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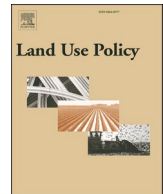
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# Adapted institutional analysis and development framework for understanding customary land institutions in sub-Saharan Africa – A case study from Nigeria

Oluwafemi Adekola<sup>a,\*</sup>, Pauliina Krigsholm<sup>a,b</sup>, Kirsikka Riekkinen<sup>a,b</sup>

<sup>a</sup> Aalto University School of Engineering, Department of Built Environment, P.O. Box 12200, Aalto, Finland

<sup>b</sup> Finnish Geospatial Research Institute, National Land Survey of Finland, Geodeetinrinne 2, 02430 Masala, Finland

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## ABSTRACT

Customary land institutions (CLIs) are social institutions that define local land governance in communities. Strengthening community rights continues to be an essential land policy goal, and several studies have focused on ways to improve local land governance through CLIs. Relatively limited attention, however, has been paid to understanding these institutions in themselves. The present study addresses this gap and develops an analytical framework built on the well-known institutional analysis and development framework to support the understanding of CLIs in the context of sub-Saharan Africa (SSA). The framework was developed through a hermeneutic review of literature on CLIs in SSA. Accordingly, we mapped and classified the literature based on the concepts in the institutional analysis and development framework. The developed framework facilitates a detailed analysis of the contextual factors and customary land practices of CLIs, enabling a determination of their adequate and inadequate aspects. The framework was applied to understand the CLI in Ile-Ife through content analysis of primary and secondary data on the CLI. The case study application suggests that the framework can enable the understanding of CLI and the identification of the potentials and weaknesses within the institution. Notwithstanding, further exploration of the proposed framework should be carried out in other SSA contexts to validate its functionality.

## 1. Introduction

Over the past three decades, strengthening community rights has emerged as an important policy goal in countries with existing customary land institutions (CLIs) (Blaikie, 2006; Boone, 2007). This study defines CLIs as social institutions responsible for defining rules, regulations, processes and traditional structures that govern land within local communities over which they preside (Lavigne Delville, 2007; Biitir and Nara, 2016). No longer seen as obstacles, CLIs have been instead acknowledged as a route towards achieving equitable local land management that promotes tenure security, alleviates poverty and achieves sustainable development (Palmer et al., 2009). Consequently, international organisations (e.g., the World Bank; see Byamugisha, 2013) have encouraged states to devolve some of their land governance control to CLIs (Pedersen, 2012; Chimhowu, 2019) rather than concentrating land governance authority in the central government.

The literature suggests that supporting CLIs benefits local land

governance. CLIs have the potential to protect and manage land resources sustainably and efficiently under accountable local leadership (Ribot, 2004; Blaikie, 2006). Strengthening CLIs has been viewed as a way of restoring land governance to its status quo (Boone, 2007) and preserving cultures and values (Kalabamu, 2000). Additionally, CLIs have overseen land governance from time immemorial, and their wealth of experience and indigenous knowledge can ensure good land governance at the local level (Biitir and Nara, 2016). Ironside (2010) notes that communities more readily trust and access their own system than the “formal” system, and this is reflected in the continuing dependence on customary institutions for the administration of land (Herbst, 2000).

Despite its theoretical strengths, the idea of strengthening CLIs to govern land has also faced criticism due to inherent weaknesses in some of these institutions. Scholars have argued that the idea overlooks the various concerns embedded in customary land practices, such as (gender) discrimination, inequality, inter-community conflicts and corruption among local leaders (Collins and Mitchell, 2017; Peters,

\* Corresponding author.

E-mail address: [Oluwafemi.adekola@aalto.fi](mailto:Oluwafemi.adekola@aalto.fi) (O. Adekola).

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2009). These weaknesses are perceived to account for disappointing outcomes in countries where community-based institutions have been supported to manage natural resources (see [Blaikie, 2006](#)).

Nevertheless, the interest of policymakers and international funding institutions has continued to gravitate toward CLIs, and various land policy and research initiatives have been introduced to facilitate local-level land governance ([Biitir et al., 2017](#)). For instance, international organisations have continued to advocate the recognition of all existing “informal” land rights (see [UN-Habitat, 2008](#)). Likewise, scholars have discussed the strategies that policymakers could use to build and implement good local land governance through CLIs. [Bruce and Knox \(2009\)](#), focusing on cost-effectiveness, offer promising strategies for countries planning to decentralise land administration to the local level. [Pedersen \(2012\)](#) draws attention to the implementation aspect, noting that the upper level of the land administration structure must change for local-level land administration to succeed. The local level must be seen as part of the land administration structure, and its role must be clarified (on the role clarification model, see [Toulmin, 2000](#)). These strategies focus mostly on the extrinsic aspects of strengthening CLIs, but less attention has been paid to the intrinsic aspect, that is, understanding the operations of CLIs in themselves. Understanding institutions is an important step towards successful common pool resource management ([Ostrom et al., 1994](#); [Sullivan et al., 2017](#)), and according to [Sullivan et al. \(2017\)](#), focusing on the de facto condition of an institution can help community members and relevant stakeholders address issues that may hinder successful natural resource management.

This present study contributes to the discussion by proposing an analytical framework for understanding the operations of CLIs. The proposed framework builds on the famous institutional analysis and development (IAD) framework, which provides a systematic process for understanding how institutions operate ([Ostrom, 2009](#)). To facilitate its application to CLIs, the IAD framework is adapted to incorporate relevant aspects of CLIs, such as (1) the community-level livelihood resources (i.e., capital assets) that determine a community’s ability to pursue strategies for governing its resources ([Scoones, 1998](#); [Serrat, 2017](#)), (2) the rules and norms that govern individual behaviour in an indigenous community in relation to land (i.e., customary tenure arrangements; see [FAO, 2002](#)) and (3) the customary mechanisms adopted in decision-making and how disputes and competing interests in land are managed ([Brondizio et al., 2012](#); [Biitir and Nara, 2016](#)). Adopting the perspective of the customary authorities, this framework is tested on a case study of the CLI of the indigenous community of Ile-Ife, Nigeria. Nigeria offers an interesting setting for the case study, as the country has faced a growing demand to strengthen community land authorities as a way of improving the local land governance sector ([Madumere, 2019](#); [Kuma, 2016](#); [Adeniyi et al., 2018](#)).

The paper proceeds as follows. First, background information on customary land institutions is provided in [Section 2](#). A general overview of the IAD framework and the need to adapt it for analysing customary land institutions is presented in [Section 3](#), followed by the research methodology ([Section 4](#)), which describes the strategy for adapting the IAD framework and provides an overview of the case study. [Section 5](#) presents the adapted framework and the results from the case study application. [Section 6](#) discusses the findings and limitations, and the conclusion is presented in [Section 7](#).

## 2. Background: why analyse customary land institutions?

In many sub-Saharan African countries, legal dualism exists regarding the use and management of land and its resources. The post-colonial land tenure is torn between customary/traditional tenure and statutory tenure. The foundation of the prevalent dualism can be traced back to the pre-colonial era in some of these countries. In the pre-colonial era, land in most parts of the SSA region was dominated by the customary tenure system. The colonial era brought along the introduction of what has been referred to as the statutory tenure system

that promotes formal individual rights to land ([Folefack and Darr, 2021](#)).

In the early years of post-colonial Africa, several attempts were made to eradicate the customary land tenure systems and replace them with the statutory tenure system. For instance, early land reforms were aimed at promoting the formalisation and individualisation of land rights. The reforms were based on the idea that customary tenure system does not facilitate productive use of land and its resources. However, despite these attempts, customary tenure system remains widespread and predominant, especially in the rural communities in the SSA region ([Herbst, 2000](#)).

Customary tenure system perceives land as communal property, and land is held and managed based on acceptable norms and practices within a given community ([Oyono, 2009](#)). Customary tenure systems are community specific; a community’s norms and practices may not be the same as in another community. Customary tenure arrangements are diverse around the SSA and are based on the customs, traditions and values promoted within the rural communities where they exist. According to [Foundjem-Tita \(2013\)](#), customary tenure arrangements tend to be more effective in managing local resources than statutory regulations and mechanisms. In essence, most land in the SSA remains governed by various forms of customary tenure arrangement ([Chimhowu, 2019](#)).

This study refers to the customary land institution as the social institution responsible for the customary tenure system. Customary land institutions are responsible for regulating access to land and its resources and defining rights and duties associated with the use and ownership of land within a specific community. Family, lineage and community exercise rights to land and its resources and such rights are guaranteed by moral authorities of the head family, lineage or village council ([Folefack and Darr, 2021](#)). The traditional heads (or authorities) are often responsible for governing and managing land based on the customs in their respective jurisdiction. For instance, the authorities allocate land and serve as customary tribunals to adjudicate disputes relating to land and its resources ([Kahler, 2018](#)). These arrangements of customary institutions are still prevalent across the SSA region (see, for instance, Ghana ([Biitir and Nara, 2016](#)) and Cameroon ([Folefack and Darr, 2021](#))).

Many scholars have advocated a shift towards recognition of customary land tenure. This idea was pioneered by [Ostrom \(1990\)](#), who argued that provided that certain sets of rules are observed, customary institutions are able to manage their resources properly. Several scholars have put forward the idea of strengthening customary land institutions as a way forward for solving land management issues and promoting good land governance, particularly in rural communities (for example, [Ribot, 2004](#); [Blaikie, 2006](#); [Byamugisha, 2014](#)). However, phenomena such as population growth, rapid urbanisation, integration of the global economy, increased (foreign and domestic) land demand, livelihood diversification and cultural change have their repercussion on land governance by customary land institutions ([Cotula and Neves, 2007](#); [Berry, 2017](#); [Greiner, 2016](#)). These changes have led to the evolution of customary land institutions. In some cases, CLIs have evolved to maintain or even strengthen their authority by liaising with the central governments; some institutions have been eroded as a result of the growing coverage of central/formal institutions; and in other cases, the customary institutions are still very effective in upholding their rules and regulating the governance of land (see, [Cotula and Neves, 2007](#); [Lavigne Delville, 2007](#); [Akaateba, 2019](#)).

Additionally, the states of some customary land institutions have revealed that depending solely on customary authorities and rules is insufficient to ensure good governance in customary land institutions. For instance, there is the issue of discrimination (social status, gender and age) and corrupt practices embedded in some CLIs (see [Peters, 2009](#); [Collins and Mitchell, 2017](#); [Kahler, 2018](#)). Furthermore, customary tenure systems have become vulnerable to elites who seize opportunities to reallocate land for themselves or sell to investors (through land grabbing). Also, some customary authorities have taken advantage of

the vagueness of customary laws to misinterpret and manipulate land decisions (Greiner, 2016).

Consequently, scholars have advocated for appropriate government intervention to ensure effective local land governance by customary land institutions (see Cotula, 2007). Interventions are seen as necessary because, even where customary authorities tend to work well, they still need some level of government intervention to protect against ‘powerful outsiders’ such as urban elites and foreign investors. Government intervention is believed to be required as well to secure the resource claims of the weak and vulnerable in rural communities (Cotula, 2007).

Some examples of government interventions in CLIs within the SSA region exist. In Ghana, the government embarked on a Land Administration Project to strengthen customary land management. The project establishes customary land secretariats to manage land and its resources under customary tenure and promote good governance (Biitir and Nara, 2016). In Tanzania, the government enacted the Village Land Act which decentralises the land administration responsibilities to the local village governments. Most of these government interventions are designed based on the need assessment of the target customary land institutions. Focusing on the need assessments (i.e., what the customary land institutions need) enables the identification of problems and can help mobilise targeted communities to address such problems (see e.g., the case of Ghana in Biitir and Nara, 2016).

However, Green and Haines (2016), for example, have emphasised that focusing on the needs has the tendency to make communities more reliant on external sources for help and would often lead to the communities’ loss of control over their development process. For instance, recent studies have revealed that some interventions have not achieved the set objectives. In Ghana, chiefs have been said to take advantage of the loopholes in the project objectives. For example, there has been a lack of transparency, accountability and inadequate collaboration (Biitir and Nara, 2016). Likewise, in Tanzania, studies have suggested that the local village government have not been able to sustain the responsibilities bestowed upon them by the central government due to inadequate human and financial capacity (e.g., Pallotti, 2008).

When deciding to strengthen customary land institutions, focusing on community needs and jumping to problem-solving contributes little to building and sustaining the customary institution’s capacity in the long run (as seen in the example of Ghana and Tanzania above). Instead, it is crucial to start with understanding the institution, particularly by identifying the community’s assets, rules and practices and assessing its needs by examining its potential and weaknesses (Green and Haines, 2016). Here, a community’s assets (which can also be referred to as capital assets) can be described as the resources available in a community that can be useful to promote sustainable development in the community (Goodwin, 2003; Green and Haines, 2016).

Understanding customary land institutions and assessing their needs can contribute substantially to the strategic planning process and thus ensure that interventions are tailored most appropriately to the settings where they are applied. However, understanding a complex social institution like customary land institution can be difficult to deal with due to the several interconnected factors that affect the process and outcomes within the institutions. There is a need for a framework that considers the various complexities that exists within customary land institutions and details the variables within the institutions and the relationships and processes that exist therein. As a framework that offers a conceptual and methodological toolbox for analysing institutions as well as a meta-theoretical construct that identifies and links key elements in the analysis of institutions (Kiser and Ostrom, 1982; Roggero et al., 2018), the institutional analysis and development framework (Ostrom et al., 1994) has the potential to facilitate the understanding of customary land institutions. Hence, this study adopts the IAD framework to understand customary land institutions by identifying the community’s assets, rules and practices and then assessing the needs of the institution.

### 3. Institutional analysis and development framework: the need for adaptation to CLI

In its initial form (see Fig. 1), Ostrom’s IAD framework has been extensively used to study how institutions operate (Ostrom, 1999; McGinnis, 2011). As a multidisciplinary tool, the framework has been used to shape policy research and address policy issues relating to natural resource management, particularly at local levels. It provides a systematic process for in-depth analysis of the “design and performance of an institutional arrangement” (Imperial, 1999, p. 453).

The focal point of analysis in the IAD framework is the “action arena”, a social space in which “action situations”, such as interactions, exchanges, power contests and problem-solving, occur amongst the various actors who behave according to their perceived incentives (MacKenzie and Gibbons, 2019). These perceived incentives are based on the preferences of the actors, the available information, expectations of the behaviour of others and the costs and benefits assigned to actions (Rudd, 2004).

This action arena is influenced by combined contextual factors, such as physical conditions, community attributes and the existing rules that govern individual behaviour (Ostrom, 2009). There are three levels of rule: (1) the operational level, at which the participants make daily decisions, (2) the collective-choice level, at which changes to the operational level are determined and (3) the constitutional level, which determines who is eligible to make the collective-choice level rules (see Kiser and Ostrom, 1982). These levels are constrained by cultural factors, such as relatively long-lasting values and beliefs (McGinnis, 2011).

The various interactions in the action arena create patterns that lead to predictable outcomes (Andersson, 2006), and the generated interaction patterns and their outcomes can be critically evaluated using relevant criteria. Analysts can use these evaluative criteria to determine which aspects may be deemed satisfactory or otherwise. The results of the evaluation can be fed back to the higher level of the framework to provide a learning loop (Rudd, 2004; McGinnis, 2011).

An important feature of the IAD framework is its broad adaptability for institutional analysis in various resources management systems, and it incorporates key contexts that can be subdivided into much more detailed elements (Ratner et al., 2013). Over time, the framework has been extensively modified and used to facilitate the analysis of various resource bases by incorporating diverse variables to provide a clear understanding of given institutional processes and settings (Rudd, 2004). It has been applied in policy research to analyse institutional contextual factors in land reform (Clement and Amezaga, 2013) and examine the governance of decentralised natural resources by local communities (Andersson, 2006). A study by Rahman et al. (2012) modified the framework to evaluate the institutionalisation and collective action of communities in countries with government policies on property rights decentralisation. Customary land institutions have been responsible for management of land and its resources in SSA communities through collective actions (Herbst, 2000) and can be viewed as community-based natural resource management institutions. Hence, CLIs is suitable for study from an institutional perspective using the IAD framework (Blaikie, 2006; Wilson et al., 2013).

In this study, we argue that to ensure appropriate decisions are taken when strengthening customary land institutions, it makes sense to begin

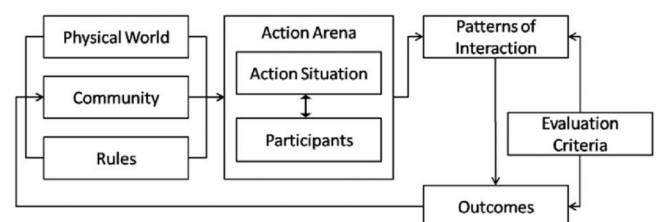


Fig. 1. The IAD framework (Ostrom et al., 1994).

with understanding the land institutions. Understanding customary land institution includes identifying communities' ability to hold property rights and maintain sustainable use of their land resources and examining the land related rules and practices within the community. Community's assets will play a crucial role in determining the strengths and resources that can contribute to the devolution process. For instance, the collective action to promote sustainable development and performance of land institution will, among other things, require financial, human capacity and social resources contribution from the community members. Five community assets have been described in the Sustainable Rural Likelihood Framework (see, Scoones, 1998; Serrat, 2017). These assets should be considered, particularly when trying to understand and task customary land institutions with local land governance. Hence, this study reconciles the original concepts of physical condition and community attributes with the assets of community (i.e., capital assets) to enable a more detailed analysis of customary land institutions.

#### 4. Research methodology

The research methodology is twofold. Firstly, a hermeneutic literature review is conducted to facilitate the adaptation of the IAD framework for analysis of CLIs. Secondly, a case study approach is used to test the applicability of the developed framework.

##### 4.1. Adaptation of the IAD framework for analysis of customary land institutions

As a first step, recent literature on customary land institutions in SSA was reviewed. The literature review was guided by a hermeneutic approach (see e.g., Mousavijad et al., 2022; Puustinen et al., 2022). This approach encourages researchers to develop understanding and clear meaning by iterative engagement and continuous discovery of the body of literature. According to Boell and Cecez-Kecmanovic (2014), the hermeneutic literature review can enable researchers to "establish, synthesise and critically assess a body of literature, create newness and propose novel understanding that broadens the horizon of existing knowledge" (p 268).

In the hermeneutic literature review, the focus of the review is not on the quantity of documents obtained from the databases. Rather, the focus is on assessing the quality and relevance of the documents. Hence, in the 'search and acquisition' cycle (Boell and Cecez-Kecmanovic, 2014), this study focuses on retrieving those publications that are highly relevant to the context of this study. The literature search was conducted on three of the top academic research databases: Scopus, Web of Science and JSTOR. We queried the databases with combinations of Boolean operators and search terms (Customary AND land) AND (institution OR practice OR management) AND (Africa OR (sub Saharan AND Africa) OR SSA). The search was sorted by using the 'relevance' option provided in the search field of the databases. We focus on the literature listed on the first page of the search results. The search yielded 45 articles after removing duplicate literature. In the 'analysis and interpretation cycle', we read and critically assessed the 45 articles to ensure they are highly relevant and have strong focus on CLI in the SSA context. The assessment reduced the sample to 15 publications. The hermeneutic approach allows movement between the cycles to increase the understanding of the subject matter further until a satisfactory outcome is reached. Hence, the list of reviewed literature was complemented by identifying relevant sources from the references of the initially selected papers. Overall, 39 publications were included in the analysis (see Appendix A for the list of literature).

As suggested by Boell and Cecez-Kecmanovic (2014), the mapping and classification of the literature were done by utilising an established framework, in this case, the IAD framework. In the mapping and classification phase, this study applied the principle of deductive approach (Elo et al., 2014). The elements of the IAD framework provide the initial focus for identifying key aspects of the data that could contribute to the

analysis of CLIs. The selected literature was thoroughly read to understand them and generate relevant codes. Accordingly, the generated codes are categorised and synthesised based on the concepts in the IAD framework. The result is presented in Section 5.1.

##### 4.2. Case study: customary land institution in Ile-Ife

The existence of legal pluralism is very evident with regard to the governance of land in Nigeria. The Nigeria Land Use Act 1978 (LUA) vested all lands in each state solely in the respective Governor. Also, in practice, traditional authorities govern land, especially in rural communities. Traditional authorities have long existed in Nigeria, and local communities, especially in rural areas, have continually depended on them for land administration (Herbst, 2000).

With respect to land governance, traditional authorities are afforded implicit legal acknowledgement since the LUA does not explicitly accord them local land governance responsibilities (Wily, 2003). In recent years, demand has grown to strengthen the traditional authorities to improve the country's grassroots land governance (Madumere, 2019; Adeniyi et al., 2018). Hence, Nigeria offers an excellent setting to test our framework. Next, we describe the case study area, data collection method and approach to analysis.

##### 4.2.1. Overview of the case study area

Ile-Ife, located in Osun state, follows the customary Yoruba tenure system, an age-old indigenous landholding system that is predominant among the Yoruba communities of southwestern Nigeria (Fig. 2). The institutional structure of land ownership and management in Ile-Ife is governed by Yoruba native law and custom, which may appear to be uniform across the Yorubaland but are in fact dissimilar in their details because of the differing customs, traditions and values promoted in each community (Lloyd, 1959; Onakoya, 2015). In short, the customary land practices in Ile-Ife may not be generalised to all Yoruba communities.

Traditionally, Ile-Ife has six geographical divisions, namely the Irewo, Moore, Ilode, Ilare, Okerewe and Iraye quarters. Within each of these quarters are numerous *agbale* (compounds) and sub-communities. Compounds and sub-communities often feature families descended exclusively from a common male ancestor (patrilineal) as well as non-indigenes who may reside within the community.

##### 4.2.2. Case study data collection and analysis

The data were collected by interviewing people in positions of authority within the community. These authorities are routinely and directly involved with matters in the community, making them the main actors in action situations (see Cole and McGinnis, 2017, p. 16). This study used snowball sampling to facilitate access to actors with relevant experience, knowledge and a high level of involvement in the CLI of Ile-Ife. Two local guides were approached for introductions to the initial two interviewees, who then suggested 13 other potential interviewees.

In total, eleven of the 15 identified key representatives (two initial and 13 potential) were available and interviewed. Six interviewees were recorded, while five preferred an unrecorded interview. The interviewees comprised six officials at the quarter level and five at the compound and sub-community levels, with at least one interviewee from each of the quarters. The interviews were conducted in December 2019 in the local dialect (i.e., Yoruba) and lasted for no more than an hour. The recorded interviews were translated and transcribed into English, and notes on valuable information were taken during the unrecorded interviews.

During the interviews, the subjects were asked about the nature of land, the rules applied in the community, the dispute management process, the land transfer process and other mechanisms of land governance. The interview questions are open-ended, providing interviewee the opportunity to discuss at length (Appendix B). The researchers garnered further information on the attributes of the case study area from secondary sources, such as official government



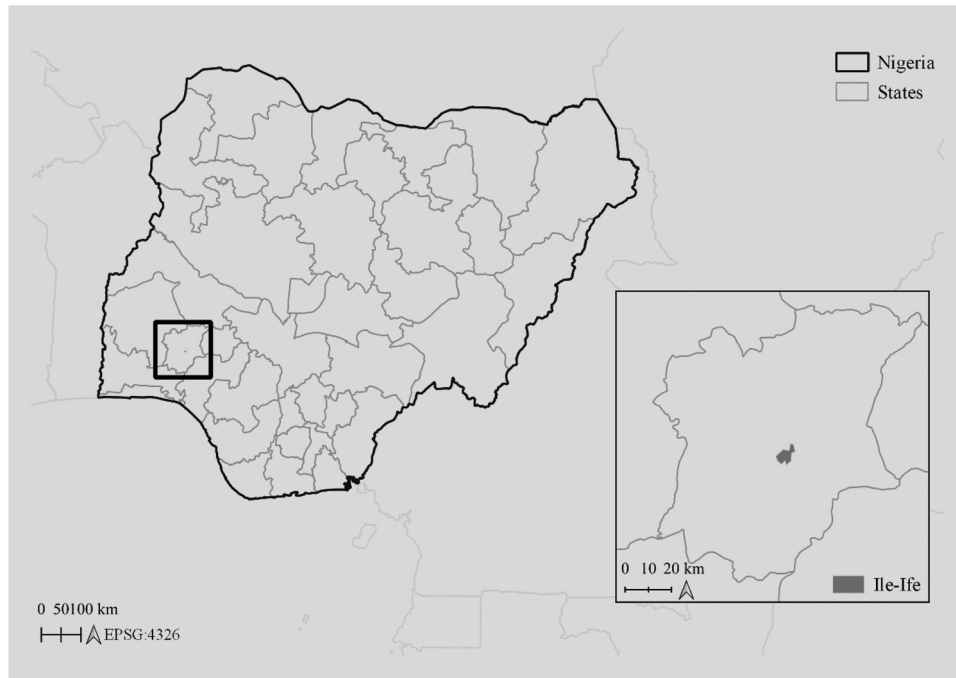


Fig. 2. Map of Nigeria showing the location of Ile-Ife.

websites, statistical archives and earlier studies on the case study area.

The collected data were analysed through content analysis, a research tool for systematically and objectively examining and interpreting data. Content analysis typically involves three phases: preparation, organisation and result reporting (Schreier, 2012; Elo et al., 2014). The present study followed deductive logic in the organisation phase; the collected material was analysed using the concepts of the adapted IAD framework as a theoretical lens.

Specifically, the data were manually coded to establish their connection to the concepts specified in the framework (i.e., the contextual factors and customary land practices). The codes were then categorised and summarised in correspondence to the relevant concepts. Thereafter, to ensure high accuracy and validity, we conducted member-checking with the participants. The summary of the results was sent to the participants for their comments and approval.

## 5. Results

### 5.1. Adapted IAD framework for understanding customary land institutions in SSA

The adapted IAD framework draws attention to aspects relevant to the analysis of CLIs and stress the major elements that pertain to CLIs: the contextual factors and the resulting customary land practices. The combination of these aspects of CLIs can be analysed using relevant evaluative criteria (Fig. 3). This section presents the adapted IAD framework and its components in more detail.

#### 5.1.1. Contextual factors

Contextual factors are those that influence the actions of individuals in an institution. In CLIs, the contextual factors determine the ability of the institution to govern land (and its resources) as well as the behaviour of individuals within the CLIs in relation to land. In CLIs, the prime contextual factors include capital assets and customary tenure arrangements.

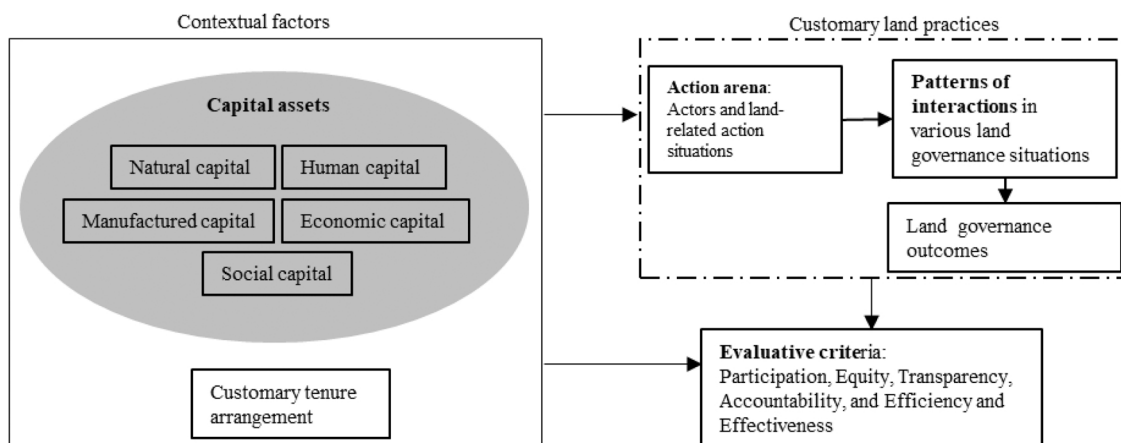


Fig. 3. Adapted IAD framework for evaluating CLIs.

**5.1.1.1. Capital assets.** The primary aim of strengthening CLIs is to promote good governance and the sustainable use of land and its resources at the community level. This highlights the importance of considering the community's capital assets, as these are the assets used by the community to pursue various livelihood strategies, such as managing its resources. Capital assets can be further disaggregated into natural, human, manufactured/physical, economic and social capitals (Scoones, 1998; Serrat, 2017). Next, we briefly describe each asset type as it relates to CLI.

**5.1.1.1.1. Natural capital.** Natural capital embraces the types and stock of resources possessed and governed by a community. According to the reviewed literature, the natural capital in CLIs includes the land and its resources, such as forests, rangelands, marshlands, and other shared resources held by or available to the community (Biitir and Nara, 2016; Umar and Nyanga, 2022). The available landmass and its characteristics, such as the physical nature and condition of the land (e.g., extent, fertility etc.) can put to serious test the capacities of customary land institutions (Abdul-Jalil, 2006).

When land is abundant, there could be relatively easy access to land rights for community members and non-members (Lavigne Delville, 2007). However, where productive land is scarce, phenomena such as increasing population and increased demand for land can put pressure on available land within a community (Ibrahim et al., 2020). This can, in turn, affect how land is administered within the community and lead to changes that may affect the environmental or social condition of such a community. High demand on limited land resources could lead to issues like land fragmentation, overcropping, land degradation, or changes in customary practise to favour the elites at the detriment of the vulnerable groups (Toulmin, 2005; Abdul-Jalil, 2006; Magigi and Drescher, 2010; Yaro, 2010). The condition of the natural capital will affect the behaviour and perceived incentives of the various shareholders in the community regarding land. Consequently, the natural capital should be well examined.

**5.1.1.1.2. Human capital.** Human capital comprises the skills, knowledge, competencies and physical capability of the individuals and stakeholders in a given community (Helliwell, 2001). From the literature review, we identify human capital in CLIs as community members (both indigenes and immigrants) and customary authorities involved in the decision-making regarding the operation and allocation of land in a community (Antonio and Griffith-Charles, 2019). Traditional authorities play an important role in CLIs. They include chiefs, sub-chiefs, and family heads (Chitonge et al., 2017; Siiba et al., 2018; Mintah et al., 2021). They are often responsible for controlling their community's territory and exercising political power to allocate land to clans, lineages, families or individuals within their community (Abdulai and Antwi, 2005; Toulmin, 2005).

Although, in most cases, the authority over customary land and its resources is vested in the traditional authorities, the ownership of the land belongs to the community (Mataya et al., 2003; Bae, 2021). The powers vested in the authorities are mainly concerned with guaranteeing access, enforcing rights and regulating the use of land (Cousins, 2009). Additionally, traditional authorities have a wealth of knowledge, skills and experiences, which can be useful in land dispute and conflict management in their communities (Amanor, 2008). In a CLI, appropriate human capital will contribute to the pursuit of customary land governance that benefits all community members.

**5.1.1.1.3. Manufactured capital.** This capital comprises the stock of important human-made assets in a community, which include the infrastructure, tools and technology that contribute to the efficient use and management of resources at the community level (Serrat, 2017). Manufactured capital in CLIs can be regarded as the infrastructure, tools and technology used in the management of a community's land. The reviewed literature suggests that manufactured capital in CLIs can include, for instance, the use of features such as trees, plants or trenches for boundary demarcation to show that certain land belongs to someone and documentation of land transactions to confirm that land has been

transferred to another landholder (Magigi and Drescher, 2010). Another form of manufactured capital is the establishment of systems of management that employ professional surveyors and lawyers for surveying, planning and pillaring of community land (see Toulmin, 2009; Kidido et al., 2017). In customary land institutions, manufactured capital can be vital for ensuring tenure security and preventing and resolving disputes. Hence, examining the available manufactured capital and how it is used is important.

**5.1.1.1.4. Economic capital.** In the case of CLIs, economic capital encompasses how wealth is generated from land and its resources and how the wealth is managed or invested. Money can be generated in various ways within a community. Individuals can generate money from their respective work/activities e.g. farming, manufacturing etc. Based on the reviewed literature, we found that communities can generate funds through the sales/lease of community land or mining fees or through the share of economic resources allocated by the central government (Wig and Kromrey, 2018). Additionally, community funds are often kept by the customary authorities and are supposed to be used for the development of their respective communities in a way that benefits the members equally (Huntington and Marple-Cantrell, 2021).

In examining economic capital, one should take into consideration the economic heterogeneity of the community members and how it affects the community's customary land practices. In CLIs, inequality may lead to the creation of caucuses, which may then spur the development of various sets of rules or practices intended solely to subvert the institution or to marginalise the less privileged in the community (Amanor, 2008).

**5.1.1.1.5. Social capital.** Social capital comprises social resources such as social relations, associations, social networks, trust and protocols that can coordinate actions within an institution (Scoones, 1998). Lavigne Delville (2007) noted that "access to land and its resources are an integral part of social relationships" in customary land institutions (p.36). The reviewed literature suggests that, in customary land institutions, the land is seen as belonging to the family, village and/or community, and primary rights to land are derived from belonging to such community (Akaateba, 2019; Bae, 2021). A transparent flow of information (particularly the application of rules and regulations) regarding land and its resources is important to ensure the existence of social cohesion and trust within the community (Umar and Nyanga, 2022). When information flow is limited and not transparent, individuals or traditional authorities can take advantage and free ride on the community by selling land for private gain (Toulmin, 2005; Yaro, 2010).

The reviewed literature suggests that the existence of social trust can make CLIs effective in regulating land relations and adjudicating conflict within their respective territories, and reducing dishonest behaviour and free rider problem (Lavigne Delville, 2007). Examining social capital is important to evaluate how information on land governance is disseminated to community members and understood by them. Assessing social capital can help to determine, for instance, whether the flow of information enables a community's local leaders to exploit the community members.

**5.1.1.2. Customary land tenure arrangements.** Antonio and Griffith-Charles (2019) define customary land tenures as "the systems used largely by indigenous communities to express and organise the ownership, possession, and access to land and to regulate use and transfer of land rights, according to their customs" (p. 125). Customary land tenure describes the specific set of rules and norms that are applied and respected by actors participating in land-related situations. From the reviewed literature, we found that customary land tenures include deeply rooted rules and norms that govern the customary land practices in a community. The rules are recognised as legitimate and rarely extend outside a specific community (Wily, 2011; Honig, 2017). This includes rules governing the allocation of land, the structure of land access and

acquisition, and the structure of land use and landholding (FAO, 2002; Hull et al., 2019). Inadequate rules can be a source of land conflict, inequality or discrimination in terms of land access in the community (Kalabamu, 2000; Collins and Mitchell, 2017). Hence, it is important to examine how well the customary rules regulate land practices within a community.

The reviewed literature noted that customary rules and norms are mostly informal and unwritten; they specify actions and outcomes that are prohibited or permitted and prescribe sanctions when rules are violated (Hull et al., 2019). The IAD framework recognises three levels of rules-in-use (Ostrom et al., 1994), which can also be applied to the set of rules and norms applicable in CLIs. First, at the operational level, are the rules that guide and direct the day-to-day decisions and activities of land users and landowners, such as landholding typologies/ownership structure, land use and access to or transfer of land.

At the second level of the hierarchy are the collective choice rules, which specify those eligible to take part in the operational level activities, for instance, who is permitted to access, use and own land in the community. For instance, in CLIs, the right to access land may be restricted by gender or being a member of a social unit by birth, affiliation or allegiance to a specific social group (Cousins, 2009; Benjamin, 2020). Hence, collective choice rules can be scrutinised to reveal the existence of forms of discrimination or inequality. Third, the constitutional level rules determine those who are eligible to craft and establish the lower-level rules. The reviewed literature suggests that some communities hold elections to select authorities that will be responsible for deciding over operational and collective level decision-making, while some select their traditional leaders through processes like dynasty succession (Chimhowu, 2019; Wig and Kromrey, 2018). Constitutional-level rules can be examined to identify who is allowed to participate in decision-making (i.e. those that form the elite council) in a CLI and the degree of community members' representation in its decision-making process.

### 5.1.2. Customary land practices

Customary land practices comprise the social bargaining processes and outcomes that occur with respect to land in an indigenous community. They include how community actors interact in land-related situations (action situations), the approach and mechanism used in land governance (patterns of interactions) and the resulting outcomes (Obioha, 2008; Collins and Mitchell, 2017).

Customary land practices are influenced by contextual factors, such as a community's customary tenure and capital assets. The reviewed literature suggests that customary land practices may involve interactions, such as actors negotiating and making decisions, that often entail using flexible customary rules to defend interests and actions related to land (Ubink, 2002). These interactions may involve a community's land-related situations, such as land transfers/allocation, dispute management and the management of rule contraventions (Honig, 2017; Wig and Kromrey, 2018). Multiple interactions generate patterns that often result in predictable land governance outcomes. The bargaining processes and outcomes can be analysed together to determine the governance features promoted in a community.

### 5.1.3. Evaluative criteria

Evaluative criteria enable analysts to identify both satisfactory aspects of an institution and aspects that need improvement (McGinnis, 2011). The reviewed literature suggests that the evaluation of the institution should be based on the general principle of good local land governance (Arko-Adjei, 2011; Akrofi, 2013; Biitir and Nara, 2016). These guidelines include participation, equity, transparency and accountability, as well as efficiency and effectiveness.

Participation describes how well the community members' interests are represented in decision-making (Arko-Adjei, 2011). A rationale for promoting the devolvement of authority to traditional institutions is to facilitate the representation of people at the grassroots in

decision-making (Boone, 2007). Hence, it is essential to examine the degree of participation in decision-making within a customary institution, especially how well it involves the community's women and vulnerable groups (Palmer et al., 2009). Participation, in the form of consultation and collaboration with community members in decision-making, is an integral part of good land governance, as it can improve the accountability of the local leaders, reduce land conflicts and enhance information flow, which can create common understanding within the community.

Equity relates to the fairness of the decision-making processes and outcomes in a community's customary land practices. CLIs have often been criticised as being unfair, as they can undermine distributional equity, which should ensure that the needs of marginalised groups, such as women and migrants, are met (Collins and Mitchell, 2017). Without distributional equity in the governance of land, alleviating poverty and achieving economic growth will remain elusive (Palmer et al., 2009). Hence, it is important to examine the equitability of land governance rules. In addition, Arko-Adjei (2011) stresses the intergenerational perspective on equity, which emphasises the effective and efficient use of (land) resources in a way that does not compromise land use by future generations.

Transparency in a CLI can be measured in terms of how accessible customary leaders and land information are to community members (Arko-Adjei et al., 2010). It can also be determined by considering the procedures followed by actors in various action situations; the mechanisms used in land allocation, dispute management and other land services delivery should be clear and open to all community members. Transparency is also achieved when rules and processes in the governance of local land are clear and available to community members (Arko-Adjei, 2011).

Accountability in governance has been described as demonstrating "stewardship by responding to questioning, explaining actions and providing evidence of functions" (FAO, 2007, p. 9). In a CLI, several main actors are elected or chosen to direct the activities of the community, such as chiefs, family heads and traditional rulers (Biitir and Nara, 2016; Siiba et al., 2018). To avert corrupt practices and the abuse of power by authorities, customary institutions must maintain a robust accountability structure so that the main actors are accountable to the community members. Accountability can be measured, for instance, through the frequency of interaction with the people, a record-keeping system in land delivery processes and public dissemination of financial statements (Arko-Adjei et al., 2010).

Efficiency and effectiveness cut across the previously mentioned good governance principles. Generally, efficiency and effectiveness determine how land management strategies are formulated and implemented in a way that meets the needs of society (FAO, 2007). Efficiency in CLIs relates to the rules and procedures of land governance. The rules and procedures should be clear and simple, and the information should be accessible to the people (e.g., information on land allocation and land dispute adjudication). In addition, effectiveness is ensured when strategies are applied in a way that promotes tenure security, justice and the rights of all groups in the community.

Above, we have elaborated on the key components of the adapted IAD framework for analysing CLIs. The framework incorporates terms and concepts that are relevant to CLIs and enumerates the crucial aspects that are germane to understanding their operation. In the next section, the applicability of the framework is tested.

## 5.2. Application of the adapted IAD Framework: Analysis of contextual factors and customary land practices in Ile-Ife

### 5.2.1. Contextual factors

**5.2.1.1. Natural capital.** The community covers a landmass of approximately 280 km<sup>2</sup>. The major classifications of land cover in Ile-Ife are



built-up areas, naturally vegetated areas, inland water bodies, rock outcrops and croplands. Over the years, the built-up areas have increased at the expense of croplands and naturally vegetated areas (Ajala and Olayiwola, 2013). According to an interviewee, land in the centre of the community has become less fertile due to overcropping. Consequently, farmers have moved farther from the city to cultivate more fertile land, and the unproductive land is now used mainly for purposes of development (residential and commercial).

**5.2.1.2. Human capital.** Ile-Ife has a population of 355,341 out of the Osun state's population of 3,423,535,<sup>1</sup> with an estimated annual growth rate of 3.3 % (NBS, 2019). The community has been residence to both indigenes and non-indigenes from various parts of Nigeria, such as other Yoruba, Igbo, Hausa and foreigners from around the world.<sup>2</sup> The community highly values education, and by occupation the residents include predominantly civil servants, traders, artisans, farmers, expatriates and professionals involved in private practices, such as medical practitioners, surveyors, lawyers etc. (Badiora and Afon, 2013).

customary authorities are carefully chosen to lead and represent the people at various level of the community. The hierarchy of authorities in the community is described in Table 1. At the top of the hierarchy is the traditional ruler of the community, the king or *ooni* of Ife, followed by the *obas* and *baales* in the quarters. The *obas* are the heads of the quarters, while the *baales* are responsible for overseeing the affairs of their quarters. Representing the compounds and sub-communities are the *bales* and the *sub-baales*. The *bale* is often the oldest male in the compound, and a *sub-baale* is an elected head of a sub-community. These authorities, typically composed of indigenous male residents of Ile-Ife, are people with indigenous skills, knowledge and information in the community. These authorities are entrusted with providing information and services on customary land in their various domains.

An interviewee noted that the selected customary authorities are expected to act always in the best interest of the community members. He further mentioned the case of the *bales*. *Bales* are usually the oldest males in their compounds and are selected to represent the family/compound. They are the trustees of their family properties, but they must consult the family members before taking decisions that concern family land/properties. By customary law, they are accountable to the family members regarding how the family properties are administered or managed (see Onakoya, 2015).

**5.2.1.3. Manufactured capital.** According to the interviewees, the land in Ile-Ife has been owned since time immemorial by the descendants of the first settlers, who are now the landholding families in the community. The boundaries of each lineage's land have been marked with pits (*okuna*) and stones. Some of these boundary markers are still visible today.

With the improvement of the human capital and advances in the use of technology, land is now being surveyed and registered with the state

land bureau.<sup>3</sup> The surveyed land is marked with survey pillars. In addition, legal agreements are used in sales, leases and any form of transfer or alienation of land. Likewise, decisions, discussions and dispute adjudications are documented.

**5.2.1.4. Economic capital.** Community members in Ile-Ife generate income through their various occupation such as civil servant, Artisans, farmers, traders and those that are involved in medical, legal and engineering profession in private practices (Badiora and Afon, 2013). The interviewees noted that land transactions are a source of income for people in Ile-Ife. Income (such as proceeds from land sales, leases or use) can be generated from individual, family or community land. Income generated from individual land belongs to the individual, and, likewise, income generated from family land belongs to the whole family. Income generated from communal land belongs to the community, however, and such income is invested or used in the community and for community projects.

In addition, although there is a large income disparity amongst the community's people (Badiora and Afon, 2013), the interviewees stated that the economic heterogeneity does not affect how land is governed in the community. According to an interviewee, no matter the economic status of the members of the community, "*everyone is treated equally before the law*".

**5.2.1.5. Social capital.** The CLI in Ile-Ife has existed for a long time, and the local community members have generally relied on the institution for management of land and its resources and for protection of land rights (Herbst, 2000). To an extent, the long history of the operation of the CLI in the study area suggests a high level of trust, which enables community members to act and cooperate with the elected customary authorities.

In addition, although the local authorities are held in high esteem at various levels within the community, they cannot make decisions on land by themselves without consulting or communicating with the affected community members. According to the interviewees, meetings are organised and held regularly at the three levels of the community (i. e., compound, quarter, and community level; see Table 1), which community members at the specific level are invited to join. During these meetings, discussions are held and decisions taken on land-related matters and are communicated to the members of the community. The consultation process ensures a transparent flow of information, which promotes a common understanding within the community.

**5.2.1.6. The customary tenure arrangement in Ile-Ife.** A (de jure) land law governs land tenure arrangements in Nigeria, i.e., the Nigeria Land Use Act 1978. Local communities such as Ile-Ife, however, also observe native or customary (de facto) laws, which are unwritten rules and norms governing the existing land practices in the community.

The interviewees noted the existence of three major landholding typologies in Ile-Ife: private/individual, family and communal landholding. In private landholding, an individual (or legal entity) possesses the land through inheritance, transfer, gift or purchase from customary landowners. Family landholding refers to the arrangement in which land is vested in a family/lineage as a corporate entity. Private and family landholding are associated mainly with land that has been allocated to the various lineages in Ile-Ife.

Communal landholding embraces the remaining land in the community beyond the land already apportioned/allocated to the lineages. The communal land is mostly suitable for agricultural purposes, and it can be sold to both indigenes and settlers who can afford to purchase it. Decisions regarding communal land are under the control of a

**Table 1**  
Hierarchy of authorities in Ile-Ife.

Level	Authorities
Community	Ile-Ife
Quarter	Iremo, Moore, Ilode, Ilare, Okerewe and Iraye quarters
Compound	Compounds and sub-communities
	Bales and sub-baales

<sup>1</sup> Recent estimated data suggests an increase in these values, but the values provided here are according to the 2006 population census.

<sup>2</sup> Author's observation.

<sup>3</sup> The land registry is in Osogbo, the capital of Osun State, approximately 60 km from Ile-Ife.

committee made up of the heads of quarters, bales, baales and representatives from the compounds and sub-communities. Because the aforementioned positions traditionally belong to males, this committee includes no females.

In terms of the eligibility to access land, the interviewees noted that land in the community can be accessed by both indigenes and non-indigenes (i.e., settlers) through inheritance, purchase, transfer, lease, gift or exchange. Traditionally, under land inheritance, mothers qualify their children to be part of the family. According to an informant “*Land can be inherited by anyone, both male and female and land is divided equally between the mothers no matter their amount*”. In a household, the father’s estate is equally allocated amongst the wives (or wife) with legitimate child(ren), and the allocated estate is shared equally amongst the children regardless of gender. However, if the deceased left a will or pronounced an oral will before his demise, the will determines how the inheritance should be shared.

Non-indigenous members of the community can access/acquire land from the landholding families through purchase, transfer, lease, gift and exchange. According to the custom in the community, all family members are expected to be informed and consulted before the sale or transfer of family land. Even when the family head represents the family, he has no power by himself to alienate the family property at his disposal; instead, the family head must consult the family members before making decisions concerning family properties (also noted in Onakoya, 2015). In the case of private landholding, however, the individual landowner can transfer land rights without consulting anyone.

Land can be sold or transferred to anyone regardless of ethnicity, nationality or gender. It is a norm within the community, however, to investigate the potential buyer to ensure that the person is not a “troublemaker” who could be a source of conflict for the families and others in the same environment, which could potentially escalate to the whole community. In addition, when a large expanse (e.g., acres or hectares) of land is to be sold or transferred, it is necessary to notify the baale of that quarter. Before the sale of the land, the purpose of the purchase and the benefits to the community must be established, and the buyer is carefully investigated to prevent “matters arising in the future”, as noted by an interviewee.

#### 5.2.2. Customary land practices in Ile-Ife

Of the various land-related situations, our study investigated land transactions, land transfers, dispute/conflict management and rule contraventions, which were contemplated particularly from the perspective of how they are managed in the community.

According to the interviewees, land can be purchased from a land-owning family or individual by any person or legal entity (domestic or foreign) registered in Nigeria. Basically, the community is structured in a way that there is a traditional authority within each compound (the lowest hierarchy of administration, see Table 1). This organisational structure enables people in the community to access information about landowners and landowning families. A potential buyer approaches the landowner/landowning family to buy or lease their land; usually, a non-indigenous buyer is introduced by someone familiar with the landowner

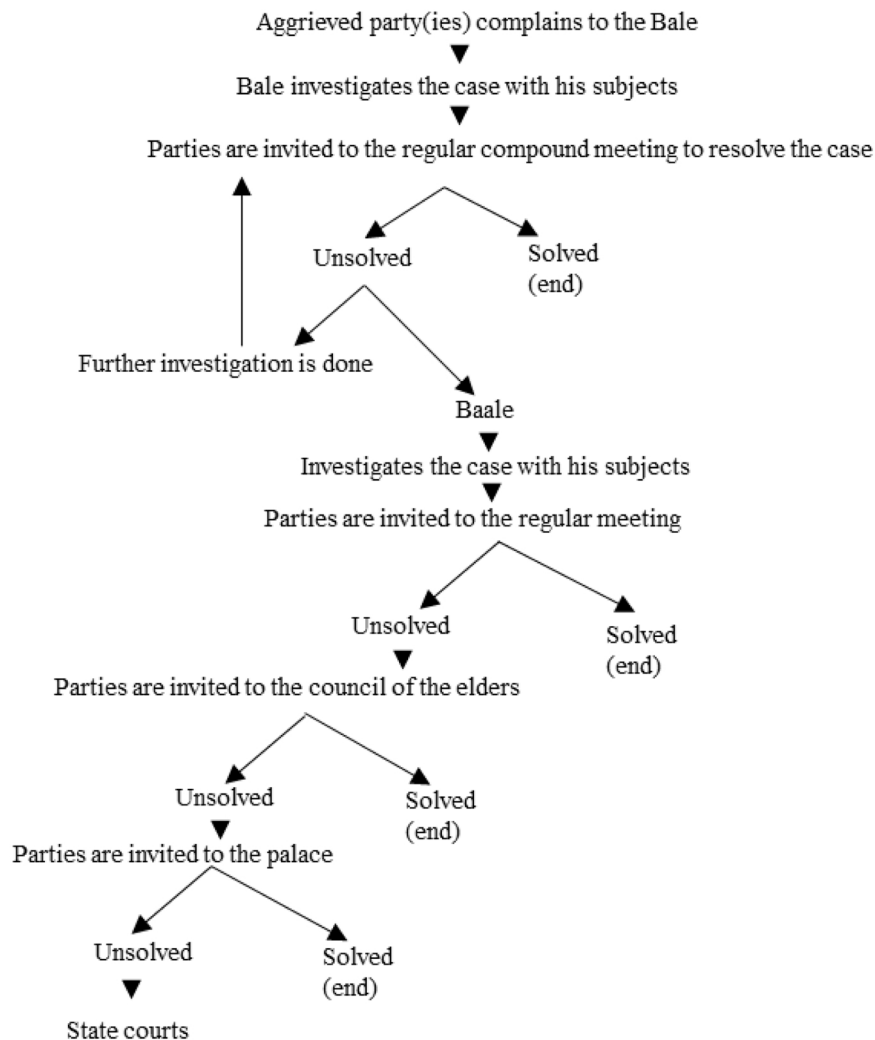


Fig. 4. Procedure for land dispute adjudication in Ile-Ife.

or landowning family. The potential buyer and seller meet in person to negotiate the price of the land. Simultaneously, due diligence is done to ensure that the potential buyer is of good standing and character. This process also applies to sales of communal land.

At the sale of the land, the involved parties sign a sales agreement prepared by a registered lawyer. According to an interviewee *"There is a document for any land sale, usually three copies, distributed between the buyer, seller and the lawyers."* The signed agreements are shared amongst the seller, buyer and lawyer. Thereafter, the land is surveyed, and the buyer may proceed to register the land with the state land registry. In any form of land transfer, the transactions are recorded, and agreements are signed.

Regarding land dispute adjudication (Fig. 4), the interviewees noted that the process begins at the compound or sub-community level. Usually, the given compound's bale is informed, who investigates the land dispute with his officers. Generally, the bale will send a team of officials to inspect the land under dispute, including the land documents. After the inspection, the officers report their findings to the bale, who stands as an adjudicator to settle the dispute. In addition, members (male and female) of the compound are invited to participate in the adjudication during the regular compound meetings, especially when such individuals have experience relevant to solving the dispute. If further investigation is required, the case is rescheduled for the subsequent compound meeting, at which it will be settled. If the dispute cannot be resolved at the compound level, it is transferred to the baale at the quarter level.

If the dispute cannot be resolved at the quarter level, it is transferred to the palace of the king, and, if not resolved there, it is moved to a court of law. The interviewees noted that most disputes are resolved before reaching the palace. When a dispute is resolved, the agreements between the involved parties are documented. These agreements are binding on the parties involved and enforced by the community.

An interviewee noted that, at every adjudication stage, all discussions and accounts pertaining to the dispute are documented and kept for future reference. Likewise, these documented records are presented as evidence if the dispute escalates to the state courts.

The interviewees also described the process followed in cases of the contravention of rules, declaring that the dispute resolution processes are also applied and that the responsible parties are sanctioned appropriately by the community. The decisions and sanctions are often based on the consensus emerging from discussions with community representatives and affected parties. These dispute-resolution and decision-making processes have been followed since time immemorial and have been faithfully passed from generation to generation.

## 6. Discussion

Rashly devolving local land governance responsibilities to CLIs without careful consideration of the principles promoted by such institutions may result in greater land governance problems. Additionally, focusing solely on the needs of CLIs and jumping to problem-solving will contribute very little to sustaining the capacity of CLIs in the long run. We argued in this study that to ensure appropriate decisions are made when strengthening CLIs; it is critical to begin with understanding the CLIs. To facilitate the understanding of CLIs, this study developed a framework for analysing CLIs.

The framework is built upon the recognised IAD framework, which has been extensively used for the analysis of natural resource management institutions. A hermeneutic literature review approach is followed to support the adaptation of the IAD framework for the analysis of CLIs. The adapted IAD framework incorporates three elements that help to understand the nuances of CLIs. The first element highlights the contextual factors, such as the available capital assets within a community and the rules governing the actions and behaviours of actors within the community. The second element, customary land practices, encompasses how actors interact in land-related situations as well as the

procedures and mechanisms used in local land governance. The final element provides the criteria against which CLIs can be evaluated.

Although earlier literature has noted that local communities have the capacity sustainably manage their resources (see [Blaikie, 2006](#); [Boone, 2007](#)) but they have yet to suggest how the capacity of a CLIs can be examined. This is the focus of the first element of our adapted IAD framework. The framework suggests relevant contextual factors that could be used to determine the capacity of a CLI. These factors include the community's capital assets and customary land tenure arrangements. The status of these contextual factors affects how a community manages its land resources and influences the actions and behaviours of actors within a CLI ([Dietz et al., 2003](#); [Rahman et al., 2012](#)). Deficiencies in the capital assets may lead to issues that can affect the management of land and its resources and/or the distribution of the benefits within the community. Likewise, a community whose rules and norms are weak or have broken down are characterised by tenure insecurity ([Brasselle et al., 2002](#); [Chimhowu, 2019](#); [Valkonen, 2021](#)). The case study application of the framework confirms the importance of examining capital assets and customary land tenure arrangements. Investigating the capital assets in the case study helps highlight the customary rules, indigenous technical knowledge and locally appropriate technologies applied in the management of land and its resources.

The framework also examines customary land practices. Some of the common phenomena that occur within CLIs include land disputes, rule contravention and land transfer matters ([Honig, 2017](#); [Wig and Kromrey, 2018](#)). Our framework provides the opportunity to thoroughly investigate these phenomena and gain insights into how they are managed, particularly how the customary rules are applied within a CLI. The case study application of the framework confirms the importance of examining customary land practices. Examining the customary land practices in Ile-Ife helps delineate the processes and procedures followed in decision-making regarding land-related matters within the local communities.

Earlier studies have noted that CLIs have several potentials and weaknesses (e.g. [Kalabamu, 2000](#); [Collins and Mitchell, 2017](#)). Our framework also stresses the importance of noting the features of CLIs through proper evaluation. In this framework, the evaluation of CLIs is proposed against the suggested good local land governance principles. Such evaluation can help policymakers to identify the recurrent strengths and weaknesses of CLIs in question and, in turn, to design policies that more appropriately harness their strengths and mitigate the weaknesses. The case study of CLI in Ile-Ife illustrates the embeddedness of both wanted and unwanted features. Amongst the benefits are that the case study area (1) facilitates participation through regular meetings that enable interaction and collaboration with community members for consensus-building in decision-making processes. (2) promotes transparency by ensuring that people with local knowledge are strategically positioned at various governance levels of the community to enable access to land information and services for community members. (3) promotes efficiency and effectiveness in the administration of land by adopting measures that can help address tenure insecurity. The weakness of the case study CLI includes inadequate intergenerational equity owing to land degradation and uncontrolled conversion of land into built-up areas within the community. It is important to efficiently manage the present use of land resources so as not to compromise land use by future generations ([Curry, 2001](#)), and this is an area in which the CLI in Ile-Ife is lagging.

Several limitations in this study must be acknowledged and addressed. The original IAD framework has been criticised as being ahistorical ([Whaley and Weatherhead, 2014](#)), which is a limitation inherited by the adapted framework in this study as well. The adapted IAD framework focuses on understanding the current operation of CLIs; it does not capture the historical context of how the rules, norms and practices of the community have evolved over time. Adequately capturing the historical context in the framework would be useful in determining how the institution has changed ([Clement, 2010](#)). This is an

aspect that could be expanded further in the future.

In addition, the adapted framework was developed through a hermeneutic literature review approach. Using this approach may only guarantee that some literature relevant to CLIs is used in the development of the framework. Furthermore, it is particularly relevant to note that the framework is limited to the study of CLIs without considering higher governmental and institutional levels. Activities at the higher governmental and institutional levels, such as policies (Rahman et al., 2012) and land laws (Adekola et al., 2021), influence the operation of customary institutions. Whilst the intention is not to underestimate the influence of these higher institutional levels, the framework explicitly aims to provide an in-depth understanding of the structure and practices of CLIs.

The proposed framework was developed taking into consideration the CLIs in SSA and has been applied specifically for understanding the CLI in Ile-Ife. Notwithstanding, the applicability of the framework may not be generalised to other CLIs in SSA; rather further studies could be carried out to test its applicability using case studies from other SSA countries. Likewise, it is important to note that case study findings may not be generalised across Ile-Ife due to the relatively limited sample of key informants and the snowball sampling method used.

Lastly, the case study uses the community leaders' perspectives because they are regularly engaged with the people in matters relating to land practices. However, the selection may have (positively) biased the results. There is a possibility that the local authorities in Ile-Ife reported only positive views of the realities in Ile-Ife. Also, our observations are provided only by males within the CLI structure. Hence, future studies could be conducted with a larger sample of community members to include the perspectives of women and minorities in the community.

## 7. Conclusion

Strengthening CLIs is an avenue for promoting tenure security, alleviating poverty and achieving sustainable development at the community level. Because perceived benefits and weaknesses coexist in CLIs, policymakers must understand their existing institutional structures and practices to design appropriate reforms. To assist with understanding CLIs, this study presents an analytical framework that builds upon the recognised IAD framework. Through a hermeneutic literature review, the study identifies important elements needed to adapt the IAD framework for the analysis of CLIs. The framework examines the contextual factors that influence the practices of CLIs and the resulting customary land practices, thus enabling analysts to identify the satisfactory and inadequate aspects of CLIs.

The applicability of the suggested framework was tested on the case study of Ile-Ife to clarify the structure and practices of the community's CLI. The case study analysis suggests that the CLI in Ile-Ife has several attributes of good local land governance (such as participation, accountability, equity, transparency and efficiency and effectiveness) but also needs improvement in the aspect of intergenerational equity. This case study application demonstrates the utility of the framework for understanding and capturing the de facto attributes of CLIs.

The novel contribution of this study lies in the introduction of a framework for the analysis of CLIs that is particularly tailored for cases of communities in which government policies are yet to promote the governance of land by CLIs. Applying this framework can enable policymakers to proactively identify critical intervention points and design policies that harness the good attributes and mitigate the weaknesses of CLIs in the governance of land. Ultimately, the framework may facilitate the achievement of the desired objectives and outcomes of policies aimed at strengthening CLIs.

## Declaration of Interest Statement

None.

## Data Availability

The data that has been used is confidential.

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## Appendix A. Supporting information

Supplementary data associated with this article can be found in the online version at doi:10.1016/j.landusepol.2023.106691.

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