Name: Cocodia Oyintariere Tubolaifa

Matric No: 16/LAW01/054

Level: 400

Couse Course: LPB 402

Course Title: Land Law II

Question: Prepare a brief paper 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.

Answer

Customary land tenure system can be best explained by understanding that Land tenure is a system of land holding in a given society. Customary law is the law handed down from time immemorial from ancestors; it entails the customs and usages traditionally observed among the indigenous people that formed part of their culture and religion. Therefore, Nigerian customary land tenure system refers to the system of land holding governed by the customary law.

Nigerian customary law differs from one locality to another and from one tribal group to another. My tribal group are the ijaw people; I come from Bayelsa State, Sagbama Local government. Ijaw people can be found in various different states such as, Bayelsa, Delta, Rivers, Edo and even some parts of Ondo State. Ijaw people have long lived in locations near many sea trade routes.

In the Ijaw clans known as Kabowei and Kunbowei the land tenure system are as follows: some of the lands are owned/ held by the whole community and some of the lands are owned by different families. In the case of farming the land is usually allocated to the family in which the elders invite their wives to farm on the particular land. The land is also left to recover from the farming season for a period of 4/5 years which allows the farmers to go to another piece of land to farm. Some of the lands are good for different types of crops which enables the family heads to send their wives to those particular farming land which will benefit their crop production.

In terms of allocation of land, the Kabowei clan allocate land through their male child, they are said to have more rights than the female child whereas in the Kunbowei clan everyone is treated the same, there is no preference given to the male child. In the case where you are either married or the land is sold you would still be entitled to a share from the sale because you are a member of the family. The same process is taken for the sale of land. The head of the family along with other members of the family can decide to sell the land; the profit from the land will be shared amongst all the members of the family.

Within the Ijaw tribe priority is put on water areas such as rivers, lakes and ponds. It is usually a rule that whoever owns the river, lake or pond in the given area, owns the surrounding land.

In the event of a dispute, the aggrieved party may go before the council of chiefs to state their claim; the Council of Chiefs therefore has the final decision/ say to determine who is at fault. If not satisfied with the Council of Chiefs, the aggrieved party may also go to Civil Court. In the Ijaw tribe land may also be used as a form of collateral. For example, borrowing money from someone, land may be used as collateral by allowing/ giving permission to the family whom the money was borrowed from the ability to farm on your land for the given period until the money owed is paid back. Once the money has been paid back no debt is owed and the family must seize from using your land for farming.

Lastly, determination of family or communal land in my locality may be considered different from the normal meaning of the term ‘termination’. In my locality it is believed that once an owner of the land always an owner of the land. This can be better explained to mean that once your family is given a certain land, the land may be passed down to the younger generation. You do not lose your right of claim over the land due to being absent from the land. The word ‘Ogbnanaotu’ means owner of land in Ijaw. Once you are a family member you will always have right of claim over the land even if you have been absent from the land, for example, having right of claim over your Great Grandfathers land.

In conclusion, from the above explanation it can be seen that in the Ijaw community land is considered very important. Land may be held by different families and passed down to the later generations. It can also be seen how disputes are resolved concerning land matters and how land may be used as collateral in some cases. Most importantly it can be seen how in some clans within the Ijaw community male children are given priority when it comes to ownership of land and others are treated equally as members of the family.

Reference.

The Nigerian Land Law by Adewale Taiwo

My Uncle: Chief John Akraka

thepointnewsonline.com

ijawworldstudies.com