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**MATRIC NO: 16/LAW01/113**

**COURSE TITLE: LAND LAW II**

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**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.**

## INTRODUCTION

The writer of this work is writing of **Abonnema, Akuku-Toru Local Government Area, Rivers State** as that is where she hails from. The aim of this write up is to digress as briefly as possible the customary land tenure system practised in this locality.

## BACKGROUND INFORMATION ON CUSTOMARY LAND TENURE SYSTEM

Customary land tenure system refers to the system of land holding governed by the customary law. It should be noted that since 1978, the Nigerian customary land tenure has been modified to a large extent, by the provisions of the Land Use Act, 1978. The Act provides for a new uniform land tenure system in Nigeria. In *Otunba Hakeem Sobande v Barrister Andy Igbowkwe*, the Supreme Court held that the object of the Land Use Act is not intended to destroy incidence of customary law, but it modified its application. Customary Land Tenure system often compiles concepts like ownership, Determination and creation. Ownership in the customary land tenure system is usually on communal basis. Communal landholding has been described as the most remarkable principle of customary land law. By definition, communal land or community land 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. A communal land has been characterised as land belonging to a vast family of which many are dead, few are living and countless members are unborn. Communal land belongs to a community, past, present and future.

Another way of holding land is on family basis. In *Okulade v Awosanya*, Uwaifo, JSC defined family as “the body of persons who live in one house or under one head, including parents, children, servants...The group consisting of parents and their children, whether living together or not; in wider sense all those who are nearly connected by blood or affinity...Those descendants claiming descent from a common ancestor; a house; kindred lineage.”. The people in the family hold the land collectively.

Another concept under customary land tenure system is Determination which can be by absolute transfer or partition.

This write up will now proceed to discuss these concepts in correlation with the above mentioned locality.

## **CREATION AND OWNERSHIP**

Land acquisition in Rivers State dates back to the colonial period in 1913 when the colonial authorities acquired parts of Rebisi-Ikwerre land for development as a result of the location of harbor within the vicinity. And from then, the people began to bear the whole brunt of developing several parts of the State.

From the time of colonisation and before that land was owned by families in Abonnemma. The way it was then is still what prevails currently. The whole settlement is divided into compounds named after the biggest and most prominent families. The compounds are according to the size and strength of the family. Families that were known to be larger in size and also are of old heritage (Families existing before colonialism) held land vastly. It was deemed that each family be confined to explore within the confinements of the compound of the family.

However in recent times, it is the practice that land is sold to people who have the capacity to buy. This point also introduces the next concept which is determination.

## **DETERMINATION**

Determination herein refers to family land. Family land in this locality is done by ways of sale, absolute transfer and partition.

Through Partition, a father can decide to divide the land among his children and the land given them will be named in compounds however this time, in addition to the generic surnames of the children, their first names will be included.

Absolute transfer occurs when perhaps a man has only one child or none at all. If he has only one child, on or before his death, the compound will be in the name of the child. In scenarios where he has no children, he can choose to gift it or sell.

## **CONCLUSION**

In conclusion, the customary land tenure system in Abonnemma, Rivers State is laid down and not complicated. Most of this owing to the settlement of the white men in that part of the country. The writer hopes this paper meets the specifications of the examiner.

## **BIBLIOGRAPHY**

- **The Nigerian Land Law by Adewale Taiwo**
- **Ikunga, S. A. (2017). The Historical Perspectives of Land Acquisition for Sustainable Development in Rivers State.**