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## ANSWERS

### Introduction:

Land tenure system is the relationship whether legally or customarily defined among people as individuals or groups with respect to land. For convince “land” is used here to include other natural resources such as water and trees. Land tenure is an important part of social, political, and economic structures. It is multi-dimensional bringing into play social technical economic institutional legal and political aspects that are often ignored but must be taken into account. Land tenure system relationships maybe well defined and enforceable in formal court of law or through customary structures in a community. Alternatively they maybe relatively poorly defined with ambiguity open to exploitation. Land tenure system In OWONYIN V OMOTOSHO customary law was described as a “ mirror of accepted usage” and common law of Nigerian people. It should be however noted that the term customary law is used in a blanket form and it should not be taken to indicate that there is a blanket form and it should not be taken to indicate that there is a single uniform set of customs throughout Nigeria. Nigeria is a society with diverse tribes customs, cultures and traditions.

I am from delta state Urhobo Etiope East local government area Opara inland. land is a vital aspect in human existence. It is an essentiality to human. Although land has led to various disputes and bloodshed, it is an instrument which man stamps his identity, finds shelter, and realizes his substance. The rule and regulation governing those fundamental facet of mans life crucial to a nation obtaining peaceful co existence. This term paper would explore the exercise of customary land tenure on my community.

What is customary law: According to the Niall dictionary of African customary law, customary law can be defined as a mirror of accepted usage rules handed down orally from generation to generation which persons living in a particular locality have come to recognize as governing them in their relationships between one another and between themselves and things. Further defined In OYEWUMI V OGUNSEASAN by Obasaki as the organic living law of the indigenous people of Nigeria regulating their lives and transaction. It is the organic in that it is not statistic. It's regulatory in that controls the lives and transaction of the community subject to it. For a law to be seen or qualified as a customary law it must be existing native law and custom not that of by gone days. It observance must be a binding obligations capable of being enforce attaining the force of law due to prolong usage. Costomary law is predominantly unwritten. In pre colonial era, customary law guided and regulated the dealings of the Nigerian people. The elders, chiefs, Obas, Emirs of the community administered the law its the advent of colonialism the English legal system was introduced

leading to the creation of formal courts. The colonists realizing the fundamental nature of customary law to the people, tried to streamline, it into the formal legal system, bringing about the establishments of customary courts where the customary law have passed the repugnant tests and it could be administered.

Land Tenure system: In simple terms land tenure refers to the holding of land. However it has been defined as the relationship whether legal or customarily among people as individuals or groups that define the means through which access is granted to rights to use control and transfer land. It determines who can access is granted to rights to use control and transfer land. It determines who can use the land for how long and under what conditions. The rules of the land may be established by state or custom and rights may accrue to individuals families communities or organizations. The status of individuals or groups in relationships to property this can either be leasehold freehold. Customary land tenure system can be defined as the system of land holding indigenous to Nigeria relating to family and inheritance system based on the concept of group ownership of absolute rights in land with individuals acquiring usufructuary rights. These rights are to establish the basis for access to land resources and the opportunity to use land for productive purposes. Under customary rules of tenure. It was observed that each individual member of a land holding family was entitled to portion of land sufficient to feed both himself and his family. No member of the community could dispose another of his state in family land and no one could alienate family members interest in family land without the knowledge and consent of the members the right to land maybe perpetual for certain period which may include farming. Judicial committee council in the case of AMODU TIJANNI V SECRETARY OF SOUTHERN NIGERIA. Affirmed this principle were it held that the notion of the individual ownership was foreign to native ideas.

#### LAND TENURE SYSTEM DELTA STATE URHOBOS:

In Urhobo Etiope east. There is no lease hold but freehold practiced in the land. The land conveyed to a person by the owner of the property at the price which is negotiated between parties. Once a land is bought it is conveyed by the owner and it becomes the owners forever. Freehold system is hardly practiced which opposed to the lease hold. Ownership is according to tradition he who deforested the land is the owner of the land meaning that he who discovers the land is the owner. The land is virgin at the creation. Sometime if a person may not be able to take care of the land he may by give it out on hire and after a period of a certain time tribute is paid to the owner of the land. Acts of ownership include planting of crops on the land. The land is not paid by anyone but he who acquires the land and steps foot into the land is the owner. Delta people are principally farmers and depend solely on the livelihood there are categories of land tenure in urhobo community

- A) land held by family
- B) Land held by community
- C) Land held by ovie or the clan head

Family land ownership of land is acquired by settlement inheritance purchase or gift. any family member which owns the land has a legal right of occupation of family land but the occupation by such member does not change the title of the family to that particular

piece of land. the head of the family takes charge of all family lands but however is assisted by other elders or principal members of the family representing sub-branches of the family. The decision affecting the land and tube accounts of their dealing.

Communal land: In delta there are many towns where land belongs to the villages. The members of the community farm by the system of shifting cultivation. In such communities there is free access to land for cultivation but the title to the land remains with community. Land belongs to the community, the village of the family all alienation of communal land therefore, require the consensus of all the members of the community through their elders or representatives of the families or quarters. The conveyance has to be done at a meeting of persons nominated for that purpose by the community in Urhobo land is not confined strictly to persons of blood descent. To a great extent family refers to a group of people who claim, descent from one common ancestor and are united by the belief.

Ovie kingdom the kings owned all the property within his kingdom including land. This is not by right but by tradition respect which people have for him as their head of state. In essence the ovie is the over lord over his people and their land. The Urhobo land tenure system is not “ feudal”. The natural ruler does not own the land. In matters of alienation the people have to be consulted through their representatives and their consent obtained the ovie.

In conclusion this term paper has shown the customary tenure system as practiced in the Urhobo community. During the pre colonial policy on land created a new outlook on use control and administration of the land. Administration of land in precolonial era was run by the Ovie who was the head of the clan council and elders who were the most senior groups in the age grade. The economy was a subsistence economy where food crops were grown all these changed when the colonialists conquered the urhobo people.

