Name; Samuel Okeke Chibueze

Matric Number; 16/law01/158

Course; Land Law

Course Code; LPB 402

Level; 400L

**Assignment Title:** Customary Land Tenure System

 *ABSTRACT*

 This paper seeks to explain the core principles of customary land tenure system which entails management, ownership, and termination of customary land in my community. This is a result of the drives nature and locality of the Nigerian customs. The term customary law in Nigeria is viewed as an umbrella due to the fact that Nigeria is a nation with diverse ethnic groups and tribes which have various local laws governing them.

Introduction

 The term customary law in its general sense and to layman could mean local laws, rules and regulations governing the affairs, activities and conducts of people in that particular environment. According to encyclopedia, customary **law** is the established pattern of behavior that can be objectively verified within a particular social setting. A claim can be carried out in defense of "what has always been done and accepted by **law**". Related is the idea of prescription; a right enjoyed through long custom rather than positive **law**. In Owonyin v Omotosho, customary law was described as “a mirror of accepted usage” and common law of Nigerian people. However, various scholars such as Prof Mqeke defined customary law as the “custom and usages traditionally observed among the indigenous African peoples and which form part of the culture of those peoples.”

**CUSTOMARY LAND TENURE SYSTEM IN ANAMBRA WEST (OROMA etiti ANAM) LOCAL GOVERNMET AREA OF ANAMBRA STATE**

 For the Igbo’s, land is known as ALA, the greatest deity after God (chukwu). The people of **Anam** are under the Igbo tribe of Anambra state, Nigeria. The people of Anam consist of eight (8) local villages which are Oroma, Umuomu, Nmiata, Umudora, Umuziam, Umuuku, Eyiora, UmuOba of which I am from Oroma and they all share the same customary land tenure system and are also under the Anambra west local Government area.

**Creation of land;** Creation of land among the people of Anam was passed through our ancestral lineage of each of the eight communities/ local villages listed above. Among these communities, land is then in possession of all the Umunna’s (meaning “kindred” in Igbo language) who then have the authority to pass land down to their children or also have the authority to sell such land/ property. During transfer of possession of land, after a consideration has met and land has been transferred, a structure has to be set upon the land and a failure to do so injects a fine of #10,000 only due to the fact that the people of Oroma want the area developed and not just selling lands to people to abandon it.

**Ownership of land**; during the times of my fore fathers and ancestors, land was owned or possession in land was owned by the Kindred (umunna) of our communities/ villages. The head of every family or lineage had the authority to own land and right to sell land on behalf of the family and family’s interest. The Igwe of these communities doesn’t have ownership to all lands but has the authority to pick a particular land of his choice upon payments or compensations for such lands to the owner. The first son of each kindred or lineage has the right to inherit land from his family and hold such land for the benefits of himself and the family.

**Management of land;** land among the people of Anam is managed by the Umunna’s (kindred) who have possession of these lands. The responsibility of management of land is vested upon these kindred/lineage (umunna’s) who have possession of land in case of any dispute resulting from the purchase of such land by another person.

**Determination of land**; it is trite in the customary laws governing land among the people of Anam that a land acquired or owned by a family should have a structure built or developed on it. Such way people would be able to tell that such land belongs to a family and not the community. Land which belongs to the communities have specific ropes tied in the four corners of such lands. These ropes are tied to trees at and painted white on that tree for proper recognition of the communities land and a family’s land.

**Conclusion**

 In light of the above, land tenure is the system of landholding in a given society. 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 by-gone chiefs. It entails the customs and usages traditionally observed among the indigenous people that formed part of their culture and religions. Also In light of the above, this writer has been able to portray how land is created, the methods of ownership of land, management of land and management of land in his local Government area, Anambra west, Anambra state, Nigeria.