search of white-collar jobs.

**Table 1.** Socioeconomic background on respondents in the study area.

Parameter	Category	Northern region (211)	Southern region (183)
Household size	Small (<5)	-	-
	Medium (5-10)	49.8	100
	Large (>10)	19.9	-
Household leadership	Man-headed	70.1	85.8
	Women-headed	-	14.2
Settlement status	Native	80.1	100
	Non-native (stranger)	-	-
Length of stay (residency) in the area	Short	-	-
	Medium	-	-
	Long	69.2	100
Education	None	58.3	-
	Primary	9.9	-
	Secondary	19.9	4.9
	Tertiary	50.2	88.5

The study also shows some underlying and immediate causes of tenure conflict in the communities visited. There are more immediate causes than there were underlying causes. Most of the incidences have arisen as an immediate manifestation of the root (underlying) situation as observed in the survey. One key root cause identified across the two regions stemmed from poor and non formalized ownership transactions which have been a bane of associated immediate conflict causes from past generational lines up to the present. In the Southern region however, top in the list of causes is the rapid rise value of property in form of appreciation (Table 2). There are higher cases of dispute and commercialization of landed property in southern region of Nigeria (Arua and Okorji, 1998). This incidence has arisen from the rapid growth in infrastructural development in most southern locations which impact significance on such locations and the increase in knowledge which accords new and improved utility to resources and properties which in the past were allowed to waste where the resource is based.

### Resource user groups and agricultural enterprises activities

Results of preliminary survey show that different land user groups are found in the communities visited. They are contained in Table 3. From the questionnaire administered, almost all households engage in and find fit into more than one resource user group. The survey

indicates that user groups which recorded highest frequencies in the northern region are land owners (183 out of 211) and commercial farmers (170 out of 211) while in the southern region, they are small scale farmers (128 out of 183) and land owners (105 out of 183).

In the northern region, the land owners and small scale farmers are major user groups who own/control lands with formalized/registered evidence of property ownership. In almost all cases, across the user groups in both regions, there are low cases of tree ownership title held except for a few tree growers. IDIs revealed that tree growers have over the years formed strong unions through which they implore recognition and access to credits and other inputs from government. Although, this appears to have decreased over time, tree growers have based their enterprise within forest and agro-forest lands in forms of taugya (FAO, 1993).

In the northern region, land/tree conflicts were observed within four different land user groups (Table 3). This affected majorly, the land trustees followed by small scale farmers and on a lower impact on land labourers and tree growers. In the southern region, all the resource user groups reported incidences of land/tree conflicts. Small scale farmers are the largest agricultural production group engaged in land management and conservation as well as food production and processing in all developing societies including Nigeria (Adewumi and Omresho, 2002). Highest incidence was reported by small scale farmers. This was followed by land tenants, commercial farmers, land owners, tree growers

**Table 2.** Root cause analysis in land tenure and tree tenure conflict among households in Nigeria.

Kind of causes	Items/issues of conflict importance	Northern (%)	Southern (%)
Underlying causes	Procedures of resource use and transfer are informal and undocumented	34	41
	Lack of access to historical record/information on resource ownership and use	31	14
	Increasing appreciation in value and importance of resource	22	45
	Transfer of resource ownership rights and privileges to aliens/strangers	13	-
	Total	100	100
Immediate causes	Betrayal of mutual trust/confidence involving resource holders and/or users or their heirs who are related by blood or marriage	18	-
	Death of any member/party involved in land, tree resource transaction	15	31
	Poor/low light penetration on cropland(s) through mature tree canopy	12	9
	Some trees naturally spread thus occupy more land area than originally observed	-	16
	Low, dwindling yield from a given resource unit (land, or tree) thus brewing jealousy and suspicion	16	17
	Trees are believed to sap nutrients from the land meant for agricultural crops	9	11
	Modern and customary dispute resolution mechanisms very often have conflicting stands on a given dispute case	30	16
	Total	100	100

**Table 3.** Different resource user groups in agro-based communities in Nigeria.

User group	Northern region (211)	I	II	III	Southern region (183)	I	II	III
Land owners	183	27	5	-	105	57	49	12
Land tenants	-	-	-	-	98	9	-	26
Land labourers	43	-	-	2	104	1	-	4
Small scale farmers	106	15	4	5	128	24	31	33
Land trustees	128	2	-	13	-	-	-	-
Commercial farmers	170	12	2	-	52	37	46	19
Tree growers	107	8	10	2	22	3	4	11

I, Households with land titles; II, households with tree titles; III, households who experience land-tree ownership conflicts in their enterprise activities.

and lastly land labourers. In the past, competition/conflict in resource ownership, management and use was not as intense as it currently is the case. Key informants reported that their community was known with and identified with specific agricultural enterprise activity which offered a unifying enterprise for the members in the area.

Given the above conflict scenario experienced by the user groups, there tends to be a broadened horizon of agro-enterprise activities that households in a given area

engage in, perhaps, as a response to the conflict situation. There is a shift towards land use enterprises and management activities where individuals and/or households voluntarily relinquish control/ownership of their property/resource as a measure to limit conflict of joint or dual party resource ownership. In the result, there are more cases of individualized rather than collaborative user groupings. According to the informants, this has meant low or non-interference in individualized resource use, control, management and utilization at

**Table 4.** Agricultural enterprise activities in Northern and Southern regions of Nigeria.

Enterprise	Northern region (211)	Southern region (183)
Cash crop production	118 (55.9)	96 (52.5)
Poultry/livestock production	-	43 (23.5)
Tree crop production	34 (16.1)	17 (9.3)
Fisheries	6 (2.8)	18 (9.8)
Pasture/fodder production	39 (18.5)	-
Snailery	8 (3.8)	-
Indifferent	6 (2.8)	9 (4.9)

Values in parenthesis represent percentage for each region.

**Table 5.** Levels of land-tree tenure conflict and intensities.

Region	Category	Access	Withdrawal	Management	Exclusion	Alienation
Northern region	Land trustees	***	***	***	**	**
	Land labourer	*	*	-	-	-
	Small scale farmers	**	***	**	-	*
	Commercial farmers	-	-	-	-	-
	Land owners	-	-	-	-	-
	Tree growers	*	*	-	*	-
Southern region	Land tenant	***	**	**	*	**
	Land labourer	-	-	**	-	-
	Small scale farmers	***	***	**	***	**
	Commercial farmers	**	*	***	**	-
	Land owners	***	-	*	**	*
	Tree growers	-	*	*	*	-

various community levels.

In the Northern region, top three (3) land use activities engaged in are cash crop production (55.9%), pasture/fodder production (18.5%) and tree crop production (16.1%), (Table 4). In the Southern region, they are cash crop production (52.5%), poultry/livestock production (23.5%) and lastly fisheries production (9.8%). Across the columns, lowest aggregate incidence of tenure conflict is on alienation rights while highest cases affect access, withdrawal and management rights (Table 5). Tenure conflicts were evidently experienced by the community/village land trustees in the northern region and small scale farmers in the southern region. Land trustees are the village heads/chiefs who hold lands *en trust* for their respective communities. The current agro-development projects in northern Nigeria (for example, Fadama project) targets mostly farmer groups (in both small and large scale) who also own land resources on which they carry out their farming/enterprise activities. Land trustees represent another user group in the North with significant cases of conflict in land/tree ownership

and control. In this case, any agro- input or subsidy targeted on land labourers would mean no visible impact on this user group who are mostly landless (or lower case indigenes or *dalits*). Flexible tenure regime can be advocated for to enhance mobility across the different land user groupings with socially and/or culturally adaptable procedures. The experience of Namibia is instrumental in developing a workable tenure regime that can accommodate different resource user groups and interests (MLRR, 1997).

In the southern region, small scale farmers are top land user groups with recorded cases of tenure conflict situation. The same was observed across the land tenant group. With the growing land fragmentation in Nigeria, especially in the southern part, land tenancy has come to be a form of land holding which has over time aided resource poor and mostly industrious peasant families to engage in one form of land use activity or another under agreed term(s) with prospective land owners/managers in the area (Adams et al., 1999; Christensen, 2004). The higher number of small scale farmers than land owners in

the southern region indicates the perceived difficulty of the latter to let sufficient land area for production activities to the other resource groups including small scale farmers. Most land and tree titles are still held by the land owners with only some fraction held by other user groups. The granting of temporary and intermediate or transferable title to user groups, especially small scale farmers and others, will aid in controlling and asserting control and ownership to agro-resources.

## Conclusion

Land tenure and/or tree tenure although can appear as mild terminology and resource ownership practice can crystallize conflict situation especially where it involves another party or group in the ownership, use and management. This erodes unity and limits appreciable resource investment and production interest. Northern and Southern Nigeria share almost similar experience in tenure conflict situation, history and procedures irrespective of specific regional tenure system of land and resource-holding. The land owners and the small scale farmers are the major user groups involved in the conflict situation. Conflict situation appears to have robbed enterprise growth and development across different regions. Highest conflict situation was observed among land trustees in the north and small scale farmers in the south. Strengthening local institutions through empowerment and encouragement of documentation of historical information on resource holdings are essential to boost small and large scale land based production activities and reduce conflicts and litigations. Encouragement of flexible tenure holding which is an aspect of tenure reform should be vigorously pursued. This will give a face lift, mobility and formality of land holding for different user groups especially landless and enterprising land tenants. In the South, standardization and recognition of title is key to reducing conflict situation as well as provision of alternative enterprise activities to households that can provide even appreciable livelihood safety nets.

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