**Name: EKECHUKWU CLINTON CHIOZIE**

**Matric number: 16/law01/070**

**INTRODUCTION:**

The black’s law dictionary defines custom as a practice that by its common adoption and long, unvarying habit has come to have the force of law. It also defines customary law as law consisting of customs that are accepted as legal requirements or obligatory rules of conduct, practices and beliefs is that are so vital and intrinsic a part of a social and economic system that they treated as if they were laws**[ Garner 2009 p.443].** Customary law can also be described as a usage or practice of the people which by common adoption and acquiescence and by lone and unvarying habit has become compulsory and has acquired the force of a law with respect to the place or the subject matter to which it relates**. [Kolajo 2001].** In **olubodun v lawal** the **Supreme Court defined custom or customary to mean a set of rules of conduct applying to person and things in a particular locality**. It went further to even depict the point that it lies in the attributes and characteristics of the custom or customary law for it to be recognized and adhered by the inhabitants of the community to make it binding. In **owoniyin v omotosho** the court described customary law as a mirror of accepted usage. The case of **Nwaigwe V Okere[[1]](#footnote-1)** which states customary law generally means custom or usage of a given community. Community law emerges from the traditional usage and practice of a people in a given community which by common adoption and acquiescence on their part, and long and unvarying habit, has acquired, to some extent, or element of compulsion, and force of law with reference to the community.

Customary land tenure refers to the systems that most rural African communities operate to express and order ownership, possession, and access and to regulate use and transfer. The norms derived from here are dependent on the community itself. Customary land tenure system is a manner or a way in which a party occupies or holds some area of land. Societies formed the rules that regulate land tenure in order to control land ownership in the country. With the help of tenure rules, it is easy to define the way of land rights allocation. Another name for customary land tenure is **indigenous tenure**.

I am a native of the Nnewi kingdom in Anambra State, more specifically indigene of the Uruagu village, Nnewi North Local Government. The Nnewi kingdom was founded on four quarters [large villages], named Otolo, Uruagu, Umidum, and Nnewichi. Each village was divided into family units called “Umunna”. Each umunna had a first family known as the “Obi”. These four quarters were these original names of the sons of Edo. Otolo being the youngest and Nnewichi being the youngest. We speak the Igbo language all of this and also share the same culture, traditions, and even on the basis of acquisition of land. Following the colonial periods the British appointed Igwe Orizu 1 as warrant chief which made all obi now form the court which is chaired by Igwe Orizu. The council of chiefs of the Nnewi royal court where conferred the powers of deciding matters of the land in terms of ownership, control to decide land acquisition, transfer, sale and even the proper usage of land. These lands although had to be community lands, all these process although where before the land use act, 1978.

**Ownership system, creation, management, determination of land in Nnewi**

There are four types of ownership systems in Nnewi namely:

1. **Community land ownership [ANA OHA] 2] Inheritance or Gift ownership [ANAOBI] 3] Personal land Acquired ownership [ANA ONWE] 4] Borrowers ownership [ANA IBE].**
2. **Community land ownership:**

Communal land system [**ANA OHA**] in traditional Nnewi society existed even before the different tenure laws were enacted in Nigeria. This could be seen in the various lands dedicated for communal use which includes the village square, market, and other land for farming purposes.one can gain access to community land by being a member of the community. The land is held in trust for members by the **OBI** or the head of the clan and council of elders. Members are allotted farming portions on request and the land reverts to the pool after harvest. Any transfer sof land here to anybody certain rights must be carried out before the umunna can pass it on which is the **“IDU OBI**” by killing a goat to seal the deal which nowadays can be waved with money especially when being purchased by organizations. And when the purchase is done a bamboo like fence is advised to be put up to state the land

Has been purchased. Also all local government process and registration must be carried out to make it complete legally.

**Inheritance and Gift ownership: [ANA OBI]**

These are lands received by the holder from his father as in the case of **Muojekwu V** **Muojekwu.** A father could share his land as he likes amongst his sons depending on his rating of affection and endowment. A father could disinherit his first son and give any of his sons the headship of the family including the land his land is built on. This he must say before an assembly of the **UMUNNA**. An **EFELEFU** or prodigal son is given a land at the middle, surrounded by other son’s portions to make it difficult for him to dispose the land to pursue his profanities. Anybody can sell his **ANAOBI.** Gift ownership is given as compensation from the obis that make the Nnewi royal court maybe for good work or sacrifice to the village. Here also the tradition of killing goat to seal the land transfer which once done is irreversible any delay after **IDU OBI** is dangerous and the same will apply if money was used in lieu.

**Personal Land Acquired ownership: [ANA ONWE]**

These are lands purchase with personal funds. The owner can sell this land without consultation with any family member. In the Nnewi society known for its wealthy and powerful business men, anyone considered wealthy in terms of large quantity of land he possesses is called Ezeani. An example is Chief Olisa Metuh had the title of Ezeani Nnewi.

**Borrowers Ownership [ANA IBE]:**

In this, the custom is similar to the custom tenancy and kola tenancy borrowers are often required to pledge land as a collateral in securing a loan, people borrow to marry, finance burial ceremonies or send children to school.

**In conclusion** for the people to perfect the acquisition or sale of land and make it permanent these things must be made which are: completion of the payment, killing a goat and sprinkling the blood on the land which the lap of the goat is given to the buyer and the witnesses and seller share the remainder of the goat, the buyer of the goat must make palm wine available during this process. These tenure systems existed even before the coming of the white man and transfers of and has always been by these explained methods.

1. 2008 34 NSCOR 1325 [↑](#footnote-ref-1)