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**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**

Before going further in explaining the customary land tenure system in my locality, I would first state the meaning of land tenure and customary law. Land tenure is the system of landholding in a given society. According to Prof Mqeke, customary law is defined as the “custom and usages traditionally observed among the indigenous African peoples and which form part of the culture of those peoples. It is the law that represents a collection of precedents and decisions of the by-gone chiefs.

I would be talking about **Oye Ekiti, Ekiti state. Ekiti State** is located in the South West Geo-Political zone of the country. It was created out of the former Ondo State in 1996. The state is reputed as the Fountain of Knowledge on account of the large number of educated elites in the state. The State enjoys tropical climate with two distinct seasons. These are the rainy season and the dry season. Tropical forest exists in the south, while savannah occupies the northern peripheries.

**Land Tenure in Ekiti State before the Colonial Era.**

Land plays many roles in Nigeria owning to the complexity of the society. In Ekiti State as in many states in Nigeria, land determines the extent of wealth a man has, it is a sacred thing and is worshipped by many as a goddess. Land tenure or land ownership is derived mainly from customary pattern. According to Obenson (1977), there are three basic categories of tenure under which land is held and they are;

1**) Community land**: The term community may refer to a family, clan or to a village consisting of a number of kindred or lineage group families. With this, community land is regarded as the land jointly owned by a large group of people. Every member of this large group has equal right to the use of the land. There are other rights and interest widely enjoyed by communities in some activities associated with land. These include the right of hunting, the right of collection of wild forest products and firewood, and the right of fishing from the public water. All labour or manual works concerning such lands are done jointly by the community. Examples of Community Lands are market sites, cemeteries, religious houses, schools and other public utilities.

2**) Family land:** This is a land whose rights have passed by succession to the descendants of the original owner. The title to the family land is vested in members of the family as a corporate body.

The definite extent of a family is vague as one cannot define exactly from what generation a group changes from a family to another higher grouping like village or town. Family land could change to individual holding when it is sub-divided among the members of the family or a personal land may change to family land at the instance of the death of the holder, hence it is said to be static. In many areas in the state inheritance of land is by the sons of the deceased landowner. Out-right alienation of family land is rarely done without the consent of members of the family. Every member of the family is assigned a portion of the family land upon request and does not have the absolute right on such parcel of land. Ironically on the other hand, after the portion so assigned had been farmed by a member and his descendants for many farming rotations, he gradually establishes the primary right to the use of the particular portion before any member of the family.

3) **Individual or personal land:** The method of individual ownership of land is alien to the customs of the society. Before the advent of the Europeans an individual could not hold an interest on land equivalent to that held by the community or the family.

However since individual ownership of land has found its way into our society, it is regarded as land which an individual has inherited or acquired and which is at his disposal and not subject to the family sanction.

**Situation before the Land Use Act:**

When the British made a colony and protectorate of Nigeria, there was a multiplicity of Land tenure systems in the country. Apart from the system in Lagos colony where an English freehold system had been established following its annexation in 1861, these diverse systems can be grouped broadly into two;

This first obtained in Northern Nigeria, where the colonial administration had placed all lands under the control and subject to the disposition of the Governor. In Southern Nigeria where Ekiti State is located, the second system recognized that land was owned by lineages or extended families. Individuals have only right of use on such family land. The only land held at the Governor’s disposal was that which had been expressly acquired for public purposes as crown land. The only control imposed by law on the lineages and other local land-holders was an obligation to seek the consent of Government when rights are being conveyed to aliens.

The land tenure system of southern Nigeria created a number of problems for land management in the country. First, it encouraged the practice of multiple sales of the same land to different buyers by land-owning families in the absence of titling and appropriate registration mechanisms for transaction in land. Land alienation and sales which were taboo in the southern Nigeria, not only grew in volume and geographical spread but also became the cause of considerable litigation and communal strive, often resulting in violent confrontation as the colonial era progressed.

**The Land Reform:** The Land Use Decree of 1978 was poorly implemented, thereof Nigerian agitated for a new land reform. Consequently, in 2009, the president of Nigeria inaugurated an 8-man Presidential Technical Committee on Land Reform with seven terms of reference of which two would be stated below and they are;

1. To collaborate and provide technical assistance to state and local Governments to undertake land cadastral nationwide;
2. To determine individuals “possessory” rights using best practices and most appropriate technology to determine the process of identification of locations and registration of title holdings.

**In conclusion,** Considering the trend of global development. It is obvious that no meaningful development can take place in a place without adequate mapping of the land and computerized land registration, therefore, Ekiti State Government should carry out a detailed digital mapping of the State.