Effects of displacement on land tenure systems in Northeast Nigeria
INTRODUCTION

N.E Nigeria land policies are built on an overlapping mix of customary, Islamic, and statutory law all play some role in managing land affairs, it is not always clear what each role is. The region also has a long history of violent struggle to use and control land, from the Fulani conquest, to the long-standing contest between farmers and herders, to the recent destruction wrought by Armed Group. These factors have converged to create a situation where massive numbers of people have been displaced,
All of whom need land to either live or work; and a shrinking amount of land to meet these needs. The objective of this report is to better understand the barriers to accessing land for the conflict-affected population in Northern Nigeria.
METHODOLOGY & LIMITATIONS

1. Information for this report was gathered through combination of desk study of existing literature and fieldwork conducted between November 2018 and January 2019

2. 20 FGDS, 12 KII and household visits in the BAY states

Limitations

a. Access to people and areas was limited as a result of evolving security conditions
Legal framework applicable in the N.E Nigeria

1. Land Tenure Law of 1962
2. Land Use Act of 1978

Problems Implementing the Land Use Act

• Sec 1, 28 and 29
• Procedure for registration of title
Land tenure

The way land is held or owned by individuals and groups, or the set of relationships legally or customarily defined amongst people with respect to land. In other words, tenure reflects relationships between people and land directly, and between individuals and groups of people in their dealings in land.
Land tenure System

1. **Statutory**: Land rights granted by the state. Such land can not be alienated by assignment, mortgage, lease, or other means without approval of the governor.

2. **Customary**: Regulate people’s right to enjoy the use of land arising from customary practice.
Changes since the conflict

LAND GOVERNANCE & EVOLVING CUSTOMS

Statutory law, and customary (Sharia law) practices all played some role in regulating how land is accessed and used, though it was not clear that there was an accurate understanding of what practices fell under which category. E.g. inheritance was governed by Sharia law, in other cases custom was used instead.
Land Acquisition

• Historically, the bulama was understood to act as a custodian for land, which was a communal asset to be allocated among families for use, free of charge, as needed. However, they had no right to give out land that was no longer under their care,

• Documentary evidence of land transactions.
3. Taxes

Under customary tenure systems, the traditional leaders were seen as holding and managing the land in trust for the community members, and typically received some kind of tribute or payment from land users. Some areas reported still paying some kind of tribute (such as a portion of the crops that they harvest)
Land disputes & increased tenure insecurity

1. Problem Between Farmers & Herders
2. Cost of Accessing Land
4. Secondary Occupation
5. Multiple Sales
6. Competing interest on the use of land
6. Security Conditions and Military Action
8. Eviction
Unintended effects

Humanitarian assistance seen as a source of income

IDPs are getting humanitarian assistance, Land owners are now refusing to allow NGOs to use land for projects without payment of incentives; this is a worrying development that should be watched, as it can prevent IDPs from receiving the much needed assistance.
Conclusion

FSL programming requires an understanding of tenure/ownership arrangements of land prior to the provision of assistance to avoid violating the rights of land-owners and ensure security of tenure for the beneficiaries. Basic information, such as who is the rightful owner of land, how the land can be used, and for how long.

Such information protect beneficiaries’ security of tenure, and can avoid potential land conflicts.
Recommendations

1. Addressing Security Conditions
2. Addressing Cries for Justice
3. Future Research & Areas of Engagement/Advocacy
Questions?
Thank you