
Customary Land Tenure System in Unubi, Nnewi-South Local Government of Anambra State

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1. Introduction

The Igbo's (an indigenous tribe within Nigeria), land is a sacred entity freely given by heavenly God to the god of the earth 'ani' for the living, the death and the unborn. Land natively referred to as 'ala/ana' is a sacred entity that is valued as a source of livelihood. Similarly, in Unubi, a town situated in the Nnewi-South Local Government Area of Anambra State land is treated with the utmost respect and as such, its customs concerning landholding are designed to uphold the sacred nature of land.

The purpose of this essay is to discuss the customary land tenure system as practised in Unubi.

2. Customary Land Tenure System in Unubi Town

Customary land tenure system refers to a system of landholding governed by customary law.

Customary laws as regards land differ across tribes nevertheless, there are basic concepts that are common to all. Hence, this writer shall be examining the creation, ownership, management and determination of land within Unubi.

2.1 Creation of Land and Ownership

The land upon which Unubi resides was created by three families that first settled on the land. They include: Nkwukwo, Etitinabo and Isimba. Isimba is believed to have married three wives namely: Isiokwe, Akwueke and Agbogwugwu. Unanimously, these villages make up Unubi. The families that first settled assumed ownership of the land and passed on their interest in land to their children. Therefore, interest in land is mainly acquired by inheritance in Unubi.

Ownership of land is divided into five (5): communal landholding (Ana Obodo), village landholding (Ana Ogbe), clan landholding (Ana Umunna) family landholding and individual landholding.

2.2 Communal Landholding (Ana Obodo)

This refers to land that is vested in the community as a whole unit. In **Salisu v. Mobolagi**¹ it was held that communal land belongs to past, present and future generations. In Unubi, any land consid-

¹ (2016) 15 NWLR (pt1535) 242 at 277

ered to belong to the community is for the use and enjoyment of all the villages that make up the town. Unubi is divided into three (3) main villages namely: Nkwukwo, Etinabo and Isimba. Isimba is further sub-divided into Isiokwe, Akwueke and Agbogwugwu. Members of the community enjoy equal right over the land.²Community land is utilised for **farming** and **social activities** like festivals.

Such land is **managed and controlled** by the leader of the town in the person of the Igwe (Igwe Francis Umennajiego) who holds all communal land in trust for the people. This is similar to the Bini customary land tenure system where the Oba of Benin holds all communal land in trust for the people.³

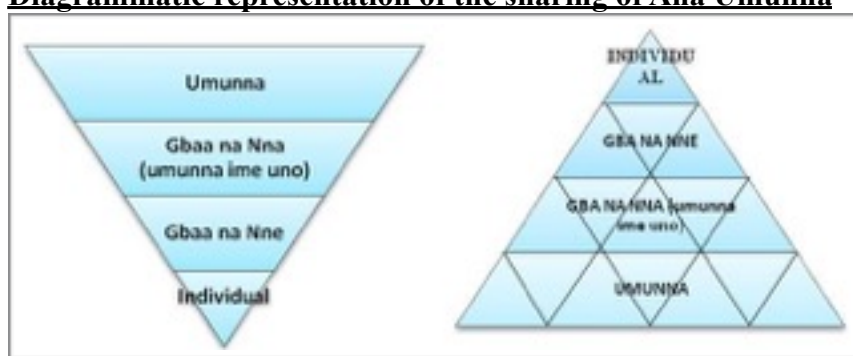
The **allotment or sharing of communal land** for farming purposes is done by a ballot process among the villages. The farming may be rotatory and may occur every five (5) years.

2.3 Village Landholding (Ana Ogbe)

This land stems from community land. It refers to land owned by each village. Villages are a combination of various clans(umunna). By way of illustration, Isiokwe village is made up of Umuocha clan, Umuohamaru clan and Ogbodoemezie clan. Land owned by Isiokwe village is under the **management and control** of the various clans that make up the village.

2.4 Clan Landholding (Ana Umunna)

Diagrammatic representation of the sharing of Ana Umunna



This refers to land that is owned by a clan traditionally referred to as ‘Umunna’ (extended family). Clan/umunna land is managed by the leader of the clan. In Igbo tradition, umunna refers to extended family. It is made up of different families. For example; the Ojiaka Family and other families belong to Umuocha clan.

² Tijani v. Secretary Southern Nigeria (1921) 2 A.C. 399 at 404.

³ Arase v. Arase (1981) 5 SC 33 at 58 per IdigbeJSC

The **sharing of land** amongst the clan follows the above diagram. The diagram indicates that when clan land is shared it is shared amongst the fathers of the respective families (Gba na Nna). This is done first before it goes down to the nuclear family (Gba na Nne) and any individual.

2.5 Family Landholding

Family land refers to land that is owned by the family as a unit. The term ‘family’ refers to a group of persons entitled to succeed the property of a deceased founder of the family. Such persons are usually the children of the deceased.⁴ Family land in Unubi is **managed and controlled** by the head of the family and as such any alienation of an interest in land without the consent of the family head is *void*. In addition to this, before any land is sold, permission must be sought from his clan/umunna. **Access to family land** in Unubi is **dependent on the gender of the child and his position in the family**. In Unubi, when the founder of a family dies, his first son (Di Okpala) is given preference over other children as regards to access to land owned by his deceased father. The **procedure** is as follows: The Di Okpala of the family, for example, the Ojiaka family will be given access to his fathers' house often called the ‘*obi*’ and any other land of his choice belonging to his father. After this, the sons of the family may proceed to share the rest. However, where a man has married many wives, it is only after the overall first son (Di Okpala) has taken the *obi* and any other land owned by his father that the remainder will then be shared amongst the wives and they shall then distribute interest in the land as they deem fit.

2.6 Individual Landholding.

Individual land is created when it has been shared among the extended and nuclear family first. In this process, persons acquire individual interests in the land. This is the procedure in Unubi.

3. Determination of Communal or Family Land in Unubi.

Determination of interest in land may be by **absolute transfer or partition**. Interest in community land in Unubi is determined by partitioning. Each family will be given their portion of land through a ballot system. This takes place when a community has decided not to use the land for communal purposes. On the other hand, family land may be transferred to another party by way of sale or gift or maybe partitioned amongst family members. Any transfer of interest must be done with the consent of family heads (umunna) unless it is void. When the family head consents to a sale without the

⁴ Ogunbowale v. Layiwola (1975) 3 CCHCJ

consent of principal members of the family the transaction is voidable. Family property may also be divided among children. For example; the property of Ojiaka family shared among his male children. Each person now has absolute ownership⁵

4. Conclusion

In this essay, the writer has given an overview of the customary land tenure system in Unubi town with illustrations. Through this essay, the writer has also communicated the culture and traditions of the people of Unubi concerning land.

References

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⁵ Nwabueze, *Nigerian Land Law*, (Nwamife Publishers Ltd, 1972) 41.