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COLLEGE: LAW

MATRIC NO: 16/law01/205

COURSE: LAND LAW

COURSE CODE: LPB 402

LEVEL: 400L

LECTURER’S NAME: PROF. E.A.TAIWO

ASSIGNMENT

QUESTION: Prepare a brief paper on the customary land tenure system as practiced in your locality (state the locality, state , local government of community you are writing about). This should briefly cover the creation, ownership, management and determination of family or communal land in your locality. Note: the examiner expects you to write based on your research or knowledge acquired with respect to customary land tenure in your locality.

ANSWER

MY STATE OF ORIGIN: AKWA IBOM STATE

LOCALITY: EDEM AKPAD

LOCAL GOVERNMENT: ETINAN

INTRODUCTION

Nigeria is a heterogeneous society with various cultures and customs ranging from the Igbo culture to the yoruba culture even the idoma culture all with their unique way of doing things including acquiring of lands. Land tenure is a system of land holding in a society or community.

The Nigerian customary land tenure has been modified into a large one by the Land Use Act. 1978. Although the act provides for a different uniform system in Nigeria ,although understanding of the previous tenure is necessary for general knowledge and appropriate understanding of how things are done before the introduction of the Land Use Act. A case of Owonyin v Omotosho could be sited upon such issue.

Coming down to my locality, I am a native of Edem Akpad located in Akwaibom state within the south-south region of Nigeria. It constitutes one of the local government area in the oil rich Akwaibom state, known for its agricultural and arts craft products, the area forms one of the most peaceful locations in the West African State of Nigeria.

It’s also a home of the famous peacock paints industries and NIFOR zonal office. This area is mainly inhabited by the “Iman Ibom” people who are characteristically dynamic, imaginative, industrious, and intelligent

ACQUIRING A LAND

When acquiring a land which is individually certain things are done to indicate and prove ownership of the land. Upon consideration which is the monetary consideration to purchase it..there are certain things that are expected to be done more like a ritual but not exactly and these things are things like: a staff, a goat, tubers of yam, palm wine local drinks and machetes and the reason for acquiring these things are for example the goat which is bought is being slaughtered by the boundary and the family head which is by name “Obong Ekpo” will now upon slaughtering the goat make a certain pronouncements staying clearly that the land has been sold to the buyer , I mean more like a ritual like I said before and this is so I order to make it officially and so that anyone who tries to take the land or property forcefully will die when he gets to the boundary or steps on that particular land . The blood which was spilled from the goat killed round the boundary.

OWNERSHIP

With regards to Family land , it is very prominent in Edem Akpad. In the case of Lopez v Lopez gives similar meaning to a family as to family property.

The term “family in relation to family property” means a group of persons who are entitled to succeed to the property of the deceased head of the family, such are usually the children of the deceased.

Communal land holding in Edem Akpad is held by the “obong idon” which is the head of the community possesses the power of control and management of the communal land on behalf of the community. An individual in the community has equal right to the land and a portion to go on with the farming activities.

As it’s being allocated, it doesn’t give the person right of ownership but exclusive possession which the title still remains with the community.

Conclusively, it has been established that my locality Edem Akpad undergoes two forms of land tenure systems; Family and Communal land tenure system and also family hold lesser portions than the community. The “Obong Idon “ controls they affairs of the communal land which is the community head while the Family land is handled by the “Obong Owo” which is the head of the family ..as such family lands are created either by purchase or inheritance.