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 **ANSWER**

**INDRODUCTION**

What is Customary Land tenure system?

Customary land tenure system refers to the systems that most rural African communities operate to express and order ownership, possession and access and to regulate use and transfer.

What is Customary Law?

Customary law can be defined as the customs and usages traditionally observed among the indigenous African peoples and which form part of the culture of those people.

It entails the customs and usages traditionally observed among the indigenous people that formed part of their culture and religions. In the case of **Owonyin v Omotosho,** customary law was described as ***‘’a mirror of accepted usage ‘’*** and ***common law of Nigerian people.***

My Locality is Ikwerre, Rivers State and I am also from Ikwerre local government area (Port-Harcourt). and I will write my work based on the given locality above.

**CREATION OF FAMILY LAND IN MY LOCALITY**

1. **Purchase:** In my community which is the Ikwerre land, a creation of land may start when a bonafide purchaser (buyer) decides to buy a land from the seller. If the buyer and seller agree on the same terms and conditions and a payment is made by the buyer to the seller, then the land has been sold and in that way, a creation of family land has been made. This is so because; the buyer who buys in his name and also buys in good faith may have an heir. Now the land which had been bought by the initial buyer is a family land and in a case whereby the owner dies, the heir is to inherit the landed property. Which means, where a land owner whose estate is governed by customary law dies intestate, such land devolved on his heir in perpetuity as a family land.

2. Family land can be created by a conveyance inter vivos, where land is purchased with money belonging to the family.

3**. Gift:** Where a family is a done of unconditional gift of land, family property is created.

4. Creation by the acts of parties: Parties may on their own acts create family property.

**OWNERSHIP OF LAND IN MY COMMMUNITY**

In my community, all three (3) types of land ownerships are being operated.

Ownership may be held by:

* Community
* Family
* The Individuals

1**. Communal Landholding/Ownership:** This is the most remarkable principle of customary land law. Communal land is the land vested in the community as a corporate whole and in which no individual member of the community could claim exclusive ownership to any portion of such land. In the case of **Eze v Igiliegbe & Ors,** the court held that it was right to presume as a matter of customary law that the land belongs to the community as a whole and that the onus was on the defendant to establish that his section had title to the exclusion of the community as a whole.

2. **Family Land Ownership:** A family in simple terms may be defined as a group of persons connected by blood or affinity living together as one in a given area. Family in this context refer to the group of persons who are entitled to succeed to the property of a deceased founder. Also in my community, Family land is vested on family as a corporate entity.Therefore.an individual member of a family has no separate claim or ownership to any part or whole of it.

3. **Individual Landholding:** Individual ownership is very rare in my community but it still exists. An individual can decide to buy a property for him/herself. Although it this quite rare in my community, it is not unknown. Also, where a family sells its family land to a stranger, the purchaser becomes an absolute owner **Aganran v Olushi,** Lastly, in my community; an individual can own a land is that land was inherited by him as the sole surviving heir of the family or if it was rendered to him as a gift.

**MANAGEMENT OF LAND IN MY COMMUNITY**

As regards the management of Land in my community, if it is a family land, the family head has the responsibility of taking charge of the management and control of the land. In the case of **Akano v Ajuwon,** the Supreme Court referred to the family head as a ‘manager’. He has also been referred to as caretaker and agent. As a manager of the land, the family head has the power to control the affairs of the family property. It is also important to note that in my community, it is against the law for a family head to use the family land for his personal benefit as seen in the case of Foko **V Foko,** where a family head sold family property for the purpose of obtaining chieftaincy title for himself, it was held that he could not deal in family property for his personal benefit and therefore, the purported sale was declared void.

Management in the individual land ownership is managed by the individual (owner) of such land. In a case where the individual owner is away, he can appoint a person to look after the land till he is back.

**DETERMINATION OF FAMILY PROPERTY/LAND IN MY COMMUNITY**

* **Partition:** This is the act of sharing of family property among the members of the family. In Alhaja Barakat Alafia & Gbode Ventures Nig. Ltd, it was held that the partition means the permanent division of land for purposes, not of user only, but of ownership as well.
* **Absolute Transfer:** This occurs where the family transfers the totality of its interest in the family land to another person either by way of gift or sale. Although this system is rare in my community but it is not unknown. It is rare because, most families will not want to sell their property or gift it out because it is their inheritance and of which when they are gone, they will pass to their offspring’s. However, where the land has been partitioned, the individual owner can sale or gift his land as this is more common.