

COURSE TITLE :LAND LAW

COURSE CODE :LPB 402

[Pick the date]

[Type the company name]

USER

NAME ;NKANGA,EMMANUEL SAMUEL

LEVEL ;400

MATRIC NO:16/LAW01/131

QUESTION

Prepare a brief paper on the customary land tenure system in your locality
.This should briefly cover the creation ,ownership , management and
determination of family and communal land in your locality . _____

[Abstract] ABSTRACT

This writer looks to examine the customary land tenure system in his locality, this is a system of land holding governed by customary law. The customary land tenure system would be explored closely paying attention to the creation, ownership, management and determination of communal land in his locality. The term customary law is used in an umbrella form in Nigeria as Nigeria is a country with diverse ethnic groups and tribes. However, customary law shares various principles few of which will be examined in relation to the customary land tenure system of the IBIBIO culture.

INTRODUCTION

The term customary law has been defined by various scholars, according to Mqueke customary law is defined as the custom and usage traditionally observed among the indigenous African people and which form part of the culture of those people. It is the law that was handed down from time immemorial from ancestors and as such it represents a collection of precedents and decisions of the bygone chiefs. Customary land tenure is very different from statutory tenure which was introduced during the colonial periods. Land remains a very sought-after commodity because of its nature so since as far back as possible land has always been associated with dispute. To avoid these disputes, communities have over time brought about modes or systems by which land and interest in land is managed or owned.

CUSTOMARY LAND TENURE SYSTEM IN UYO LOCAL GOVERNMENT OF AKWA IBOM STATE

The people of Uyo are under the Ibibio tribe of Akwa Ibom State. The tribe is among the major tribes in the state. The local governments which are under the Ibibio tribe include Itu, Uyo, Etinan, Ikot Abasi, Ikono, Ekpe-Atai, Uruan, Onna, Nsit-Ubium and Mkpato Enin. All these local governments which fall under the Ibibio tribe to a large extent share similar land tenure systems not just land tenure system but custom as a whole. My research will border on the land tenure of the Uyo local government. The term land is known as ISONG. Like other communities before the colonial era, the ownership of land is a complex issue. The Uyo people recognize the power to grant ownership of land to the OBONG who is known as the king. In this discussion we will be looking at the creation, ownership, management and determination of family and communal land in Uyo local government.

- 1) **CREATION**: Customary land tenure system is largely based on the native laws and customs of the Uyo people before the advent of the colonial rule which brought about the land use act but before that there was an organized customary land tenure system. The creation of customary land tenure was around the native laws of the people. The creation of the land tenure was held according to the community it was seen to be a communal land that is to say the community held land as a whole.

2) **OWNERSHIP OF LAND** : The term ownership signifies the highest claim to land under the customary law .ownership in this study would be divided into to three namely ;

A) COMMUNITY

B) FAMILY

C) INDIVIDUAL

A) **COMMUNITY OR COMMUNAL OWNERSHIP**: was a very common form of land ownership among the uyo people this is where the community holds land and the land is usually held by the OBONG who is the traditional ruler and like the governor under the present legislation he holds it in trust for the people of his community the people in his community are seen to be trustees of the the said communal land and communal land are usually within the same geographical area so there is disputes with other communities because of land so usually it is the OBONG who shares these land among the people of the community because since they are indigenes they have an interest in the land and these lands are shared accordingly to the families it was rare to see the land given to an individual and in the sharing of the community land some land were left out they were seen to be sacred land called AKAI these lands were scattered throughout each community they were called AKAI cause no one was permitted to clear them for cultivation all burial grounds , shrines for village deities and spot of secret societies were sacred so such land were not to be tempered with by members of the community while the remaining land was to be shared to the community by the OBONG. Disputes which came up concerning land was brought to the obong to settle.

B) **FAMILY OWNERSHIP**: This was also common among the uyo people after the land has been shared to them by the obong of the community it is then given to the various families of the community and this is where family ownership comes in here the land is handed over to the head of the family known as MBONG EKPUK he was in charge of the family land and as the OBONG did he is seen to hold it in trust for the members of the family the practice among the uyo people at that time was seen to be majorly but not strictly primogeniture in nature where the right of succession belonging to the firstborn child but that of the uyo people was patrilineal that is to say it did not really matter if it was the first born it had to be the first son not minding his position in the family it is also called west inheritance . the head of the family allocates various land to members of the family and if there is any land related issue concerning the family it is brought to

he head who is the MBONG EKPUK where he is unable to settle such disputes, it would be taken to the OBONG to settle

- C) **INDIVIDUAL OWNERSHIP**: Individual ownership was not common in the uyo community it only happened when the family had decided to share the family property or have decided to sell the family property and in the sharing of the family property must be accepted by the principle members of the family and allocation of the land by the family head is different from sharing of the property sharing of property gives each individual their own land where they are the owners and it no more in the family name in this distribution it is only among the male children since it is custom that a woman cannot own land especially were such a woman is married even the deceased wife of maybe the family head is excluded ,unmarried female children too are excluded they do not have right of ownership rather have right of residence they may be given land to farm on but cant own the land or even given where to stay.
- 3) **MANAGEMENT**: Customary land is managed accord to its ownership where the land is a communal land it is managed by the OBONG who is the ruler or king of the said community he handles everything that happens on the land he is also the one who settle disputes if the occur concerning the communal land he holds the land in trust for the members for the society
- His actions towards a particular land is meant to be for the benefit of the community as a whole and not for self benefits accordingly when the land is under family ownership the land is managed by the family head who is the MBONG EKPUK he holds he land in trust for the members of the family he also takes u any disputes that arises from family land he is the overall head of the family . where the ownership is individual the management I done by such person unless he maybe appoints someone to do it .
- 4) **DETERMINATON OF FAMILY OR COMMUNAL LAND IN UYO LOCALITY** : Generally land in a particular community are seen to be communal lands but where the head of the village OBONG shares the land to the various families those lands shared are then known as the family lands and the remaining land if any ,is still a communal land and proceeds from such a land is used for the benefit of the community also the sacred land is still seen to be a communal land . The communal land is still higher than the family land because the family land is gotten from the communal land that is why it is possible among the uyo people that for example the OBONG who is the ruler or the king can give an other that nobody should harvest palm kernel for a particular time so all the palm gotten from the lands when the sold the money would be used to maybe build a school or bore hole water since it is for the community at large the OBONG has such power but although all land in a community is a communal land the land distributed to the families

.of such community by the OBONG is seen to be a family land .

CONCLUSION;

Looking at the write up ,it can be seen that the uyo people had an organized customary land tenure system and it is according to the custom of the people of uyo community where land is seen to be a communal land and it is held in trust by the rulers who is known as OBONG such a person is then tasked with distributing this land to the families that make the community and when it is shared to the family heads known as EBONG MKPUK they hold the land in trust for members of the family and they are tasked with the equal sharing of the land among members and the sharing those not make them owners of the land the land tenure system in the uyo community as mentioned before is PRIMOGENITURE AND ALSO PATRILINEAL IN NATURE.