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**MATRIC NUMBER**: 16/law01/055

**COURSE TITLE**: Land Law II

**COURSE CODE**: LPB 402

**QUESTION:**

Prepare a brief paper (not more than 3 pages, 12pt, Times New Roman, 1.5 line spacing) on the customary land tenure system as practised 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.

 Note that the examiner expects you to write based on your research or knowledge acquired with respect to customary land tenure in your locality.

**ANSWER:**

**Customary Land Tenure System In Ogu Town**

**Introduction:**

 Land tenure refers to the system of landholding in a particular society. This paper focuses on the customary land tenure system in Ogu town. Ogu is a town under the Ogu/Bolo local government in Rivers State.

**Creation of Family/Communal Land**

 Communal Land is the land which is vested in the community as a corporate whole. In Ogu Town, the communal land holding system is practised.

 Family property may arise by gift or inheritance. This is discussed briefly as follows:

1. Gift: Where a piece of land has been directly allocated from the community to a family by way of gift, it becomes a family land.
2. Inheritance: In this town family property may also arise by way of inheritance. The land that is passed on from generation to generation in a family. When a person dies intestate his property goes to his wife (depending on the type of marriage as the type of marriage is vital according to the customs of the people) and his male children.

**Ownership of Land**

Community:

As earlier stated, there is communal land holding in Ogu town. Generally, the land belongs to the community. The community therefore shares land to houses.

Houses:

 The house system is also practised amongst the Ogu people. A house in this context is simply a larger family unit and it could comprise of three or more families. They are referred to as war canoe houses and are headed by a chief. Examples of houses are *Loko War Canoe House* and *Perebo War* *Canoe House*.

Families:

 The houses further share land to the families under them and then the families share to individuals. The community does not grant strangers or non-indegenes land, however a family may decide to transfer its interest by way of sale to a stranger.

**Management of Communal/Family Land**

 In Ogu, the King ( *the Amayanabo*) exercises power of control and management of communal land on behalf of the community. The house Chief has the duty of managing whatever land that belongs to that house. Family land is managed by the family elders. Each elder represents a smaller family and so decision making is easy as each member of the family is represented.

**Determination of Communal/Family Land**

 The occurrence of either absolute transfer or partitioning determines family property.

1. Absolute Transfer: This occurs where the family transfers its interest in the land totally to another individual. In Ogu, this is usually done by sale and sanctioned by the family elders. When this transfer occurs, the transferee is considered the absolute owner of the property.
2. Partition: This refers to the act of sharing family property among the members of a family. Where property has been partitioned among the members of a family in Ogu, it ceases to be family property and the individual members can exercise and enjoy exclusive rights over the property.

**Conclusion**

 Finally, the land tenure system in Ogu is easy to understand. In Ogu, the land tenure system is not so different from what is generally practised in Nigeria (customary land tenure system). However, the unique customs and beliefs make the difference.