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**LEVEL: 400**

**COURSE TTILE/CODE: LAND LAW II /LPB 402**

**ASSINGMENT TITLE: CUSTOMARY LAND TENURE SYSTEM**

**LECTURER: PROF. E. A. TAIWO**

**QUESTION: Prepare a brief paper 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.**

**CUSTORMARY LAND TENURE SYSTEM**

**INTRODUCTION**

As a starting point in this paper, the definitions of certain terminologies in use is essential and are as follows; **Customary** **Law:** Professor Mqueke defines customary law as *“customs and usages traditionally overserved among the indigenous African people and which form part of the culture of those people”.* **Land Tenure:** this is “*the system of landholding in a given society”.* **Customary Land Tenure:** system can be said to be “*the traditional customs and usages of indigenous people peculiar to a given community in regards to landholding”.*

**Communal Landholding:** this is a “*land vested in a given community as a corporate whole and in which no individual member of that community could claim exclusive ownership to any portion of such land”.*

**Family Land:** a “*land vested on family (persons bound by blood, entitled to inherit jointly the property of a deceased founder of a family) as a corporate entity”.*

**Individual Land:** *“the ownership of land vested in an individual person”*

In Nigeria, the system of landholding differs from one locality to another, however there are certain customary law principles across board that are common.

**CUSTOMARY LAND TENURE SYSTEM IN TAHOSS**

Tahoss is a village in Riyom local government council in Plateau State, Nigeria. In Tahoss, all the three major systems of landholding (communal landholding, Family landholding and Individual land holding) are practiced.

 Communal land as defined above reveals that land is vested in the community as a corporate entity, therefore no individual can claim exclusive ownership of any portion of such land. In Tahoss village communal land is any land majorly large areas or portions of land that has passed on historically by ancestors through the DaGwom Rwie (i.e. the village King) who serves as a custodian of the lands and properties in general belonging to the community. So today any land referred to as communal land is land that has been passed down from ancestors as community land, no individual has title of ownership over any communal land, however every member of Tahoss village is entitled to a portion of such communal land to carry out farming activities only, no portion of such communal land is given for anything other than for the purpose of farming.

Family land as defined above has shown that any land vested on family i.e. persons who are bound by blood and are entitled to inherit jointly the property of a deceased founder of a family. In Tahoss, any land regarded to as family land is a land that has been passed down through the fathers in the family linage whereby members of that family are entitled to use the land equally amongst themselves as a family. For instance, in Mr. Kwols’ family, a family in Tahoss village, there is a land that was bought and made a family land by an elderly family member (named Dakyong) in his Will before his death in October 2010, today every member of that family has equal right to use the land for farming and a portion of that land is used as a cemetery.

Individual landholding is rare in Tahoss and in many other villages in Plateau state. Individuals purchase lands with money and after purchase the title of ownership of that land is passed to the individual who has purchased the land.

**CONCLUSION**

In conclusion, Tahoss has all the systems of landholding in practice, although two out of three majors systems of landholding are more in use today. Communal lands and Family lands can be purchased by individuals but it is very rare for that to occur, if it occurs then its because of a positive and negative influence.