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Influencing Factors of Land Dispute in South West Nigeria

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Abstract

In Nigeria, particularly in the South-West, the unpleasant consequences emanating from land ownership disputes such as killings, destruction of properties, ethnic and tribal violence, political protests, and multiple sales of land result in a seeming or assumed ambiguity about the real ownership of the land. It was on this basis that this work comparatively analyses measures adopted in managing land disputes in Southwest Nigeria, with a view to developing guidelines for the most effective and efficient measures. A systematic random sampling method was used in selecting the landowners and lawyers, and a purposive sampling technique was used in selecting the directors in the states. Primary data were collected using a questionnaire administered to 955 landowners, 456 lawyers, and 17 directors. Also, seven experts were interviewed, which was made up of 4 lawyers and 3 directors. Descriptive, chi-square, Anova, content analyses, and case studies were used for the analysis. The findings as regards the overall type of disputes in communities in the south west indicate that 22.5% of the respondents encountered boundary disputes, 21.8% encountered land grabbing disputes, 21.5% encountered community land disputes, 30.6% encountered ownership property rights, and the remaining 13.6% encountered encroachment disputes. The land owners found that greed and lack of love generate land disputes in Ondo State, co-ownership and idle land in Ekiti State, and poverty and lack of love in Osun State. The lawyer found that encroachment and virgin land cause land conflicts in Ondo, Ekiti, and Osun states. The director found that co-ownership, encroachment, and virgin land cause land disputes in Ondo State, Ekiti State, and Osun State respectively. The study recommended that the government, through its agencies, should look into the establishment and creation of more land resolution agencies to resolve issues around land matters. The government should mitigate the nefarious activities of land officers or community land owners by encouraging them to do the needful.

Keywords: Factors influencing, Land Dispute, Causes of Land Dispute

1. Introduction

One of the primary challenges in resolving land disputes in South-West Nigeria is the coexistence of statutory and customary land tenure systems. The Land Use Act of 1978, a significant legal instrument, aimed to harmonize these systems by vesting all land in the state and designating the governor as the custodian (Akingbade *et al.*, 2021). However, the implementation of this Act has been met with challenges, as customary land tenure practices, deeply rooted in cultural traditions, continue to be widely observed in many communities (Oladokun, 2018). This dichotomy has led to conflicts and ambiguities, hindering the effective resolution of land disputes.

Rapid urbanization and population growth in South-West Nigeria have intensified demand for land, leading to disputes over boundaries, ownership, and access (Akingbade *et al.*, 2021). Encroachments on communal lands by urban migrants worsen tensions between communities and individuals (Oladokun, 2018). Ineffective land administration worsens the situation, with outdated cadastral maps and inadequate registries compounding challenges (Akinola, 2020). While various measures have been taken to address land disputes, their effectiveness remains debatable. Traditional dispute resolution methods based on cultural norms have helped mediate conflicts but struggle with complex disputes (Oladokun, 2018). Legal interventions like the Land Use Act of 1978 aim to provide a framework, but corruption and resistance to change hinder implementation (Akinola, 2020). The formal legal system is seen as slow, expensive, and disconnected from local realities (Akinola, 2020).

Alternative dispute resolution (ADR) strategies, including mediation, negotiation, and arbitration, have gained prominence as non-adversarial and cost-effective mechanisms for resolving land conflicts (Oladokun, 2018). These processes encourage dialogue, compromise, and mutually acceptable solutions, often facilitated by trained mediators or arbitrators. However, the effectiveness of ADR methods may be influenced by factors such as power imbalances between parties, lack of trust in the process, and limited awareness and understanding of these strategies.

Despite the various measures adopted to address land disputes in South-West Nigeria, a comprehensive and holistic understanding of their effectiveness, limitations, and interplay remains lacking. Existing studies (Lamidi and Olaleye, 2023; Oyinloye *et al.*, 2023; Akingbade *et al.*, 2021; Akinola, 2020; Oladokun, 2018) have primarily focused on examining these measures in isolation, without delving into their comparative analysis and the underlying dynamics that contribute to the persistence of land conflicts in the region.

Several research gaps can be identified in the current body of knowledge. First, there is a need for a comparative evaluation of traditional dispute resolution mechanisms, legal and policy interventions, and alternative dispute resolution strategies to determine their relative strengths, weaknesses, and applicability in different contexts. Second, the interplay between statutory and customary land tenure systems and its implications for the resolution of land disputes in South-West Nigeria warrant further investigation. Third, the socio-cultural, economic, political, and institutional factors that contribute to the persistence of land disputes, despite the implementation of various measures, require in-depth exploration.

By addressing these research gaps through a comprehensive comparative analysis, the study has the potential to contribute to the development of tailored and context-specific strategies for resolving land disputes in South-West Nigeria. It can also inform policy interventions, foster cross-sectoral collaboration, and promote social stability, economic development, and environmental sustainability in the region.

2. Empirical literature on dispute resolution

In Nigeria, Edeh *et al.* (2022) examined land tenure security and preferences for dispute resolution pathways among landholders in Ibadan, finding that both *de jure* and *de facto* land tenure security significantly influence the choice of dispute resolution mechanisms, with a preference for traditional and alternative dispute resolution (ADR) methods over formal legal systems. Ukpong-Umo *et al.* (2019) investigated trans-boundary land disputes between Ikot Idaha and Osuk Ediene communities in Akwa Ibom State, highlighting the role of ADR, particularly mediation and arbitration, in resolving long-standing land disputes. Nwoba (2023) assessed the impact of religion on ADR in land disputes between Akataka-Ekpa-Omaka and Omege-Echara communities in Ebonyi State, revealing that religious differences hinder effective dispute resolution. Esiri (2021) examined land dispute resolution strategies among the Anioma/Asaba people in Delta State, finding that traditional mediation and arbitration were more effective than modern court systems.

In Africa, Lund *et al.* (2022) reviewed land rights and conflicts across the continent, identifying increasing resource scarcity, population mobility, and weak formal regulatory mechanisms as key drivers of land conflicts. The United Nations Economic Commission for Africa (2020) explored the relationship between land, ethnicity, and conflict, emphasizing the role of ethnic identity in land conflicts and the need for inclusive land policy development. Ntumva (2022) critically reviewed farmer-pastoralist conflicts, highlighting environmental scarcity, socio-political structures, and land tenure policies as major contributors to conflicts. Sabogu *et al.* (2018) investigated the implications of land conflicts on food security in the Dorimon Traditional Area of Ghana, finding that land conflicts significantly affect food security, with unclear land boundaries and chieftaincy disputes being major drivers.

In Asia, Fu and Gillespie (2014) analyzed land dispute resolution practices in East Asia, revealing the limits of legal institutions in resolving land disputes and highlighting innovative practices by state agencies and land users. Kaneko *et al.* (2021) provided a comparative legal analysis of land disputes in Asia, identifying historical, legal, and social factors as causes of land disputes and proposing new approaches to land law and dispute resolution. The World Bank (2018) examined the nexus of land conflict, migration, and citizenship in West Africa, highlighting the structural challenges related to land, migration, and citizenship, and emphasizing the need for comprehensive land policy reforms.

Ahani and Dadashpoor (2023) investigated land use conflicts in urban peripheries, finding that different land use mixes and interests cause tensions, recommending integrated planning and conflict management strategies. The United Nations (2020) provided a framework for addressing land and natural resource-related conflicts, emphasizing the importance of addressing land grievances as part of broader conflict prevention and peace-building efforts.

The underlying causes of communal conflict, especially issues evolving land deserve a thorough investigation. By adopting a descriptive survey design, Yamano and Deininger (2005) evaluated the causes, impacts, and resolutions of land conflicts in Kenya. The study's population was made of all households in the central and western regions of the country while stratified random sampling was adopted to select a sample of 899 households from which information was qualitatively obtained from the heads of the households.

Among other inquiries, the researchers sought to assess the causes of land conflicts among the local people. Using content analysis, the data revealed that approximately half of the recorded land conflict cases were as a result of

land use disputes which occurred mainly with neighbors or relatives who lived close. It also revealed that a major remote cause of the land use disputes was land sale. In line with the finding, the researchers concluded that land use disputes were on the increase and that land-sale was its major driver. The finding of the above-reviewed study could be helping in seeking solutions which will address illegal and documented land sales.

The study of Yamano and Deininger (2005) was deemed relevant to the present study based on its evaluation of the incidence and prevalence of land conflicts in Kenya. In a study designed to investigate a grazing land dispute between two different tribes in a region within Namibia, the analysis of collected data revealed that the origin of the disputes was as a result of one of the tribes which were mainly made up of herders migrating into a community of farmers. The migration by the cattle herders was then accompanied by issues of crop- destruction, messing of waterhole by the cattle, indignant insults on vulnerable members of the farming tribe mostly women, etc. In conclusion, the researcher acknowledged that the dispute between the two tribes was borne out of the social context of the land boundary dispute. The finding here could also be remotely attached to the migration of the herders from areas of absolute environmental resources scarcity to areas where they could have access to such in order to survive. The above-reviewed study was found relevant to the present study in that; inclusive in its assessment was an inquiry of a land boundary dispute between two tribes.

Abegunde (2011) examined the role of land in inter-communal conflicts in the southwestern region of Nigeria by utilizing a descriptive survey design. The study's population was made up of the adult population in the region while simple random sampling technique was employed to select a sample of 721 respondents from eight communities in four states. Data was obtained quantitatively through a questionnaire and one of the studies inquires was concerned with whether land use related issues served as a cause of communal conflicts. On completion of the data collection, a response rate of 82% (593 copies of the questionnaire) was attained and the collated data were analyzed using frequency counts and percentage scores.

The analysis of the result revealed that 437 (73.7%) of the respondents indicated that land use related issues were causes of communal conflict within the area. The finding revealed that issues concerning land use within the area had the propensity to result in communal conflict. The implication here could mean that communal conflicts within the area had land-use related issues as one of its main drivers. The above-reviewed study was considered relevant to the present study on the basis that it examined the role of land-use related issues in inter communal conflicts.

Mworia and Ndiku (2012) investigated the causes, effects and intervention strategies of interethnic conflict in Kenya by using the case of Tharaka-Tigania ethnic conflict as a case study. The communities which were directly affected by the inter-ethnic conflict provided the study's population while a convenience sampling procedure was employed to select a sample of 87 respondents. Data were obtained quantitatively with the aid of a questionnaire and one of the posers therein was concerned with assessing the causes of the conflict between the two communities. Obtained data were analyzed using frequency counts and percentage scores. The analysis revealed that 80 (91.95%) of the respondents indicated land-use dispute as for the second major cause of the conflict between the two ethnic groups. The finding revealed that land use dispute served as a major driver of the conflict between the two ethnic groups. Conclusively, the researchers opined that being that the boundaries between the two ethnic Groups were newly designated, the community members' conflict may have arisen as a result of the non-acceptance of the boundaries. The study's finding is in line with the cause of conflict between the two ethnic groups could bring about ideas on how to create boundaries amongst new created district, regions, countries or even states in a way which will reduce conflict in the long term. This could be achieved by rigorous dialogue between the groups of tribes through which the boundary will pass through so that an agreement will be reached between them. The above-reviewed study was considered pertinent for review by the present study as a result of its evaluation of the causes of inter-ethnic conflict between two ethnic groups.

3. Methods

The research design for the study is the quantitative research methods. This study used both primary and secondary sources of data in order to retrieve necessary and required information needed for this study. The target population for this study consists of land owners, directors, and lawyers that have been involved with issues relating to land disputes within the study areas since the focus of the study is to compare dispute resolution measures in managing land in Southwest Nigeria. A systematic random sampling method was used in selecting the landowners and lawyers, and a purposive sampling technique was used in selecting the directors in the states. Primary data were collected using a questionnaire administered to 955 landowners, 456 lawyers, and 17 directors. Also, seven experts were interviewed, which was made up of 4 lawyers and 3 directors. Descriptive, chi-square, Anova, content analyses, and case studies were used for the analysis.

4. Findings and discussion

4.1 Types of land dispute among families and communities in Southwest

The data presented in Table 1 offers a comprehensive analysis of the various types of land disputes experienced among families in the Southwest region, as reported by three distinct groups of respondents: Landowners, Lawyers, and Directors. One of the notable findings is the high incidence of encroachment disputes reported by Landowners, accounting for 32% of their responses. Interestingly, neither Lawyers nor Directors reported any instances of encroachment disputes, potentially indicating a gap in their involvement or awareness of such issues.

Boundary disputes emerge as a prominent category, with 29% of Landowners, 44% of Lawyers, and a substantial 47% of Directors reporting experiences with this type of conflict. The high prevalence among Lawyers and Directors suggests their active involvement in resolving or addressing boundary disputes, either through legal means or through their professional capacities. These disputes, which often arise from ambiguous property lines or conflicting interpretations of legal documents, can have far-reaching implications for land tenure security and resource management. Notably, land grabbing emerges as a significant issue, with 30% of Landowners, 48% of Lawyers, and 41% of Directors reporting experiences with this type of dispute. Land grabbing, which typically involves the illegal or unethical acquisition of land, can have severe consequences for the rights and livelihoods of families and communities. The "Others (Specify)" category, while representing a relatively smaller proportion of responses (9% for Landowners and Lawyers, and 12% for Directors), may encompass additional types of land disputes that were not explicitly listed in the table.

Table 1: Types of Land Dispute Experienced among families in Southwest.

Types of Disputes	Landowner	Lawyers	Directors	Total
Encroachment	32	0	0	21
Boundary Dispute	29	44	47	34
Others Specify	9	9	12	9
Land Grabbing	30	48	41	36
Total	100	100	100	100

Furthermore, the data presented in Table 2 offers a comprehensive overview of the various types of land disputes experienced between communities in the Southwest region, as reported by three distinct groups of respondents: Landowners, Lawyers, and Directors. The most prevalent type of land dispute reported by Landowners and Lawyers is "Ownership Property Right," accounting for 21% and 29% of their respective responses. Interestingly, Directors also reported a notable proportion (24%) of cases related to this issue, underscoring its significance across all stakeholder groups. Another prominent category is "Boundary Dispute," which constitutes 23% of the responses from Landowners, 20% from Lawyers, and a substantial 35% from Directors. Community Land Dispute emerges as another significant category, which was reported by 21% of Landowners' responses, 26% of Lawyers' responses, and a relatively lower proportion (6%) of Directors' responses. These disputes may arise from conflicting claims over communal land ownership, usage rights, or disagreements within communities regarding land management and resource allocation.

Table 2: Types of Land Dispute Experienced between Communities in Southwest

Land Disputes	Landowner	Lawyers	Directors	Total
Ownership Property Right	198(21%)	132(29%)	4(24%)	334(23%)
Boundary Dispute	215(23%)	89(20%)	6(35%)	310(22%)
Community Land Dispute	203(21%)	120(26%)	1(6%)	324(23%)
Land Grabbing	209(22%)	101(22%)	6(35%)	316(22%)
Encroachment	130(14%)	0(0%)	0(0%)	130(9%)
Others Specify	0(0%)	14(3%)	0(0%)	14(1%)
Total	955	456	17	1428

Land Grabbing is also noteworthy, with 22% of responses from both Landowners and Lawyers, and a considerable 35% from Directors. Interestingly, "Encroachment" was reported exclusively by Landowners, accounting for 14%

of their responses. Finally, the "Others" category, while constituting only a small proportion (3%) of Lawyers' responses, may encompass additional types of land disputes that were not explicitly listed in the table.

4.2 Pattern of variation in types of disputes among families and communities

Table 3 shows the Analysis of Variance (ANOVA) test for the variation in the types of land disputes reported between communities in Southwest Nigeria. A one-factor analysis of variance has shown that there is no significant difference between the categorical variable and the dependent variable $F = 0, p = 1$. Since, the p-value is greater than 0.05, at 95% confidence level, therefore the null hypothesis was retained. This implies that the types of land disputes reported among families in Ekiti, Ondo, and Osun State is not significantly different.

Table 3: Variation in the Types of Land Disputes Reported among Families

	Sum of Squares	df	Mean Squares	F	P
Factor	0.17	2	0.08	0	1
Residual	1526.75	9	169.64		
Total	1526.92	11			

Similarly, Table 4 shows the Analysis of variance test for the variation in the types of land disputes reported between communities in Southwest Nigeria. A one-factor analysis of variance has shown that there is no significant difference between the categorical variable and the dependent variable $F = 0, p = .999$. Since, the p-value is greater than 0.05, at 95% confidence level, therefore the null hypothesis was retained. This implies that the types of land disputes reported among families in Ekiti, Ondo, and Osun State is not significantly different.

Table 4: Variation in the Types of Land Disputes Reported between Communities

	Sum of Squares	df	Mean Squares	F	P
Factor	0.11	2	0.06	0	.999
Residual	1390.33	15	92.69		
Total	1390.44	17			

5. Conclusions

This study has comparatively examined the various measures adopted in managing land disputes across three states in Southwest Nigeria – Ondo, Ekiti, and Osun. Through a quantitative approach involving surveys with diverse stakeholders like landowners, lawyers, and directors, the research has yielded several important information. Firstly, the findings highlight the prevalence and multifaceted nature of land disputes in the region. Land grabbing, boundary conflicts, and encroachment emerged as the most common types of disputes encountered, reflecting the complexities around land ownership, use rights, and boundary demarcations. These disputes were fueled by underlying drivers like idle land, undocumented property agreements, issues of co-ownership, poverty, greed, and encroachment – factors that cut across the three states studied. Ultimately, resolving the endemic land conflicts in Southwest Nigeria requires going beyond just refining dispute resolution processes. Deeper reforms are needed to address the underlying drivers like haphazard urbanization, elite capture of land rights, bureaucratic inertia, power imbalances, and legislative ambiguities around land acquisition and compensation. Crucially, any progressive reforms must be rooted in rigorous stakeholder engagement that respects the plurality of perspectives, interests and socio-cultural attachments to land in the region. While this study offers a empirically-grounded analysis of current practices and stakeholder perspectives, evaluating and refining the proposed dispute resolution framework will require further action research, pilot testing and multi-stakeholder dialogue. Nonetheless, this study contributes to critical land governance debates in Nigeria and beyond. Based on the research findings, the study therefore recommends the following: Establish integrated community-based land dispute resolution mechanisms: The study should recommend establishing integrated community-based dispute resolution mechanisms that harmonize statutory and customary approaches. These could take the form of multi-stakeholder Land Dispute Resolution Board at the local government level, comprising representatives from customary institutions,

government agencies, civil society, and neutral third-party mediators/arbitrators. Such committees could serve as the first port of call for resolving disputes through mediation, arbitration, and consensus-building processes that respect local norms and power dynamics. However, they must have a clear legal mandate, standardized procedures, and robust appeal/oversight mechanisms to ensure fairness and accountability.

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