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Course: Land Law

LEVEL: 400

**ASSIGNMENT QUESTION**

Prepare a brief paper (not more than 3 pages, 12pt, Times New Roman, 1.5 line spacing) on the customary land tenure system as practiced 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.

**ANSWER**

Am going to be discussing the customary land tenure in my state which is Bayelsa state

Region: South-South

Local government: Ogbia Local government

Town: Kolo town

Land as a factor of production is of immense importance. Land is rich in coal, water and petroleum, which are used for generating power. Land is of great importance to mankind. A nation economic wealth is directly related to the richness of its natural resources.

A land owner is a person who owns land, especially a large amount of land.

Land acquisitions are broadly defined to include not only the purchase of ownership rights but also the acquisition of user rights, for instance through leases or concessions, whether short or long term

 In my community which is the Kolo town community, in Ogbia kingdom, land ownership is mainly through land tenure system and responsibilities concerning the transfers, alienation and ownership security of land and its resources.

The land is owned by families in a community depending on those families who settled first in the community.

In this case, a family known as Inyade was the first settler and other families like, Otu-iduow, Otu-oguani, Otu-igbo and others joined Inyade from where they left and met Inyade. It was Inyade who took them to different lands and those virgin of lands, to automatically become lands for those families up to date.

The family heads are those who allocate land based on the needs of their subordinates. The legal authorities existed at the family level. Thus, the leadership of the families have absolute interests, while constitution have derivatives interest.

We can see in the case **of Idundun v Okumagba (1976)**, in this case, a considered judgment, the learned trial Judge after reviewing, at great length if we may say so, all the evidence adduced by both parties, rejected the traditional evidence adduced in support of the plaintiffs' claim after observing as follows:

"Considering first the traditional evidence in the case, my view of that aspect of the evidence in plaintiffs' case whereby plaintiffs have sought to establish that the land in dispute and even also Okere village were part of the kingdom founded by Ginuwa 1 and also their evidence that Ogitsi owned the whole of Okere land including the land in dispute in this case is that it is unconvincing.

Finally,the learned justice stated that on the whole, it is sufficient to say that most of the matters canvassed before them were examined meticulously and rejected by the learned trial Judge for reasons upon which they cannot improve and to which they do not desire to add except, perhaps, to say that whether taken separately or together, none of the points urged upon them by learned counsel for the appellants would, in their view, justify any form of interference with the findings and decision of the learned trial Judge.

In conclusion, this case was held to be devoid of merit and was accordingly dismissed.

This case traces the historical ways of land ownership in Nigeria before people’s eyes became open to **the Certificate of occupancy and Right of occupancy and the Land use act 1978 (it made land federal, meaning that was the conception of the federal government owning federal lands**).