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**MARIC NO: 16/LAW01/133**

**COURSE: LAND LAW II (LPB 402)**

**ASSIGNMENT TITLE: CUSTOMARY LAND TENURE SYSTEM**

**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.**

**ABTRACT**

Land is a very significant property and is one thing that man could not live without. Land is a source of all material wealth, from it we get everything that we use or value, food, clothing, fuel, shelter, metal or precious stones. However the customary land tenure system as practiced in eastern Nigeria specifically in Enugu State has three systems of customary land ownership and these are communal, family and individual systems of land ownership. In former times, the greater area of land was held by community as communal land but with increasing population and allotment of communal land to families, there has taken place a gradual transformation of land from communal into family landholding.

**INTRODUCTION**

Enugu State is in the South East geo-political Zone of Nigeria. It is located at 6o30’ North of Equator, and 7o30’ East of Latitude. It is plus one hour (+1hr) GMT on the World Time Zone. It shares boarder with the following states: Abia and Imo to the south; Ebonyi to the east; Benue to the north- east; Kogi to the north- west, and Anambra to the west. It covers an area 7,161 km2 (2,765sq mi), and ranks 29th out of the 26 states of Nigeria in terms of land area. Enugu state has a good climatic condition all year round. The hottest month is Febuary with about 87.16 oF (30.64oC), while the lowest temperature is recorded in November/December, reaching about 60.54 oF (15.86 oC).

**MANAGEMENT AND DETERMINATION OF COMMUNAL/ FAMILY LAND**

Communal land holding in the study area still exists in such places as farmlands, community squares/ playgrounds, markets and burial grounds and accounts for about 20 percent of all customary land in Emene. Family landholding accounts for almost the remaining 80 percent. This is because the extent of individual ownership of customary land is almost negligible. Family landholding implies that ‘title’ to land is vested in the family. All that is required is for such ‘title’ to exist is the verbal consent of the recognized community leader (or council of elders) to the effect that a particular piece of communal land has been allocated to a particular family in the community in perpetuity. It is only a family wishing to formalize such ‘title’ that needs to obtain this consent in a written form. The written consent, together with a map of the plot prepared by licensed surveyor, constitutes ‘proof’ of rights to the land. This ‘proof’ is what is presented to the relevant government agency for the issuance of a statutory lease (or certificate of occupancy) under the 1978 Land Use Decree. A certificate of occupancy issued in such circumstances can be inherited or transferred to a person outside the family/ community for cash. Land belonging to a family is normally held in trust for the membership by the family head, who must be the eldest male member of that family.

**OWNERSHIP**

Under the Nigerian customary law, ownership may be held by the community, family and the individuals. Land ownership here is seen as part of the “Nkolo” (symbol of family unity), with the eldest male member who is also in charge of the “Ofo” (symbol of authority) exercising control. The title to family land visits in the male members of the family as a corporate group; it is joint and indivisible, no part capable of being alienated absolutely by an individual male member without the consent of the other male members of the family (usually the principal members). It thus shares some similarities with joint tenancy of the English law. However, no male member can claim any portion of the family land as his own and each member is as much entitled to possession of any part of the land as the others.

**CONCLUSION**

When the rate of change in the socio-economic structure of society is faster than the rate of customary law, the state often intervenes with statutes or policies to facilitate changes. Under customary tenure systems in eastern Nigeria, rudimentary powers of compulsory acquisition existed.

**REFERENCES**

Government of Anambra State 1978. *A comprehensive physical development plan for Enugu. Enugu Government Press.*

Ezeh C.F. 1998. Intra-urban migration in Enugu. Unpublished B.Sc Thesis, Dept. of Geography, University of Nigeria, Nsukka.