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COURSE TITLE: LAND LAW II

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QUESTION: Prepare a brief paper on the customary land tenure system as practised in your locality covering the creation, ownership, management, and determination of family or communal land in your locality.

***CUSTOMARY LAND TENURE SYSTEM: AS PRACTISED IN OWO, ONDO STATE.***

*INTRODUCTION*

Customary land tenure system may simply be described as a system of landholding in accordance with the accepted usage as provided by the societal and cultural norms of the Nigerian people.

This paper will however focus on the customary land tenure system as practised in *Owo, Ondo State,* with emphasis on the creation, ownership, management and determination of family or communal land in this locality.

*1.CREATION*

Under the Owo Customary Law, communal land may be created by acts of the parties either

* by first settlement, or
* by conquest.

The first settlers to inhabit Owo were called the *Elefene.* They were however conquered and their land taken over forcefully by the people of *Ogho-Imade,* who emigrated from Ile-Ife to Owo led by *Olowo Ojugbelu*, our first king.

The common belief that the Owo people were led to Owo by a Gorilla still stands and till date, it is forbidden for Owo indigenes to eat Gorillas. It is also a part of our praise songs that ‘*oma olowo e jeran edon*’ meaning that Owo indigenes do not eat Gorillas.

*2. OWNERSHIP.*

Under the Owo Customary Law, land may be owned in any of the following ways:

* by the communal head, known as the *Olowo of Owo*,
* by the family head, known as the *Olotu Ebi*,
* by indigenes of Owo, and
* by non-indigenes of Owo, as customary tenants who will pay customary tributes, such as a set aside portion of farm produce to the Olowo or royalties to the family Chiefs or the Olotu that holds the land in trust; at the end of every year.

*3. MANAGEMENT.*

Under the Owo Customary Law, land may be managed by:

* The communal head, the *Olowo of Owo* who has the responsibility of allocating portions of land for purposes such as market development, farming and collects annual royalties and so on.
* The family Chief or Olotu heading the family who also has the responsibility of allocating portions of land to needing members, collecting rent if the land is rented out, and to take part in the transfer of family property, giving a valid title to the transferee.

*4. DETERMINATION*

Under the Owo Customary Law, land may be determined by:

* By exile- if an Owo indigene or non-indigene is exiled, he automatically forfeits his or her right to further enjoy exclusive possession of his or her land.
* By absolute transfer- here the Olowo, if it is a communal land, or Chief and the Olotu; if it is a family land, may determine land to another person either by sale or gift
* By partition- land may also be determined by sharing it amongst the members of the family, to the effect that such land is owned separately.

*CONCLUSION*

Unlike the statutory land tenure system, the norms of the customary land tenure system are derived from and are sustained by the community itself.

Thus, the Owo Customary Law expresses and regulates the ownership, possession, use and transfer of land in accordance with the customs of the Owo people.