INIMFON SAMANTHA OKONNAH

16/LAW01/163

400 LEVEL

LAND LAW

LECTURER PROFESSOR E. A TAIWO

ASSIGNMENT.

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 practiced 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.

INTRODUCTION

Customary Land Tenure is the amount of time of disposition assigned to land in a particular locailty. It can also be seen as Landholding in a particular locality.

Customary land is land which is owned by indigenous communities and administered in accordance with their customs, as opposed to statutory tenure usually introduced during the colonial periods. Common ownership is one form of customary land ownership.

Since the late 20th century, statutory recognition and protection of indigenous and community land rights continues to be a major challenge. The gap between formally recognized and customarily held and managed land is a significant source of underdevelopment, conflict, and environmental degradation. The Land use Act of 1978 provides for compulsory acquisition of land by the government for public interest. Although, the Act has facilitated massive land acquisition by the government since its promulgation, it nevertheless, suffers strong criticisms on many grounds. Eze v Igiliegbe

HOW LAND IS CREATED AND OWNED IN MY LOCALITY.

I am from Ukpom Ekepene inuen village, in Ikono Local Government Area, Akwa Ibom State is located in the South Central, which is other wise known as South-South.

In my state, ownership of land, involves who is the entitled owner of a particular piece of land. Lands are owned by family. Okulade v Awosanya. This is majorly done by conveyance, where a particular land passes from one person to another. The family in this situation is the father who is the head of the family. The father who is the head, has the final say, as regards the ownership of land in his family. Example, the Okonnah's family have been on a particular piece of land for a long time, thereby giving them the rights over that land. When the father dies, the land automatically passes down to his first son, if he doesn’t have a first son, it goes to his brothers, who then with time can pass it down to their own first son. In some cases, if the father has only one son, even if he is the last born, he automatically takes over as the owner of his father's land. Women are not often included, when it comes to ownership of land in Ukpom Ekpene Inuen, of Akwa ibom State.

communal land or community 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. Olowosago v Alh. Adebanjo.

A communal land has been characterized as land belonging to a family of which many are dead, few are living and countless members are unborn. Communal land belongs to a community, past, present and future. In Ukpom Ekpene inuen, when members of a particular family seize to exist, the community head, which is the Obong can assign the land to another person, to take over the land as the new owner of the land. In situations where brothers try to kill each other in order to take over a particular land, the community head, having the overall right in the community can retrieve the land and exile the family from ever stepping into the land and if they do, they will face a penalty.

HOW IS A FAMILY LAND MANAGED?

The head of a family land is the father, which is also known as the head. The family head personifies the family. As such, the powers and rights of ownership of family land are vested in, and are exercisable by him on behalf of the family. The family head takes charge of the management and control of the land in a loose made of speech, he is sometimes referred to as the owner and trustee of the land.

It is the responsibility of the family head to preserve family property from any unlawful interference and to keep it in a good state of repair; to allocate portions to the needing members; where the property is rented out, to collect the rent and take part in the transfer or alienation of family property to give a valid title to the transferee, in Ukpom When a father is alive, he makes sure he stands in and ensure that the family land is preserved and that also, the land is properly passed on to the next of kin, the father usually train his sons and prepare him to stand in his position incase anything happens. Bassey v Cobham, Lewis v Bankole.

HOW OWNERSHIP OF LAND IS DETERMINED IN A FAMILY?

Family land is determined through partition or through Absolute transfer of land or property. Partition is the act of sharing of family property among the members of the family. Absolute transfer of family property occurs where the family transfers the totality of its interest in the family land to another person. This may be by way of sale or gift. Where this happens, the transferee becomes the absolute owner. In my locality, where the land still belongs to the original owner of a property, they can decided to divide equal portions of the land among each other, where they can decide to sell the land and use part of the property. The option to sell, will be the choice of the owner of the divided property. As an owner by virtue of partition, I can decide to keep my own share and pass it down to my daughter, as the owner of the portion given to me.

Absolute transfer, as a family, jointly, there can be an agreement to sell the land and share the money equally. Once the interest in the land passes, the former owners have no right over the land. The new owner can do with the land whatever they deem fit.

This are the major determination of land methods used in Ukpom. Individual land holding is not wildly practiced in my locality.

CONCLUSION.

Land is one of the most valued property in my locality, people go as far as going to war or even killing to protect their interest in land. People from my village see land as a means of identity, the amount of lands a man can acquire for himself shows how hardworking and rich he is. When a man cannot go to an extent, to acquire land, he goes into debus means in order to acquire a piece of land for himself, this goes as far as to show the value placed on land, in my own part of the state, which at some points can be applicable to other parts of my state, also going as far as other parts of Nigeria. Land is indeed a high valued and important commodity.

References.

Nigerian Land Law II by Professor E.A Taiwo

Zaccheus Onumba Dibiaezue Library.

My Parents, detailed explanations.

www.focusonland.com

Global journal of environmental Science Vol1 No.1 2002, pages 21-26.

www.researchgate.net