A PAPER ON THE CUSTOMARY LAND TENURE SYSTEM IN OBIA AKPOR LGA

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Note: this work features the customary land tenure system in my local government that is the Obia Akpor local government area in River State Port Harcourt

Key words: customary land tenure system, creation, ownership, maintenance and control.

Introduction,

 The land system of a given society is the manner in which land is owned and possessed. [[1]](#footnote-2)It is an institutional framework within which decisions are taken about the use of land, embodying that legal or customary arrangement whereby individuals or groups or organizations gain access to economic and social opportunities through land.[[2]](#footnote-3)

**Customary land tenure system**

Land tenure deals with the customs, practises and laws governing rights, duties and relationships of people. Land belonged to the living, unborn and the dead as well. Land was regarded as a natural endowment as rain, sunlight and air that we breathe[[3]](#footnote-4)

In River State and Nigeria generally, the land tenure system by virtue of the established customs and traditions of the African people vested land in a corporate group such as the family and community and this group had overriding rights over those of the individuals in the group.

In the Obia Akpor local government area the community chiefs or the king (e.g. an example of a king who had such powers was the late king S.N Wali of Rumuigbo community) has control over the community land entrusted in his care for the benefit of all members of the community. Similarly, the family head who undoubtedly could be the oldest male member of the family is invested with the sole rights to be in control of the family land for the benefit of all members of the family, for this reason he cannot withhold land from all male persons who have been given approval to take a portion of the land. In other words, nobody was denied access to family land or community land. It is worthy to note that in recent times, land given to government for the development of an area is now being rented or leased to individual of private use an example of such in Rumuokoro – Lekwot cantonment

**Ownership of land in Obia Akpor**

Ownership maybe referred to as the right of occupancy. Under the Nigerian customary law, ownership can be held by the community, family or individual.

 In Obia Akpor land is held by the family and individuals[[4]](#footnote-5) they initially operated community and family land ownership. The continuous increase in population posed pressure on the available communal and family lands and it encouraged individual land administration. What is communal, family or individual land ownership; ***Communal land*** ownership refers to the vesting of land and its administration in the community with the kings and high chiefs as the operators,, controllers and regulators of land in that locality in Obia Akpor several demonstrations of land being owned by a community have been expressed like the situation of given land to the government in Rumuokoro for the Zamani Lekwot Cantonment, Monier construction company (MCC) which is situated in rumuigbo and they entered in a lease agreement with the community of rumuigbo, with these examples it goes to show that truly land belongs to community. The community vest this land in their selves as a corporate entity and this makes it impossible for an individual member of the community to claim exclusive ownership to any portion, similarly in the case of **Eze v igiligbe & ors** the court held that land belongs to the whole community and that the onus is on the defendant to establish that his section had title to the community as a whole. Some examples of communal lands include communal shrines, play grounds, farm lands, etc. **The management** of communal land is by the king and his chiefs. Whilst **Determination** is by absolute transfer of such land to an individual who is not a member of that community for example transfer of land to the government for development. **Family land** in Obia Akpor is such that is owned by a group of persons who are entitled to succeed to the property of a deceased founder of a family. However this family lands are created by acts of the party which simply is by first settlement. In actual sense some of the properties regarded as family land through their ancestors were first to settle on a virgin land and they exercised acts of ownership over sufficient length of time and such would warrant an inference of exclusive ownership. Note however that is a usual practice of allotment, the allottee acquires usufruct i.e. a right to use and occupy. This right can be inherited by his descendants. **The management is** usually by the Head of the Family and Determination would only be by the decision of the entire family or principal members of that family to transfer absolutely or partition the land such would bring to the end of the land as a family one. **Individual landholding**: as provided in the introduction, in Obia Akpor due to the increases in population and economic emancipation of the individuals as a result of new patterns of economic activity. Individual landholding emanates from when family members or community transfer the interest in land through conveyance to an individual with such that individual is granted absolute ownership to the extent of the laws concerned with land. In Agaran v olushi*[[5]](#footnote-6)* the court held that were a family land is sold to a member or stranger, the purchaser becomes an absolute owner. In Obia Akpor this is a common practice that land owned either by family or communities to member or strangers of the community are sold and when this occurs, such a person becomes an absolute owner. **The management** of such land owned by individuals is usually by the right holders however subject to the laws of the state or the customary law.

In conclusion, customary land tenure system is merely an umbrella name which covers several customs and practices which are known to a group of people and it is with relation to the practices of how these different groups hold land whether land is vested in a community, family or individual. This paper has been able to establish that the Obia Akpor local government area in Rivers State has in practice a customary land tenure system and the people have a system of ownership which includes the community, family and individual landholding system. And their management is usually by the chiefs, head of families and individuals respectively. The method of determination in Obia Akpor is usually by: absolute transfer and partition these are some methods for landholding to be determined.

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5. 1 NLR 66 [↑](#footnote-ref-6)