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**MATRIC NO: 16/LAW01/189**

**COURSE TITLE: LAND LAW II**

**DATE: 20th APRIL, 2020.**

**INTRODUCTION**

Land tenure is the system of landholding in a given society. Nigeria is a society with diverse tribes, customs and cultures. I am an indigene of Delta state, *Urhobo*, *Ughelli* south local government area, *Ewu* town.

**URHOBO LAND TENURE SYSTEM**

**CREATION, OWNERSHIP, MANAGEMENT AND DETERMINATION OF LAND**

Land has a deep socio-political and cultural value. It was the home of those ancestors, who more than realized played an active and important in the clan, family and village. So, land could not be sold, as selling would mean short changing the ancestor and those unborn. Those who attempted to sell land belonging to the community could suffer the consequences of death or may be disfigured in parts of their bodies. In pre-colonial era there were three types of lands, they were family owned land, individual owned land and community owned land. Family land was a land held in common by members of the family and their heirs through inheritance. By virtue of being a male member of the family, one is entitled to the use of land. Land could not be given out except with the consent of the family. One way in which family land could be given out to a non-member of the family was through exchange for credit. So, family members could decide to give out a portion of their land in exchange for money. Land acquired would be held temporarily and used for farming by the creditor until the family that owes the debt has finished paying. Family land could also be rented to strangers, all they had to do was to reach an agreement with members of the family duly represented by the eldest person. Family land was subjected to overuse which led to infertility. These factors and problems led to the development of individual land. At this stage, individuals who are capable can enter into the forest and clear for themselves a portion of land. The *Urhobo* people also practiced communal landholding, as held in *Amodu Tijani* v Secretary Southern Nigeria. The *Urhobo* people vested the power to hold land in their traditional ruler king, *Ovie* (*Ovie* title was a title gotten from Benin in about 16th century, before the title of *Ovie*, the people and the council of elder were presided over by the oldest man. The *Ovie* was both a spiritual and political head). The king, *Ovie* owned the people and their properties within his kingdom, including land. Individuals could also acquire a piece of land from the *Ovie.* The *Ovie* has no power to allot community land to anybody but could give out ‘open’ land belonging to the community to any person who needed land to build his house. Thus, when the land given out has been built upon, it becomes the property of the individual and could be inherited by his heir.

COLONIAL RULE AND CHANGING PATTERN OF LAND ADMINISTRATION IN URHOBO DIVISION:

Europeans came into the *Urhobo* terrain they took advantage of the dispute between two prominent coastal traders who were *Nana Olomu* of *Itsekiri* and *Dore Nume.*  After the fall of *Nana* they turned to the *Urhobo* people. The British worked with *Dore* and a number of collaborators who helped them in the conquest and signing of treaties with the *Urhobo* clans. Treaties were signed in *Okpare, Odokpo, Ughelli* and *Ovwo* between 14th and 24th September 1894 by the Royal Niger Company led by their chief officer Mr John Mc Taggart and the Niger Coast Protectorate led by Ralph Moor between 28th September and June 1895. Other treaties were signed with *Kokori, Eku, Allagigun,* and *Uria.* In 1906 the Oweh treaty was signed and it covered *Oleh, Ozoro* and other parts of *Isoko-Urhobo* area. After all treaties were signed, land was transferred to the colonialist. They further solidified the control and use of land by the introduction of policies in education, taxation, health etc. The policy of education prepared the *Urhobo* people for the new colonial culture, of which the use and control of land was part. Taxes were placed on land to make the people produce more cash crops like cocoa, rubber etc. New political institutions were created to help in the administration of these policies. They were the Divisions, Districts and Provinces. There were *Urhobo* Division, *Kwale* Division and Western *Ijaw* Division etc. Examples of Districts were *Ughelli,* *Sapele, and Warri* Districts etc. There was the *Warri* Province which was later changed to the Delta Province it housed the above districts and divisions. *Urhobo* Division was created in 1935 and named *Sobo* division. It was created together with *Jekri-Sobo* Division- a division comprising of both *Itsekiri* and *Urhobo* people. The *Sobo* Division had only a few towns when compared to the *Jekri-Sobo* Division. Due to the problem between the *Urhobo* and *Itsekiri* people, the *Urhobo* called for the inclusion all *Urhobo* in one division. The British responded positively to their request. The new government introduced new policies in land and they were Land Proclamation Ordinance of 1900, Native Land Acquisition Ordinance of 1908, Public Proclamation Ordinance, State Land Act of 1918, Town and Country Planning Act etc. In 1900, the land proclamation ordinance was enacted by Lord Lugard. The legislation disregarded the principle of native law and custom and provided that titled land can be acquired through the high commissioner. This proclamation was enacted to put an end to the institution of family and communal land ownership. Native Land Acquisition Right Act was enacted in 1908 to vest in the hand of the colonial governor all rights over native land. Section 3 and 4 of this act demonstrated how land was retrieved from the community and handed over to the governor who held and administered land. The governor could grant right of occupancy to natives and non-natives. He could demand and revise such grants. He could render any occupier’s rights of occupancy null and void. The Public Proclamation Ordinance was enacted in 1917 to empower colonial government to compulsorily acquire land when required for public purposes. This law required compulsory acquisition of both occupied and unoccupied land. These lands were needed for constructing roads, railways, school, hospitals etc. Government was now the land lord whom all applicants of land went to and not the family. Land was seen as a thing measured, plotted and sub divided into units. State Land Act was promulgated in 1918, to regulate the use, occupation and development of crown land. Under section 2 of the act, state (crown) land means all public land in the federation which is for the time being vested on the Governor-General on behalf of or for the benefit of the state. The Town and Country Planning Act were enacted in 1946 as a law of general application. This law came into force in March 28 1946. It was a law enacted to make provisions for the re-planning, improvement and development of different parts of the country. The law provided for the establishment of planning authorities to regulate land use, planning scheme and development control. The law was replaced by the Nigeria Union and Regional Planning Act. This law was enacted to completely put an end to all pre-colonial practices. In *Urhobo* Division lands were acquired by government to make forest reserves. Land administration programmes in the Division created some challenges. One of the challenges was reduction in farm land. This affected the production of food crops. Following this was the seizure of lands of individuals by the state.

**CONCLUSION**

During the pre-colonial era the economy was a subsistence economy where food crops were grown. All these changed when the colonialist conquered the *Urhobo* people. They introduced new political structures and new officers who controlled these structures. The British created laws that help transform the subsistence economy into a capitalist economy, where cash crops were produced and sold to establish marketing boards. Thus land which was the property of families, individuals and the community transformed into a property of the entire state.