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INTRODUCTION

This paper briefly discusses the customary land tenure system as practised among the Eket people of Akwa-Ibom State. Eket is one of three major tribes in Akwa-Ibom State. It is actually pronounced as “Eکید”. It is also within the Eket Local Government Area of the State. With respect to the customary land tenure system of the Eket people, the writer seeks to state the type practised among the people, its creation, ownership, management and determination of such land.

CUSTOMARY LAND TENURE SYSTEM

Land tenure is a system by which persons hold land in a certain society. In the case of *Kimdey v Military Governor of Gongola State*,¹ the court adopted the ruling in the case of *Owoniyin v Omotosho*² that customary law is a mirror of accepted usage. This means that customary land tenure system is the land holding system practised among a given set of people. Briefly, this writer will be discussing the creation, ownership, management and determination of land in the Eket community. Firstly, it is pertinent to know that the Eket people practise the family land tenure system. This simply means that land is held by family in the Eket community.

Creation

In the traditional setting of the Eket people, the original settlers of Eket were holders of the land. They bequeathed it through inheritance to their children and relatives when they passed on. These lands were majorly used for building constructions and farming. However, after the Civil War in 1970, some of these holders began to sell their lands to other people. Some of these lands whose holders were from other tribes were deemed to be abandoned; while the others were taken over by the government. The case of *Ajala v Awodele*³ explains that settlement is one the ways in which a person can acquire a land.

A family land could also be acquired where one member of that family purchases such land from another family. There is a process to this effect. Where a person is interested in the purchase of a piece of land, there are negotiations between a middle man and the vendor. When terms have been agreed upon by both parties, the interested purchaser is to make

¹ [1988] 2 NWLR (Pt 77) 445

² (1961) All NLR 304 at 309

³ (1971) NLMR 127

payment of the consideration. The vendor will then cause a survey to be made by the purchaser. The latter is to write a deed of conveyance. Thereafter, a signing ceremony will occur which will include the presentation of items such as goat, beer and yam and an agreement fee. After the payment of such agreement fee, the parties with two family members each will sign the deed. The purchaser is to take the deed to the court and the Land Allocation Committee if the land is in the urban area of Eket or to the Local Government if such land is in the non-urban area of Eket.

By April 1st, 1978, when the Land Use Decree came into existence, it showed that all land belonged to the government. However, those landed properties were still in the custody of families.

Ownership and Management

Where such purchaser has registered the land with the appropriate agency, he has title to the land by virtue of the deed of conveyance. Thereafter, the documents relating to the land such as the deed and the Certificate of Occupancy is in the custody of the eldest person in the family.

Determination

In Eket, land is determined through sale as earlier discussed. Also, another way is through gift to for example, a servant who has diligently worked for a master. In the traditional setting, family members are brought to witness such gifting in the event that where a conflict arises as to the ownership of that land, the family members can testify to such gifting. In the modern day, such disputes are allayed by documentations.

CONCLUSION

The Eket people of Akwa-Ibom State practise the family land tenure system where land is passed from one family to another. This paper has rightly discussed the creation of such land, its ownership, management and determination.