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ASSIGNMENT

A brief paper on the customary land tenure system as practiced in your locality.

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 This paper is centred on the customary land tenure system as practiced in Eastern Nigeria, precisely Imo State. The concept of land tenure among the people of South Eastern Nigeria right before the colonial period has always been that of absolute ownership. However, overtime there has been a drift in the popular perception as a result of the changing economic importance of land. Land tenure is the relationship whether legally or customarily defind, among people as individuals or groups with respect to land.

 OWNERSHIP

 To give a better analysis of the land tenure system in Imo State, it is necessary to state the land tenure types and the specific land tenure type practiced in Imo State. There are three major land tenure types which are; Communal land tenure, Individual land tenure and Public land tenure. For the purpose of this paper the focus will be Communal land tenure which is the customary land tenure system that has been predominantly practiced in Eastern Nigeria and Imo State is no exception. Communal land tenure is based on the inalienable and equal rights of joint ownership of land by every member of the community, with some appointed members, ususally elders and titled men, given the responsibility to act on behalf of others as custodians of the land. In Eastern N igeria, communal land tenure has given much encouragement to both small-scale and large-scale agricultural production. Communal land tenure varies from community to community and is related to farming practices, ethnic heterogenity and stability of leadership. However, a distinctive feature of communal land tenure system as noted by Arua is that joint decisions are taken on which land to cultivate, which crops are to be grown, the number of seasons during which the land is to be cultivated.

 While Communal land tenure system is the majorly recognized land tenure system in igboland, the aspect of family land cannot go unmentioned. Family land is a land vested on a family as a corporate entity. Hence no individual member has has a separate claim of ownership to any part or whole of it. Family property may be created either by Operation of law or by Acts of the parties.

By Law; if a land owner who is subject to customary law dies without a will, his acquired land passes to his children as family land in accordance with the applicable customary law rules.

By acts of the parties: Parties may by their own acts create their own family property,by purchase, by way of first settlement, conquest or gift of land.

 INHERITANCE

 In my specific locality, the concept of inheritance is a predominant method of land management as well as way of ownership. Since time immemorial, land hasa always been inherited by sons. Land was shared among the sons of the deceased with the first son taking the ‘ukwu oji’, i.e the choicest piece of land. However through the use of a will, individuals now have freedoms to determine how their land will be distributed to their heirs.

 It is relevant to note that there are certain factors that affect the performance of land tenure system such as;

Increasing urbanisation

Cultural factors

Socio-economic factors

Institutional factors

In addition to the mentioned land tenure systems it is also necessary to know that in Imo State, land can bought as well sold for money or any other means of exchange. In every igbo society there have been cases of borrowing in the past. One coming may be asking questions as to why a family that is not in their lineage or clan should have a portion of land close to their family land being unaware that his forefathers may have used the same land to borrow money from the aforementioned family or clan.

 In conclusion, while there have been several changes to the customary land laws in various regions in Imo State,some other important aspects have remained resilient. The changes include sales of land, and the rule relating to the portion of land to be inherited. These changes reflect the unique adaptation of the social organization of the community to externally induced changes, which accompanied the introduction of colonialism and the internal dynamics of the peoples culture.

REFERENCES

Obioha (2008) Change in Tenure Pattern Customary Land Practices among Igbo Community in South Eastern Nigeria.

Keke Onyinye Vivian (2014) An Analysis of The Conceptual Issues Affecting Land Ownership/Inheritance among The People og Ogbe Autonomous Community in Ahiazu Mbaise of Imo State.

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Case Study of Owerri Municipal)

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