NAME: NWOSU CHIOMA GLORY

MATRIC NO: 16/LAW01/139

COURSE TITLE: LAND LAW II

COURSE CODE: LPB 402

ASSIGNMENT TITLE: CUSTOMARY LAND TENURE SYSTEM

QUESTION INSTRUCTION: Read through the course material on Customary Land Tenure System as prepared by Prof E.A Taiwo (find below)

QUESTION: Prepare a brief paper (not more than 3 pages,12pt, Times New Roman, 1.5 line spacing) on the customary land tenure system as practised in your locality (state the locality, state, local government or community you are writing about). This should briefly cover the creation, ownership, management and determination of family or communal land in your locality. Note that the examiner expects you to write based on your research or knowledge acquired with respect to customary land tenure in your locality.

Land tenure system is the relationship among people with respect to land. Land also includes other natural resources such as water and trees. Rules of land tenure system define how property rights are to be allocated within societies. In simple terms, land tenure systems means who can use resources, for how long, and under what conditions. If they are poorly defined, it gives room for exploitation.

The name of my locality is Umukabia Umuagbom under Umukabia Okauga Autonomous Community in Ohuhu Land of Umuahia North Local Government Area, Abia State, Nigeria.

Land in my community which is known as “Ala” is strictly by inheritance. So land is owned and inherited through progenitors. They share it among their sons only. Female children do not inherit land because they are married out and their husbands have their own inheritance, although these laws have been mitigated.

In my locality, land is rarely sold in fact, it is an abomination to sell land. Before a man can sell land, he will discuss with his brothers and if none of them can lend him money or solve the need for which he wants to sell the land, one of them can buy the land. This is to make sure it does not leave the family lineage, but where none of them can solve his needs, he can sell the land. The reason why selling land is seen as a taboo is because land is what a man bequeaths to his children.

Land tenure in Umukabia is classified into communal land owned by the entire community, the family land and individual land. Outside these, is also land dedicated to the gods of the land because we believe in our gods ‘Chi’ and value them.

In my locality, we believe that ala is a gift from God (Chukwu) and from our ancestors, especially communally owned land. Ala (land) is valued as a source of livelihood, even though land ownership is seen to be a man’s domain. For us, land is the greatest deity after Chukwu, the creator.

COMMUNAL LAND TENURE:

Land is the birth right of every male in my locality, it has a communal measure whereby all members of the community are expected to share its resources, under some form of traditional authority. The eldest leader has divine authority over land. In this type of tenure, the land is owned by the entire Umukabia community. The community land can be shared according to all males that pay the annual recurrent levy to the community for farming only. The land is held in trust by the traditional ruler for the entire community.

Since our town consists of peasants and farmers, farmland is allocated to women for cultivation to keep them busy and to feed their households from their farm products.

THE FAMILY LAND TENURE:

Family land is owned by a family in a certain manner by the head of the family which is usually the oldest member of the family. He holds the same in trust for the members of the family. Despite the fact that he possesses the right to family land, he does not have the right to take decision pertaining to the land without the consent of the principal members of the family. He must seek the opinion of members of the family first. Land can be held partrilineally or matrilineally. The family land comprises of the extended family and the nuclear family. Where a man is survived by sons, his land is inherited by his sons with the eldest son acting as the caretaker until the other sons build their houses and vacate the compound which now wholly belongs to the eldest son.

Ala Iru Ezi is an eldest son’s right to an extra piece of land by virtue of his position as.

 INDIVIDUAL LAND TENURE:

Under the individual land tenure, the Isi (leader) in villages and towns handle land disputes when they are among individuals. For example, cases where some land owners remove some plants that serves as boundaries, when the disputes are between the town and neighbouring towns, the Umukabia Central Council settle the disputes.

Under the public ownership, the community is not ignorant of the fact that government has right to acquire land within its domain. Under customary tenure systems, public rights were exercised when land was to be used for the benefit of the public. Statutory interventions into land tenure in eastern Nigeria include Registration of Titles and Acquisition of Public Lands Act and Land Use Decree.

The flexibility of the land tenure system is also affected by the religious beliefs of the local people. This is less pronounced in individual and public land tenure systems. In Umukabia, the arrival of colonialists and Christian missionaries hastened the productive use of sacred lands and and also calmed gender restrictions on agricultural activities and land ownership/inheritance.