

Historical Evolution of Land Tenure Systems and their Socioeconomic and Political Implications in Southwestern Nigeria

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Abstract

Existing literature has examined Yoruba customary land tenure from historical, legal, socio-economic, gender, and planning lenses. However, these rarely brought these perspectives together into a single account of how the same customary institutions resulted in protection and exclusion simultaneously. This paper addresses that gap, historically analysing how historical evolution, customs, social organisation, economics, politics, and social status of Yoruba communities shaped their customary land tenure system, and examining the contemporary legal, socio-economic, and physical development implications of that history. Drawing on documented analysis of historical, legal, and socio-economic literature, this paper traces settlement, kinship, and political history in Yoruba societies and shows how they are closely associated with a layered tenure system administered through the Oba, chiefs, and family heads, before examining how custom, social organisation, economic activity, political authority, and social status each shaped access to land. It analyses the implications of this history for land administration and dispute resolution, household livelihood and inequality, and architecture and physical planning, illustrated through a short case study of Ibadan. This paper finds that Yoruba customary tenure was never just a purely economic institution but reflects the society that produced it, continuing to shape land administration, livelihood, and the built environment today. It also argues, against a purely functionalist reading of the paper, that the discretionary authority underlying customary tenure has historically produced exclusion, particularly along lines of gender and migrant status, as often as protection. Its commercialisation has made secure land title itself a source of contemporary inequality. The paper concludes that sustainable land administration in Yoruba communities requires integrating customary institutions with statutory and socio-economic policy frameworks, and offers recommendations for land administration, dispute resolution, livelihood protection, and planning practice.

Keywords: Land tenure, Legal pluralism, Socio-economic structure, Land administration, Ibadan.

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INTRODUCTION

Land shapes the socioeconomic landscape of many developing countries. It carries a historical relevance connected to custom that extends well beyond mere economic concern, and a political relevance with which contemporary governance structures must contend (Tan, 2025). In Nigeria, customary land tenure was long regarded as an impediment to development, a mistaken assumption that restrictions on transfer immobilised land as a factor of production, which eventually led to the birth of the Land Use Decree of 1978, nationalising all land in the country (Paul, 1986). Land tenure systems in southern Nigeria nevertheless continue to produce repeated conflict, considering how many people rely on land for livelihood and how far its disputes can disrupt the stability of communities (Chuks & Ifaka, 2025).

Problems associated with land tenure importantly contribute to food insecurity and restricted livelihood opportunities, which eventually lead to poverty (Food and Agriculture Organization [FAO], 2002). Land tenure is best understood as a relationship among (groups of) people with respect to land, documented legally or defined customarily, that determines who may use, control, or transfer land; for how long, under what conditions, and with what responsibilities. Its security has consequences beyond the land itself. Where rights to land are clearly defined and recognised by significant laws and authorities, landholders are more willing to invest in improving it, since they can reasonably expect its benefit. Where tenure is contested or poorly documented, any investment tends to be withheld. This is one reason land tenure functions as a huge determinant of household livelihood and community stability, not just a technical classification, a dynamic examined in more historical and social detail in the sections that follow.

Land in Yoruba society carries cultural, economic, and political significance simultaneously. Culturally and spiritually, land connects together the living, dead, and future generations. Certain riversides, groves, and forests are associated with deities and preserved for rituals and festivals (Aliu & Solanke, 2022). Economically, land is the most important resource for agriculture and market (commercial) activities, and its allocation for commerce historically involved foundational rites which marked the establishment of markets (Aliu & Solanke, 2022). Politically, Obas and chiefs were the main guardians of community land, and had authority over its distribution, management, and protection (territorially), not just abstract governance (Adebowale, 2021).

Land plays an important role in shaping personal and collective identity. A community's connection to land defines its membership in terms of lineage, cultural practice, and social responsibility. This connection is associated with ancestry, clan affiliation, and the collective memory embodied in sacred sites and burial grounds, so that access to land reinforces a sense of belonging, while its absence can result in identity loss and social exclusion (Danladi, 2026). This relationship is cyclical. Land shapes identity and sustains livelihood, and livelihood activities in turn strengthen identity and ancestry by carrying traditional practice and knowledge across generations (Figueiredo & McDonald, 2019).

These dimensions converge in practical consequences that continue to shape Yoruba communities today. Secure tenure remains a precondition for productive investment, and tenure arrangements determine who can obtain formal documentation, credit, and access to dispute resolution, questions taken up in section six. Land tenure also shapes how settlements physically develop. As it is the medium through which housing and infrastructure are provided, and through which topography and accessibility influence built form (Ching, 2014). Understanding how this layered conception of land, at once spiritual, communal, political, and

economic, emerged historically, and how it continues to produce legal, socio-economic, and spatial implications, is the concern of the upcoming sections.

Land administration in south-western Nigeria continues to be shaped by the coexistence of two normative orders: *a customary system* rooted in lineage ownership and communal trusteeship; and *a statutory system* rooted in the Land Use Act of 1978, with its apparatus of governor's consent, certificates of occupancy (C of Os), and formal registration. Because these normative orders emerged from different historical standpoints, they frequently result in conflicting claims over the same parcel of land, leaving landowners, developers, and government agencies unsure of what rules ultimately govern a given transaction involving the purchase of land (Lewis, 2023; Federal Republic of Nigeria, 1978). Rapid urbanisation in Yoruba cities has increased this uncertainty, as family land is converted for residential and commercial use faster than the land registries and planning authorities meant to replace customary safeguards can absorb the resulting demand (Alabi et al., 2021; Aribigbola, 2008).

This gap manifests most visibly in inheritance conflicts, boundary disagreements (from the loss of traditional landmarks), and the sales of the same parcel of family land to different buyers, often through unauthorised agents (Omirin, 2002; Yakubu, 1985). For households, communities, government agencies, and professionals (architects and planners) who must all work within whichever system of title actually governs a site, customary tenure, though historically the foundation of Yoruba socio-economic life, is now difficult to integrate into frameworks that assume clear, individualised, registrable title. Without a historically grounded understanding of how that tenure evolved, efforts to resolve these tensions risk treating custom as an obstacle to be removed rather than an institution that needs to be understood and accommodated.

Existing literature has approached Yoruba customary land tenure from several largely separate angles. Historians and legal scholars have documented its collective, protective character, while gender and migration scholars have separately documented the disadvantage it has produced for women and non-indigenes, and planning scholars have separately documented the difficulties it now creates for formal land administration. These strands are rarely brought together into a single historical account of how the same customary institutions produced protection and exclusion simultaneously, and of how the ongoing formalisation of customary land, rather than simply resolving that tension, has reshaped it into new commercial forms of inequality. This paper addresses that gap by tracing Yoruba land tenure as one internally differentiated institution across its historical, social, economic, political, and contemporary dimensions, showing that its protective and exclusionary faces share a common root and that this root continues to shape land administration, livelihood, and the built environment today.

The aim of this paper is to historically analyse how the historical evolution, customs, social organisation, economic life, political authority, and social status of Yoruba communities shaped the development of their land tenure system, and to examine the contemporary implications of that development for land administration, socio-economic life, and physical development in south-western Nigeria.

The specific objectives are to: (i) examine the historical background and socio-economic organisation of traditional Yoruba society; (ii) analyse the nature of customary land ownership, administration, and inheritance among the Yoruba; (iii) examine the customary, economic, political, and social factors that have historically shaped Yoruba land tenure; and (iv) assess the contemporary implications of these historical arrangements for land administration, socio-economic life, and physical development in Yoruba communities.

These four objectives structure the paper's guiding research questions in turn: how Yoruba society's historical development shaped the emergence of customary tenure; what forms that tenure took; how custom, economy, politics, and status influenced access to land; and what the contemporary implications of that history are for land administration, socio-economic life, and the built environment.

The study focuses on Yoruba communities in south-western Nigeria, adopting a historical and customary perspective from the pre-colonial period through the colonial and post-colonial periods. Modern statutory law, especially the Land Use Act of 1978, is discussed only to the extent that is necessary to illustrate its interaction with customary tenure. The study does not attempt a comprehensive doctrinal analysis of statutory law, nor does it extend its focus to other Nigerian ethnic groups beyond brief, illustrative reference.

This study argues that Yoruba customary land tenure was, from its historical origins, a direct expression of the socio-economic and political organisation of Yoruba society rather than a separate or purely economic institution, and that its persistence alongside statutory law today reflects continuing social, economic, and institutional functions, which extend to, but not restricted to, the built environment, rather than a simple failure of modernisation to displace it. Understanding this history helps in resolving the land disputes, socio-economic inequities, and administrative and planning challenges that presently confront households, communities, and professionals working with land in south-western Nigeria.

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Concept of Land Tenure

Land tenure describes the terms and conditions under which land is held, used, and transferred within a society (FAO, 2002). Scholars generally distinguish tenure by the source of authority that validates it. Statutory tenure is valid as a result of the Nigerian written law, embodied in the Land Use Act of 1978, which vests all land in each state under the governor and confers statutory or customary rights of occupancy as the primary instruments of title (Federal Republic of Nigeria, 1978; Yakubu, 1985). Customary tenure, by contrast, derives its validity from unwritten norms and institutions transmitted across generations through Yoruba traditional and customary practices (Nwogu, 2023). Although the Land Use Act formally subordinated customary rights of occupancy to statutory allocation, customary tenure continues to govern the great majority of land transactions in Yoruba communities, especially outside the formally surveyed urban core of Yoruba cities (Lewis, 2023; Chimhowu, 2019).

Within customary tenure, ownership of land is majorly classified into three to four forms. *Communal ownership* refers to community land under the Oba's stewardship (Lloyd, 1962); *family ownership* refers to ancestral land under the stewardship of the family head and other prominent family members (Lloyd, 1953); *individual ownership* refers to land owned by a single entity; and *royal or stool land* is discussed in section four alongside the political institutions that administer it.

These categories are not static. Chimhowu (2019) argues that customary tenure across Africa has been transformed by decades of market pressure and state intervention into a "new" customary tenure, more individualised and more entangled with statutory process than earlier accounts suggested. An observation particularly suited to south-western Nigeria, where family and communal land continue to be recognised in principle while being subjected in practice to

sale, subdivision, and registration (Onakoya, 2015; Alabi et al., 2021). This study accordingly treats customary land tenure not as a fixed traditional artifact but as an evolving institution shaped by the socio-economic life of the communities that sustain it.

Theoretical Framework

The study is anchored on three complementary theories: Customary Land Tenure Theory, Communal Ownership Theory, and Legal Pluralism Theory. These together account for the origin of Yoruba land rights, the collective character of their administration, and the persistence of two coexisting legal orders in contemporary land governance.

Customary Land Tenure Theory holds that land rights in indigenous African societies derive from social membership rather than market transaction or state grant. This means that entitlement to land is earned from status as a member of a family line or community, and land is held as a trust running across generations rather than an absolute possession of a specific individual in a certain generation (Nwogu, 2023; Okoth-Ogendo, 2008; Meek, 1959). This explains why alienation under Yoruba custom has historically been tightly restricted, and why the family head (Olori Ebi) functions as administrator of the land rather than the owner in the Western legal sense.

Communal Ownership Theory further pushes this logic to a community scale. It states that ultimate title to unallocated pieces of land resides in the community as a corporate body, which is represented by the Oba and his chiefs. They then allocate portions for general or individual use, as the case may be, while still retaining residual trusteeship (Lloyd, 1962; Mabogunje, 1968). It accounts for the historical pattern by which migrants and strangers obtained land through grants from traditional political figures rather than by purchase, and for the continuing role of the Oba and chiefs as custodians, rather than outright owners, of community territory (Babalola, 2017).

Legal Pluralism Theory addresses what the first two theories alone do not. The fact that Yoruba land relations have, since the colonial period, been governed simultaneously by more than one normative order. Griffiths (1986) defines legal pluralism as the presence, within a single social field, of more than one legal order operating concurrently rather than one displacing the other. Applied to Nigeria, customary land tenure did not end with the introduction of statutory law, instead, the two systems continued to coexist (Lewis, 2023). Crucially, this coexistence is not simply a source of confusion that land users passively suffer. Nwauche (2011) frames it instead as a live choice-of-law problem. Because Nigerian law provides no settled rule for determining which normative system governs a given transaction, parties and their lawyers can and do select whichever forum, a family council, a customary court, or a statutory court applying received English equitable principles, is most likely to favour their position (Nwauche, 2011; Nwabueze, 2010). From this perspective, legal pluralism functions less like a gap in the law and more like a resource that better-informed persons learn to navigate strategically, a distinction this paper returns to in sections five and six when explaining why formalisation so often benefits those already able to work both systems rather than resolving the ambiguity for everyone. This dynamic is visible wherever family heads (Olori Ebi) and government registries, or customary and statutory courts, claim concurrent authority over the same piece of land (Lewis, 2023; Federal Republic of Nigeria, 1978). Rather than a temporary anomaly, legal pluralism is treated here as the ordinary, and strategically exploitable, condition of land governance in postcolonial societies, a lens carried through the discussion of political authority and contemporary implications later in this paper.

This tension in the literature underlies the gap identified in the introduction. Customary Land Tenure Theory and Communal Ownership Theory tend to present customary tenure in functionalist terms (i.e. viewing them as practical social tools that serve specific purposes), as a protective system in which collective consent shields vulnerable users from dispossession. Peters (2004) cautions against this reading, arguing that the same discretion that makes customary systems flexible also allows elders and family heads to marginalise women, migrants, and young family members, especially once land gains market value. The theoretical literature, in other words, already contains the signs of the tension this paper develops; it has simply not applied them together to a single historical case. Yoruba-focused literature specifically illustrates the same split. Work documenting customary protections and work documenting gendered and migrant disadvantage proceed largely independently of one another. Section five draws both strands into a single account, showing how the same lineage-based logic that protects family land from external alienation also structures the terms on which women and migrants gain access to it.

METHODOLOGY

This paper adopts a qualitative, historical-interpretive approach, appropriate to a research question concerned with long-term institutional change rather than present-day, measurable variables (Creswell, 2014). Given that question, a narrative documentary synthesis was chosen over a formal systematic review. The aim is to construct a coherent historical explanation from heterogeneous source types, historical ethnography, legal literature, and contemporary empirical planning research, rather than aggregate comparable empirical effect sizes, and narrative synthesis is the method the historiographical literature recommends for that kind of interpretive task (Tosh, 2015).

Sources were located through iterative keyword searches on Google Scholar and general academic search engines, using combinations of the terms "land tenure," "Yoruba," "customary law," "land administration," "legal pluralism," AND "socio-economic structure," together with more targeted searches on specific historical figures, legal cases, and events as they arose during drafting (for example, "Ibadan settlement history" or "Land Use Act consent provisions"). Three inclusion criteria were applied. First, for foundational historical and ethnographic material on Yoruba society, sources were included where they are recognised primary reference points within Yoruba historiography (for example, Johnson, 1921; Meek, 1959; Lloyd, 1962), even though several predate the modern peer-review system; such sources were, however, always read alongside, and where possible corroborated against, more recent academic literature rather than relied on in isolation. Second, for legal, economic, and contemporary planning claims, only peer-reviewed journal papers, academic books, and primary legal materials were used. Third, non-academic sources, including law-firm marketing pages and undated blog content were explicitly excluded even where they appeared in initial search results. Any specific empirical or historical claim not already well established by a single authoritative source, such as a case outcome, a statistic, or a contested date, was checked against at least one independent source before being incorporated; where sources disagreed, as with two conflicting page citations for the same secondary source encountered during drafting, the more precisely documented version was retained. This cross-checking, combined with deliberately drawing on historical, legal, and planning literature rather than any one discipline's literature alone, is the form of triangulation used here. The resulting synthesis draws on over 80 sources spanning early 20th century ethnography to research published in 2024.

Material from these sources was analysed using qualitative document analysis. Reading texts systematically to extract content relevant to the paper's objectives (Bowen, 2009), grouping that content thematically rather than source by source, and synthesising the themes into the continuous historical narrative presented in sections four to six. Historical and contemporary material were treated differently in this process. Historical sources were read as evidence of custom and practice as documented and interpreted by the cited authors. Not as direct, unmediated access to the pre-colonial past. And claims about causation across this material are accordingly framed as interpretive readings of the historical record rather than as findings independently verified through original archival or oral-historical research. Contemporary sources were used more directly, as evidence of present-day empirical patterns such as planning compliance rates or land-dispute frequency.

The short case study of Ibadan in section six follows the same logic on a smaller scale. Ibadan was purposely selected because its documented departure from dynastic land administration and its substantial published research base allow the paper's general argument to be examined in concentrated, well-evidenced form (Yin, 2018).

This approach has clear limitations. As a literature based study, it does not incorporate oral history or interviews with traditional rulers, family heads, or land administrators. Evidence that would be needed to test directly, rather than infer from documentary sources, how customary discretion is actually exercised today. Its conclusions, which are focused on Yoruba communities, are not generalised to other Nigerian ethnic groups with different tenure histories. And because customary practice also varies across individual Yoruba towns, the account that follows necessarily generalises across that internal diversity to identify shared historical patterns, a simplification the Ibadan case study is intended, in part, to qualify.

Historical Evolution of Yoruba Land Tenure

Historical Background of Yoruba Society

Settlement

Yoruba historical tradition traces the origin of its people to Ile-Ife, from which the various Yoruba communities dispersed through migration and conquest that founded the major kingdoms, Oyo, Ijebu, Egba, Ekiti, Ijesa, each tracing its ruling dynasty to Oduduwa and sharing a common political reference point even as they each developed distinct local institutions (Johnson, 1921; Atanda, 1980; Smith, 1988). Expansion continued into the 18th and 19th centuries, which was driven mainly by war and the search for defensible land. These wars produced new settlements such as Ibadan, discussed as a case study later in the paper (Akinjogbin, 1967; Awe, 1973). By the time of British intervention, Yoruba society was already one of the most urbanised pre-colonial societies on the continent, its fortified towns organised around a central palace, markets, and surrounding farmland, a spatial pattern with direct implications for the land tenure system discussed below (Mabogunje, 1962).

Kinship

The lineage, not the individual household, formed the basic unit of Yoruba social organisation. Descent was through paternal lines, with the extended family (Idile) comprising all persons descended from a common male ancestor, sharing not just ancestry but common property and rights over ancestral land (Lloyd, 1953; Falola & Aderinto, 2010). Members of the same

extended family typically occupied a shared compound, so kinship and residential structure developed in close correspondence (Awe, 1973).

Political Institutions

At the top of Yoruba political system was the Oba, whose authority combined kingship with religious functions as spiritual head of his kingdom. Beneath him, chiefs and title holders performed administrative and military functions, while lineage heads, the Baale or Mogaji, governed at family level (Johnson, 1921; Falola & Heaton, 2008; Smith, 1988). This structure directly administered land, with the Oba as ultimate trustee of community land, chiefs supervising land within their wards, and family heads managing lineage property (Babalola, 2017). Political office and land administration were two faces of the same institution, a relationship taken up further in section five.

Economy

The Yoruba economy combined agriculture, craft production, and trade. Most of the farming population produced yam, maize, cassava, and, from the 19th century, cocoa as a cash crop, on land allocated through family and communal arrangements. While craft specialisation and an extensive market network linked producers to consumers across considerable distances (Ogunremi & Faluyi, 1982; Mabogunje, 1962). Markets sat adjacent to the palace and functioned as centres of social and political life as well as commerce, thereby reinforcing the relationship between economic activity, settlement form, and land use examined further in section five.

Nature of Traditional Yoruba Land Tenure

The socio-economic and political organisation of the Yoruba people can be understood as giving rise to a land tenure system that mirrored the layered structure of Yoruba society, with several coexisting forms of ownership administered by different authorities under different rules of transfer.

Communal land was the residual territory of the town or kingdom, held by an entire community under the Oba and his council of chiefs. It was from time to time drawn upon to accommodate new settlement, reward loyal followers, or grant occupation rights to migrants (Lloyd, 1962; Mabogunje, 1968). Family land, the most pervasive form, belonged to a lineage as a corporate group once cleared, granted, or inherited by the family head (Olori Ebi), and administered on the family's behalf, allocating portions for cultivation or residence. However, the Olori Ebi had no power to alienate it unilaterally without the consent of principal family members, regardless of whether the land was originally acquired by settlement, inheritance, conquest, gift, pledge, or purchase (Lloyd, 1953; Onakoya, 2015; Afolabi et al., 2024). *Individual ownership of land* arose where land was validly partitioned, granted, or independently acquired and held free of any collective family control, subject to restrictions attaching to its origin. Such holdings were limited before colonial economic policy increased pressure toward individualised landholding, a development traced in section five (Meek, 1959). *Royal or chieftaincy land*, administratively distinct from communal land, comprised the palace grounds attached to a stool or title, passing with the office rather than the individual holder, underscoring how political office and territorial custodianship were bound together in Yoruba governance (Udoekanem et al., 2014).

This account describes the pattern documented for Ibadan, Ijebu, and Ekiti, where descent-group control over land, allocated within the lineage and inalienable without collective consent,

was the norm, but it was not universal across Yorubaland (Lloyd, 1962). Egba territory around Abeokuta had a different trajectory. A free market in land, in which individual farmers held and sold plots largely outside lineage control, was already established there before 1880, predating the arrival of cocoa as a cash crop and driven instead by Sierra Leonean Saro returnees who introduced European concepts of individual ownership into the town's complex, non-lineage-based political structure (Eades, 1980; Lloyd, 1962). Contemporaries at the 1912 West African Lands Committee registered the same contrast, with witnesses from other Yoruba sub-groups explicitly denying that land sale was permitted under their own customary law even as Egba witnesses described it as long-established local practice (Lloyd, 1962). This divergence matters as it suggests that individualisation of Yoruba land tenure was not simply an external, colonial-era imposition on an already existing uniform customary system, as the account in section 5.3 might otherwise imply, but had, in at least one major Yoruba kingdom, an internal, pre-colonial origin tied to that kingdom's own distinctive political structure and migration history. The Ibadan case study extends this same point. Political organisation, not merely proximity to colonial or commercial influence, shaped how far any given Yoruba community's land tenure diverged from the lineage-based pattern described above.

Inheritance followed paternal lineage, with descendants holding rights of use across generations subject to the family's overriding corporate interest, such that no generation held absolute or terminable title. And this arrangement that gave customary tenure its conservative approach to alienation (Lloyd, 1953; Meek, 1959). This showed most clearly in the administration of land transactions. A family head could not unilaterally sell or lease family property solely for his own gain nor without the consent of principal family members, and Nigerian courts have consistently treated a sale lacking either party's concurrence as void or voidable (Onakoya, 2015; Afolabi et al., 2024). Disputes over land inheritance, its boundaries, or its allocation were resolved through a hierarchy of customary institutions, family councils and elders at first, then chiefs, and ultimately the Oba and his council as the highest customary authority (Babalola, 2017).

Taken together, the evidence reviewed here suggests that Yoruba settlement, kinship, political authority, and economic life did not merely coexist alongside customary land tenure but functioned as its historical foundation. Lineage and ancestry structure are closely associated with the emergence of family land and its rules of collective consent. The political hierarchy of Oba, chiefs, and family heads corresponds to the layered administration of communal, royal, and family land. And the agricultural and commercial economy accounts for much of the practical demand that tenure was designed to satisfy. It is this same set of historical forces that the following section examines in greater depth, tracing how certain factors left such a distinct imprint on the tenure system inherited by contemporary Yoruba communities.

Influence of Yoruba Society on Land Tenure

Customs and Beliefs

Among the Yoruba people, land has historically been perceived as more than an economic resource, and is perceived to be embedded within religious belief, ancestral memory, and communal identity. Yoruba cosmology regards it as a sacred inheritance which links the living, dead, and generations yet unborn, such that its ownership and use were regulated by spiritual obligation as much as by economic considerations. This is reflected in shrines, sacred forests, and ritual spaces protected by taboo from ordinary exploitation, restrictions that functioned as indigenous mechanisms for environmental conservation while reinforcing communal attachment to territory (Babalola, 2011). The Osun-Osogbo Sacred Grove, regarded as the

spiritual home of the goddess Osun and one of the few surviving sacred forests in Yoruba land, illustrates this pattern most prominently. Its shrines and annual festival show how belief preserved particular spaces from commercial and residential development (UNESCO, 2005; Goshadze, 2025). Land containing graves, shrines, or ritual sites could not be sold or permanently alienated at all, reflecting the belief that land was held in trust by the present generation rather than owned absolutely by a single generation (Babalola, 2011).

Social Organisation

The kinship structure outlined in section four found direct expression in family land and residential life. Because land was vested in lineages rather than individuals, the family head managed it on behalf of all members even though its ownership remained collective (Onakoya, 2015). This collective principle is closely associated with settlement form. Yoruba residential compounds (Agbo Ile) developed as clusters of individual family dwelling units around a shared courtyard, usually occupied by one lineage and expanded, rather than subdivided, as the family grew, facilitating communal living and conflict resolution among family members (Osasona, 2007). Section 6.3 traces this link from tenure through household organisation to compound form in more detail.

Marriage and gender norms further mediated access to land. Because inheritance of land followed paternal lineage lines, rights to land ownership ultimately favoured male descendants over female descendants, and women usually only gained access to the land through their fathers, husbands, or sons rather than independently owning the land. Even though Yoruba women historically had greater economic autonomy than women in many other patriarchal traditional societies through their prominent role in trade and commerce (Meek, 1959; Onakoya, 2015; Awe, 1992; Ezeilo, 2021). Widows were frequently granted rights of occupation but not absolute ownership. This was as a result of the control of family property being passed down to the husband's male relatives. Additionally, marriage itself physically relocated women into their husband's compound, embedding land rights within broader social relationships rather than individual entitlement (Aluko, 2015; Whitehead & Tsikata, 2003). Nigerian courts have increasingly applied constitutional equality principles to inheritance and succession, increasingly favoring women's property rights, though customary expectation continues to shape practice in many communities (Ezeilo, 2021; Aladetola, 2017).

Economic Structure

Agriculture was the major economic foundation of Yoruba societies and a decisive influence on land tenure. Since most communities depended on farming yam, maize, cassava, and cocoa on family and communal land, access to land was linked to livelihood and status. Family heads allocated portions according to need, sustaining the access to land across generations while limiting concentration of its ownership. Shifting cultivation (crop rotation) reinforced the need for its flexible and communal allocation (Lloyd, 1953; Onakoya, 2015; Francis, 1986). This foundation remains relevant today. Continued urban expansion in peri-urban Ibadan reduces access to farmland, creating a direct competition between farming and residential and commercial developments (Wahab et al., 2018).

Trade added a commercial dimension to land tenure. Major Yoruba settlements such as Ibadan, Oyo, Ile-Ife, and Abeokuta grew as centres organised around markets which generated increased demand for nearby land, a pattern still visible today, where commercial growth around markets such as Ibadan's Bola Ige International Market continues to drive land-use conversion and rising values (Adeboye, 2003; Alabi et al., 2018). The colonial era marked a

turning point, as British administration introduced a cash economy and taxation which increased the monetary significance of land, weakening customary restrictions on alienation and encouraging market transactions; commercial pressure thus produced more land sales even though customary law traditionally did not permit the permanent alienation of family land, a tension still shaping land administration today (Francis, 1986; Onakoya, 2015). Modern urbanisation has intensified this further. Increasing land prices in urban Yoruba cities such as Ibadan, Abeokuta, and Oyo have transformed land into a speculative investment asset, while rapid population growth drives the informal conversion of agricultural land into residential use, intensifying competition, encouraging subdivision of family land, and widening disparities between those able to secure formal title and those unable to (Alabi et al., 2021).

Political Authority

Land, in other words, was never merely an economic asset but also a political resource through which authority and social order were maintained. As established in section four, the Oba functioned as a guardian of communal land, with particular influence over virgin land and occupancy rights for newcomers, while chiefs and family heads supervised family land and resolved disputes over it (Nwogu, 2023; Babalola, 2017). This authority has not simply faded with the introduction of modern statutory law as customary institutions remain significant in land governance across south-western Nigeria, especially where formal administration remains weak (Adeyemi & Olufemi, 2025). Control over land also meant control over resources and settlement, intertwining it with wider power relations. Elite families and lineages historically accumulated landholdings through conquest and political alliance, reinforcing social hierarchies, and because rulers' legitimacy rested partly on their ability to defend community territory, many present-day land disputes can still be traced to historical claims over territorial authority (Berry, 1993; Akinyele, 2009; Chuks & Ifaka, 2025).

British colonial rule transformed this structure without dismantling it. Indirect rule governed through existing traditional rulers, but colonial recognition of selected chiefs reshaped pre-existing power relationships. Colonial courts increasingly adjudicated land disputes that customary institutions had previously resolved, translating flexible practice into court doctrine and contributing to the gradual individual ownership of land rights (Mamdani, 1996; Okoth-Ogendo, 2008; Tan, 2025). This trajectory culminated in the Land Use Act of 1978. The opening sections of this Act vest all land within a state to the governor, who is to hold it "in trust and for the common benefit of all Nigerians" (Federal Republic of Nigeria, 1978, s.1). This is a formula that echoes, in statutory language, the trusteeship that the Oba exercised over communal land, even as it transfers that trusteeship from a customary (historical) to a statutory (modern) office. The Act's consent provisions read as a similarly direct restatement of customary practice. Section 21 prohibits the alienation of a customary right of occupancy without the consent of the governor or appropriate local government, and section 22 imposes an equivalent requirement for statutory rights of occupancy, provisions that reproduce the requirement that a family head could not alienate family land without the consent of principal members (Onakoya, 2015). The Nigerian Supreme Court gave these consent provisions their most consequential reading in *Savannah Bank (Nig.) Ltd v. Ajilo* (1989), holding that a transaction concluded without the requisite consent is void, a ruling later softened but never overturned. This illustrates how strictly the statutory framework enforces a rule of prior authorisation that customary law had long applied informally to family land. Sections 34 and 36 completed the transition by deeming existing occupiers of developed urban and non-urban land, respectively, to hold a statutory or customary right of occupancy without further grant, formally absorbing pre-existing customary holdings into the new statutory framework rather

than outright displacing them (Federal Republic of Nigeria, 1978, ss. 34, 36). All together, sections 1, 21, 22, 34, and 36 show that the Act did not completely abolish customary land administration but rather translated its core principle, such that no holder may deal with land free of a superior consenting authority, into a single, state-centred vocabulary. Local governments were left to administer customary rights of occupancy over non-urban land, while governors took direct control of urban land (Federal Republic of Nigeria, 1978; Utuama, 2012). Rather than displacing customary tenure, the Act generated persistent conflict with it. Family institutions retained considerable influence over land transactions, producing the dual system captured by the discussed Legal Pluralism Theory, a duality whose consequences for land administration, livelihood, and physical development are discussed in section six (Nwabueze, 2010; Lewis, 2023).

Social Status

The political hierarchy discussed was reinforced by a broader system of social stratification. Wealth offered a less rigid route to the same end. 19th century trade allowed successful merchants in Yoruba cities acquire land that was independent of noble ancestry, and Ibadan's own rise makes this point vividly. It was a military settlement where authority came from achievement rather than royal descent, and where successful commanders simply distributed land to loyal followers (Falola & Aderinto, 2010; Mabogunje, 1968).

Gender compounded the paternal lineage pattern discussed above, with male family heads predominantly controlling land allocation, though urbanisation, education, and legal reform have gradually expanded women's opportunities to acquire land through formal channels (Whitehead & Tsikata, 2003; Aluko, 2015; Aladetola, 2017). Non-indigenes, migrants, tenant farmers, and strangers accessed land through occupancy and use rights granted by chiefs or family heads that acknowledged the authority of indigenous landholding groups; arrangements such as *isakole* allowed non-indigenes to farm in exchange for tribute, and while marriage and long residence often improved security, migrant rights generally remained subordinate to those of indigenous families, particularly regarding inheritance (Falola & Heaton, 2008; Ajiola, 2021). The 20th century added a final layer, as educated professionals and entrepreneurs with sufficient capital purchased and registered land at a scale that gradually displaced older markers of status, relying increasingly on statutory courts rather than customary institutions alone. Though traditional rulers and family heads remain influential in allocation and dispute mediation, producing today's hybrid tenure system (Aribigbola, 2008; Francis, 1984; Olaoba, 2002).

All together, these patterns complicate any straightforwardly protective account of customary status hierarchy. The same discretionary authority that allowed family heads and chiefs to accommodate migrants and provide for widows is also, according to Peters's (2004) literature, the mechanism through which those groups were historically disadvantaged relative to indigenous male family members. Yoruba customary tenure thus functioned simultaneously as a system of inclusion and one that reproduced hierarchy along lines of gender, migration status, and lineage seniority, a tension any contemporary policy response, returned to in the concluding section of this paper, needs to reckon with rather than treating customary tenure as either wholly protective or wholly exclusionary.

Contemporary Implications

Legal and Administrative Implications

The historical tensions traced in the preceding sections, between customary trusteeship and statutory nationalisation, between communal restraint and commercial pressure, converge most visibly in the legal and administrative challenges now confronting land governance across Yoruba communities. Although the Land Use Act of 1978 vested land ownership in state governments while formally recognising existing customary interests, the two systems' different logics, ancestral and communal versus documented and government-approved, frequently generate uncertainty over the legitimacy of purely customary transactions (Federal Republic of Nigeria, 1978; Francis, 1984; Yakubu, 1985).

In practice, this overlap produces disputes but also creates opportunities that some individuals navigate deliberately rather than merely suffer. Inheritance conflict is widespread, since family land is collectively owned and transferred down generations without comprehensive written records, increasing disagreements as descendants progress. Boundary disputes arise as urban expansion erases the natural landmarks that traditionally defined family and community land. And rising land values compound both by encouraging speculative and overlapping claims, with resulting litigation consuming resources and undermining social cohesion (Lloyd, 1962; Olaoba, 2002; Mabogunje, 1968; Omirin, 2002; Aribigbola, 2008). A particularly damaging manifestation is the multiple sale of family land, intensified by informal land agents (Omo-Onile) who impose unauthorised fees or make sales without adequate verification. Empirical research in Lagos found that developers who reported negative experiences with Omo-Onile activity were five times more likely to disengage from real estate investment altogether, a measurable economic cost of the ambiguity described above (Ayodele, 2017). Because family land in principle requires the consent of the family head and principal members before any valid transfer, multiple sales typically arise where these requirements are bypassed, so the problem lies less in customary law itself but in its inconsistent enforcement under rapid urban growth, an enforcement gap that the Omo-Onile, and the family members who quietly work with them, exploit rather than accidentally fall into (Aribigbola, 2008; Omirin, 2002; Onakoya, 2015).

Reform proposals for this problem are not new, and their limited success to date is itself informative. Urbanisation has accelerated the decline of the customary institutions that once governed land transactions in an orderly manner, yet those institutions have not at all disappeared, as it remains active in allocation and dispute resolution even as their formal authority narrows relative to statutory institutions (Aribigbola, 2008; Olaoba, 2002; Francis, 1984). Lagos State's 2016 *Property Protection Law*, and the *enforcement task force* created alongside it, targeted Omo-Onile activity directly, criminalising forceful entry and fraudulent land conduct. Yet the persistence of the same activity years later suggests that legislation alone does not remove the underlying incentive structure (Owoeye, 2018). That incentive structure is a political economy problem as much as a legal one. Family heads with informal control over unregistered land, local land agents, and, in some documented cases, junior officials within land administration itself have a material interest in ambiguity that a purely technical reform, as digitising records, simplifying registration, does not by itself remove, since digitisation only reduces disputes if the underlying incentive to exploit unclear title is also addressed (Owoeye, 2018). Reform therefore needs to strengthen formal administration without assuming that formal rules alone will be self-enforcing. Digitised registries and property-mapping systems would improve transparency, provided their implementation is paired with carried out sanctions for the officials and intermediaries who currently profit from opacity. Simplified title registration would reduce the cost and delay that currently discourage formalisation, and the local knowledge held by customary institutions deserves a formal role in dispute resolution,

whether through mediation or customary tribunals, rather than being left to operate entirely outside the statutory system (Yakubu, 1985; Olaoba, 2002; Aribigbola, 2008).

Socio-Economic Implications

These legal and administrative frictions are not merely technical. They translate directly into socio-economic outcomes with the clearest concerning investment and productivity. Where tenure feels secure and is free of competing claims, landholders are more willing to invest because they can expect to capture its benefit; where contested, that investment is withheld. A recent nationwide study of Nigerian smallholders found stronger land tenure and property rights were significantly associated with improved household food security, while research on Ibadan's urbanising fringe shows the same dynamic in reverse, as households absorbed into urban expansion lose access to the productive land their livelihood depended on (Kehinde et al., 2021; Wahab et al., 2018).

A second implication concerns land's growing role in wealth accumulation and, correspondingly, inequality. Commercial pressure has transformed land from a socially resource into a commodity which generates income through lease, sale, and speculative resale (Onakoya, 2015). Chimhowu (2019) argues this commercialisation has produced a "new" customary tenure across Africa that retains family ownership's outward vocabulary while functioning as an increasingly individualised, market-oriented system, in which those with capital and connections, often urban elites, are better positioned to convert customary claims into bankable assets than the family members who work the land, risking a concentration of land-based wealth rather than the distribution customary theory assumes (Berry, 1993; Peters, 2004).

This shift is not evenly distributed. Women's land access, historically mediated through fathers, husbands, or sons rather than direct inheritance, continues to have measurable economic effects. Women with insecure or indirect rights face greater difficulty using land as collateral or passing wealth to their children, even where reform has begun to narrow the gap (Whitehead & Tsikata, 2003; Aluko, 2015). Migrants and non-indigenes face a related disadvantage. Isakole tenant-farming arrangements continue in a modified form in many peri-urban areas, leaving long-settled but non-indigenous households more exposed to eviction or renegotiation as land values rise than indigenous families occupying the same land (Berry, 1993). Yoruba land tenure history therefore cannot be reduced to a single story of resilience or dispossession as secure title continues to influence livelihood and welfare, but the same system that provides this security has, through commercialisation and uneven access, also become a mechanism of contemporary inequality along lines of gender, migration status, and access to capital.

Implications for Architecture and Physical Planning

Unto a professionally relevant thread of the implications above, how did a collective tenure regime become spatial form? The chain runs from tenure to household to building. Because land was owned by lineages and families rather than individuals, a household's claim to land was inseparable from its position within an extended kinship structure. That kinship structure, in turn, determined how decisions about land were made, collectively, by a family head answerable to principal family members, rather than unilaterally by a single owner. And that collective decision-making produced a characteristic response to a growing family, expansion of the existing compound rather than its subdivision into separate individually held plots (Lloyd, 1962; Mabogunje, 1968; Osasona, 2007). The family compound (Agbo Ile) is basically this logic in a physical form. Households sharing an enclosure under a family head, arranged

around a courtyard which served domestic and ceremonial functions, while improving ventilation in the tropical climate, so that the same collective consent rules examined in section 4.2 that limited alienation of family land also account for the compound's tendency to grow rather than fragment across generations (Prucnal-Ogunsote, 1993; Osasona, 2007; Denyer, 1978). Colonial influence and urbanisation however subsequently encouraged detached, nuclear-family housing, and rising land values have accelerated the conversion of compounds into rental or multi-tenant development, in effect reversing the chain. As tenure individualises, so does the household, and so, in turn, does the built form it occupies (Agbola, 2005; Osasona, 2007).

This same duality has practical consequences for authorising development. Formal evidence of a right to occupy land is provided by the Certificate of Occupancy (C of O), required in practice before land is treated as bankable. But because most urban land in Yoruba cities originates in customary holding, obtaining one typically required establishing an unbroken chain of customary title, precisely what inheritance-driven fragmentation makes difficult to assemble (Utuama, 2012; Federal Republic of Nigeria, 1978; Omirin, 2002; Nwabueze, 2010). Development control adds a further layer. Studies in Ibadan and Lagos found much building activity proceeds without required approvals, a pattern attributable less to gaps in regulation but to cost, delay, and weak enforcement (Arimah & Adeagbo, 2000; Aluko, 2011). A related environmental dimension is worth noting. Customary belief placed sacred groves and burial sites permanently outside the market, and a study of three such groves, including Osun-Osogbo, found these prohibitions have preserved forest patches that today harbour significant biodiversity (Adeyanju et al., 2022; UNESCO, 2005). Taken together, the same tenure logic, collective, cross-generational stewardship rather than individual title, produces both the durable built and environmental forms associated with customary land and the difficulty of converting that land into registrable, bankable title.

Case Study: Land Tenure and Settlement in Ibadan

Ibadan illustrates the legal, socio-economic, and spatial processes examined throughout this section, precisely because it departed, at its founding, from the dynastic pattern of older Yoruba kingdoms. The settlement emerged in the early 19th century as a war camp of refugees fleeing the collapse of the Old Oyo Empire. Lacking an inherited royal lineage, authority over land was instead built on military achievement, making rank rather than descent the primary determinant of land access in its earliest decades (Mabogunje, 1962; Awe, 1973; Mabogunje, 1968; Falola & Heaton, 2008).

This origin left a lasting imprint on Ibadan's administration. Its war chiefs evolved into the Bale and Balogun titles, combining political authority with land allocation much as Oba-centred trusteeship did elsewhere, though on a different historical foundation, while family land emerged much as in the rest of Yorubaland, subject to the same customary restrictions discussed in sections four and five (Awe, 1973; Mabogunje, 1962). Ibadan's growth into one of pre-colonial Africa's most urbanised settlements reinforced these tensions. Many residential developments still occurs outside formal approval processes, tied to the difficulty of establishing clear title over customarily inherited land, while rising land values have displaced the agricultural use of land in the city's commercial districts, and its peri-urban fringe shows the same tenure insecurity, unplanned construction, and loss of agricultural livelihood documented elsewhere (Arimah & Adeagbo, 2000; Alabi et al., 2018; Alabi et al., 2021; Wahab et al., 2018).

Ibadan therefore illustrates, in concentrated form, this paper's central argument. The contemporary land administration, socio-economic, and physical development challenges can be traced in large part to a tenure structure built for a socio-economic and political order very different from a modern metropolitan city, and that addressing them requires engaging with that customary logic rather than treating it as an obstacle to be overcome.

DISCUSSION AND CONCLUSION

This paper set out to historically analyse how the historical evolution, customs, social organisation, economic life, political authority, and social status of Yoruba communities shaped the development of their land tenure system, and to examine the contemporary implications of that history for land administration, socio-economic life, and physical development in south-western Nigeria. It traced the historical evolution of Yoruba settlement, kinship, and political institutions and showed how that evolution can be understood in forming a customary tenure system of communal, family, individual, and royal landholding. It examined how custom, social organisation, economic activity, political authority, and social status each shaped access to land. And it analysed the legal and socio-economic implications of this history for contemporary Yoruba communities, narrowing at the close to its architectural implications specifically.

Four cross-cutting tensions run through the paper. First, customary tenure functioned simultaneously as a protective institution and a hierarchy-reproducing one. The same family-head discretion that accommodated migrants and provided for widows also mediated their subordination to indigenous male lineage members, so the system is better read as performing both functions at once rather than declining from one into the other (contrast Lloyd, 1962 with Peters, 2004). Second, colonial and postcolonial statutory intervention did not simply erode customary tenure but also formalised categories that had previously been more fluid (Okoth-Ogendo, 2008; Tan, 2025), so today's disputes reflect friction between two differently rigid systems rather than customary tenure's straightforward failure to modernise. Third, tenure security and inequality are linked rather than opposed. Secure title continues to underwrite investment and welfare (Kehinde et al., 2021), yet the same commercialisation that makes land more valuable has made secure, bankable title itself unevenly distributed by capital, gender, and migration status (Chimhowu, 2019; Berry, 1993). Finally, the built and environmental benefits of customary tenure, the Agbo Ile and sacred-grove conservation, and its contribution to development-control bottlenecks flow from the same root: collective, cross-generational title, which is precisely what makes individualised, registrable title difficult to establish. Recognising this shared root, rather than treating benefits and costs as separate phenomena, is what allows the recommendations below to propose integration rather than uncritical preservation or wholesale statutory replacement.

Despite decades of statutory intervention and rapid urbanisation, Yoruba customary land tenure remains a living institution rather than a historical relic, reflecting continuing social, economic, and institutional functions that formal land administration has not yet replicated. Sustainable land administration in the region therefore requires deliberately integrating customary practice with statutory, socio-economic, and planning frameworks, rather than assuming one will simply displace the other, and rather than treating that integration as costless. It must reckon with the exclusionary as well as the protective face of customary authority.

The recommendations below follow a consistent logic from finding to implication to recommendation, rather than standing as free-floating policy advice. The central finding of

sections 6.1 and 6.2 is that commercialisation has made secure, bankable title unevenly accessible, favouring family members with greater capital or administrative reach; the implication is that formalisation, left unregulated, risks reproducing rather than resolving customary tenure's exclusionary tendencies. Since converting collective land into an individually registrable asset can be captured by whichever member is best placed to complete it. As section 6.1 showed with the Lagos case, however, none of these recommendations will be self-enforcing where local officials or intermediaries benefit materially from the status quo; each therefore assumes accompanying political commitment to sanctioning non-compliance, not merely the passage of a rule. The first two recommendations address the capture problem directly; all are offered as reasoned extensions of the argument above rather than the only possible response, and testing their practicality would require the primary research this documentary paper could not itself undertake.

1. Because individual family members, not customary law itself, drive unauthorised or unilateral conversion of land, local government land registries should require documented, witnessed consent from all principal family members, not the family head alone, as a precondition for accepting any application to convert family land into individual or statutory title. This is so that the member with the best access to government offices and capital cannot unilaterally convert collectively held land into an individually bankable asset. Verification could draw on the same family councils already used in customary dispute resolution, avoiding the need for an entirely new institution.
2. Following the same logic, statutory or customary frameworks could require that proceeds from the sale or commercial development of family land be distributed among principal members according to customary entitlement, rather than accruing solely to whichever member negotiated or registered the land transaction.
3. Land records should be digitised, with family and communal land explicitly flagged as such and cross-referenced against known family membership where available, so that a registry clerk, not only an aggrieved relative, can flag an application that lacks the consent required under recommendation 1.
4. Title registration procedures should be simplified and subsidised for family and communal landholders specifically. Given that the cost and complexity of formalisation is currently at advantage to those already able to afford legal and survey services.
5. Because women's access to land has historically been indirect, mediated through male relatives rather than held in their own right, formalisation that simply registers existing customary arrangements risks carrying that indirection into statutory title. Gender-inclusive land policies should therefore address economic access directly, for instance by requiring that women's names distinctly appear on jointly held family title documents.
6. Social protection should accompany land administration reform in peri-urban areas, so that households displaced from agricultural land by commercial conversion are not left without recourse.
7. Alternative dispute-resolution mechanisms involving traditional institutions should be formally strengthened. For example, by giving customary arbitration outcomes the

same enforceability as a consent judgment where both parties agree in advance to be bound, reliance on costly litigation over the disputes would be reduced.

8. Development control should be strengthened, particularly the chain-of-title bottlenecks that slow conversion of customary holdings into statutory title. This should be done by fast-tracking approvals for applications who can show a digitised, verified consent record, while consistently enforcing harsh sanctions against officials who bypass this process for bribes.
9. Beneficial aspects of indigenous land administration, including customary conflict resolution and sacred-site protection, should be preserved and formally recognised rather than displaced by the same commercial pressure shown here to concentrate land-based wealth.

Further research is needed on digital land administration's effect on customary dispute resolution, on the comparative experience of legal pluralism across other Nigerian ethnic groups, and on the long-term effectiveness of hybrid conservation arrangements such as Osun-Osogbo. Most directly, primary interview-based evidence from family heads, traditional rulers, and women affected by customary inheritance is needed to test the tension between protection and exclusion identified here, a test a documentary paper of this kind cannot itself perform.

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APPENDIX

Supporting Diagram

The figure below illustrates, in a simplified form, the hierarchy of authority through which customary land was traditionally administered.

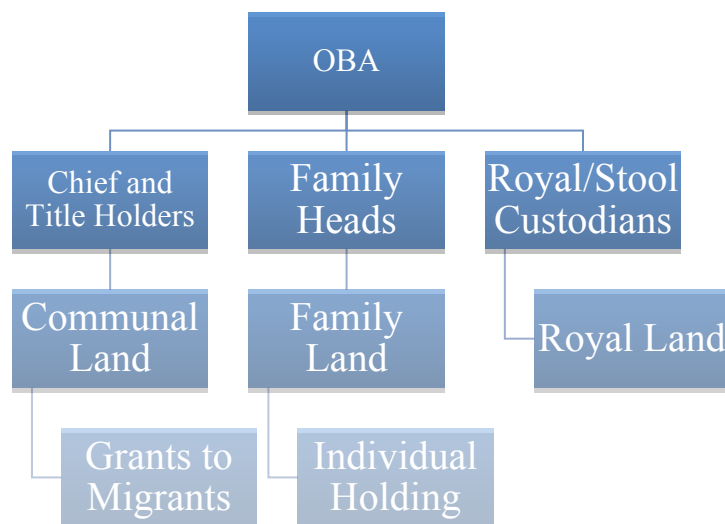


Figure 1: Hierarchy Authority of Traditional Yoruba Land Administration