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**LEVEL: 400**

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**COURSE TITLE: LAND LAW**

**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 talking 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.

**‘‘An Analysis of Igbo Traditional Land Tenure System in Umuoji, idemili-North Local Government Area of Anambra State’’**

**INTRODUCTION**

• Land tenure is the system of landholding in a given society. Hence, In our context here, customary land tenure system refers to the system of land holding governed by the customary law. The Customary Land Tenure System is an arrangement under which land is owned by Indigenous communities and administered in line with their customs and norms. This system is opposed to statutory tenure brought up during the colonial periods. Land use under this tenure is commonly controlled by elders, clan heads or a group in its own well-defined administrative structure and authority.

**My Locality**

Ifete village, Umuoji Town, Anambra State, Idemili-North Local Government.

**Customary land Tenure System in my locality**

We shall be looking at the following concepts with respect to the Customary L in my locality (Umuoji):

**Creation of communal land**

The communal land tenure system in traditional Umuoji society existed even before the different tenure laws were enacted in Nigeria. The concept of communal land does not meet well with modern-day law, which is based on private property, so these territories more often than not are without a legal owner, which in law means it is property of the state. One can gain access to community land by being a member of the community. In this type of tenure the land is owned by the entire Umuoji community which can be shared among the five villages; the five villages comprise of Ogidi, Ojoto, Uke, Abatete and Nkpor. The community land can be shared according to all male indigenes that pay the annual recurrent levy (UTU ARO) to the community for purposes of farming only. The land is held in trust by the Okpalaigwe Umuoji, the traditional ruler, he hold this land in trust for the entire community, the community land includes; Agu Umuoji, etc. In rural communities in eastern Nigeria, state-held lands have resulted more from land disputes than from the implementation of the Land Use Decree. Disputed communal lands in many cases have been forcibly acquired by the government as public lands and utilized for various developmental and welfare schemes.

**Ownership of communal land**

The term “ownership” signifies the largest claim to land under customary law and it is, therefore, a recognised concept of customary law. • Under the Land tenure in Umuoji,

land may be owned by;

a. The entire community(ANA OBODO): The communal land tenure system could be seen in the various lands dedicated for different communal use and which includes the village squares, the market and other land dedicated for farming purposes e.g. the (ANA UMUNWANYI) at Agu umuoji etc. The Umuoji society has in the past fought wars just to increase her size of her communal land. One can gain access to community land by being a member of the community as mentioned earlier.

-The Family land/tenure (ANA EZI NA ULO): Family land is owned by a family in ascertain prescribed manner by the head of the family which is usually the oldest member of the family. He holds the same in trust for the rest members of the family. Despite the fact that the headman possesses the right to family land, he does not have the right to take decision pertaining to the land, without the consent of the principal members of the family. Land here is shared by the Ana Umunna according to the male born with age as reference ‘NA NNA NA NNA‟ the male son will in turn share with their children their own portion of the land. Note also that in an extended family set up, if a grandfather is involved and is a polygamous, the first son irrespective of the fact that the mother is last to be married in the family has the NGWULU( main compound the father left behind) he will and continue to accommodate others until they build their own houses elsewhere. other sons (last sons) from different mothers will also have access to the OGBOLODO(surrounding area in the main compound).

-The individual land tenure: The individual land tenure in traditional Umuoji society is not different from already discussed types of land tenure earlier. The mode of access would follow the pattern as described in the concepts above. In traditional Umuoji society, an individual can gain access to community land for purposes of agriculture, hosing etc.

 **MANAGEMENT OF COMMUNAL LAND IN MY LOCALITY**

The Okpalaigwe, Umuoji holds the entire Umuoji communal land in trust on behalf of the Entire community. It is shared between adult males (and females) that pay their annual recurrent levies (UTU ARO) to the town union for the purposes of farming only OR one can gain access following a definite arrangement i.e. from community to village (ogbe) to umunna (clan) to families. Since Umuoji town consists of peasants and subsistence farmers, it was thought wise to allocate farmland to women for cultivation in order to keep them busy and to be able to feed their various households from their farm products to cushion the effects of poverty. Being in an age grade is not a criterion for one to gain access to land allocation.

**DETERMINATION OF COMMUNAL LAND IN MY COMMUNITY**

 A lot of factors conspired to determine the various types of tenure system in the community. They are discussed below:

1. **RELIGIOUS/SPIRITUAL OBLIGATION/VOCATION**: In a traditional society just like Umuoji, certain lands were devoted for worship by the traditionalist and these people have chief priest and whose instance the management of the entire land is entrusted to. These chief by virtue of their position may partition or plot these land and even go to the extent of selling them. No one can question their authority hence the popular adage in the community let the gods speak for itself (Alusi kwuelu onweya).

2. **POLITICAL DECISION (OVERIDING PUBLIC INTEREST**): The government may decide to acquire land for overriding public interest. Also the community may decide to go for war just to increase their farm land e.g. the present ngene nkolobia land which the chief priest has almost finished selling the major part of the land was acquired through communal war. Also in the past there has been a war between Umuoji community and oketiti over a connecting land and the persistent struggle over who owns the old local government station.