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Level: 400level

College: Law

Course Title: Land Law II

Course Code: LPB 402

 ASSIGNMENT

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

 THE CUSTOMARY LAND TENURE SYSTEM PRACTICED IN OVIRI –OKPE.

 Customary law has been defined as the custom and usages traditionally observed among the indigenous African people and which form part of the culture of those people. Land tenure is the system of land holding in a given society. So in this context, customary land tenure system refers to the system of land holding, governed by the customary law.

My locality, Oviri-Okpe, is a sub-urban village located in the Okpe Local Government Area, Delta state. This place is inhabited mainly by the Urhobo tribe of Delta State. Both communal/community land holding, which is the land vested in the community as a corporate whole and in which no individual member of the community could claim exclusive ownership to any portion of such land and Family Land holding, which is described as a land vested on a family as a corporate entity. No individual member of the family therefore has a separate claim of ownership to any part or whole of it, are practiced in my locality.

 The system is such that under communal /community land holding, the Local chief and elders acting on behalf of the king would usually receive applications from interested land users. Consent and approval is given and a portion of the land is given and allocated to the applicant. This allotment is not an outright purchase by the applicant, rather it is a permission granted to use the land for the purpose of what the applicant asked for.

Usually, a token amount with some native gin are demanded from the applicant and a letter of authority signed by the head chief and some representatives of the elders / leaders of the community is issued to the applicant with the conditions attached.

Under family land holding, the land which has been passed on from family ancestors are managed by the head of the family and a group of elders in the family. Under this system, an applicant who is interested in making use of the land applies to the family head at no cost. Approval is given by the head of family and some family elders to the applicant for permission to use the land. Note that usually, these lands are not sold, the applicant is only permitted to use the land for which purpose has been stated. However, in some instance, the land is granted or gifted to the applicant as compensation for good deeds done by such applicant to the family and in this case, the land becomes a property owned by the applicant. Usually letters of authorities are issued signed by the head of the family and representatives of the family. The determination of family property could occur where the family transfers the whole of the interest in the family land to another person , either by sale or gift, or when the land is distinctly and permanently parted and allocated to members of the family.

 This is what is obtainable and practiced in my community, Oviri- Okpe.

Reference

Professor Adewale Taiwo , The Nigerian Land Law (Princeton & Associates Publishing 2016)

An Elder in my community , Dr Mike Ariemughare .