NAME; OKORO NNEOMA MARYJANE

MATRIC NO; 16/LAW01/164

STATE; IMO STATE

LOCAL GOVERNMEMT; Ahiazu Mbaise GOVERNMENT.

COMMUNITY; Umuokririka Ama

What is customary land tenure?

Land tenure is a system of holding land in a given society. Customary land tenure refers to the system of law, customs, and usages traditionally observed among indigenous African people and which form part of the culture of the people. This paper concentrate on the customary land tenure in the Southeastern part of Nigeria precisely Imo state. Customs regarding ownership of land in Ahiazu Mbaise are basically the same but differs slightly from community to community

CREATION

Land Ownership in my community evolves from deforestation and it involves the man who defrosted and shares it among his male children. Thus, in the community the different kindred are usually named after the male children. Each of the male Children are also assigned land for farming, buildings and also this one’s become what is known as the family land. Also, settlement is also a form of creation; family property where a family, through their ancestors were the first set to settle on an unoccupied land and exercise an act of ownership over the land. In **AJALA V AWODELE** ; settlement is one of the traditional modes of acquisition and the plaintiff had a valid title to the land. Inheritance is also a form of creation of land in my community. Land is inherited by the sons directly through the father’s possession. The first son retains the choicest piece of land while the rest of the land is shared among the male siblings. However a supreme judgment invalidated the rule that women cannot inherit property in the Igbo land tenure system.

OWNERSHIP

Communal Landing is practiced in my community where the land is vested in the community as a whole, whereby individual members of the community cannot claim exclusive possession, however, not in all cases because when a family land is alienated or sold to an individual or member of my community, he assumes full possession and ownership. Communal lands are land belonging to vast family and have passed on from generation to generation.

MANAGEMENT OF THE FAMILY LAND

Ownership of family land is by the male members of the family and the family head who is known as the diokpara or diokwara who holds it in trust. The land is not for his own use alone; rather it is for the use of him and that of the family members who put him in trust. He has the exclusive power to assign and shares part of the land to any member of the family who has started a family for private use. It is the duty of the family to protect the land and also to be careful on who the lease the property to. The family head has the right to transfer part of the land to a stranger for the purpose of farming or settling but with the consent of the family members, he can also exchange the land for the purpose of farming and can alienate or sell the land on rare occasion which the money will be used to solve family problems like procure a wife or build a family home. Once the family head made a grant to members of the family he has no power to recall the grant without the consent of the grantee. Each family member granted land has the power to put the land to proper use either for building or farming. As the head of the family, land use and exchange must come with the consent of the family members and usually the head of family is usually liberal in allocating land.

DETERMINATION OF THE FAMILY LAND

Family land can be determined through absolute transfer; here the family transfer totality of their interest in the family land to another person by sale. It is important to note that the sale of the land must be with the consent of the family members because the family head can’t act on his accord or fulfill his selfish desires. Thus, the profit is shared among members of the family. This alienation is getting rampant in my community due to the fact some individual in the community do not have access to their family land due to the location or they are accumulating more lands to erect infrastructures like hospitals, private schools, guest house. Also, individuals buy land just to erect their home especially if their own allocation to the family land isn’t accessible due to bad roads, hills or mud. Also, family land can be divided permanently among family members, thereby creating sole ownership on each allocated piece of land. This is done after much deliberation and even the use of elderly member in the community especially when the partition is due to problems and issues in the family especially when the family head refuses other family members to enjoy right to the land. Also the partition can be ordered by the court to uphold justice and peace.

In conclusion, communal landing is a method of ownership of land tenure in my community though there have been various cases of individual ownership. Also the family head is the one who holds the land in trustee for members of the family and cannot allocate the land carelessly except with the consent of the principal family members.

REFRENCE

Professor E. A Taiwo The Nigerian land law

Obioha [2008] change in the land tenure pattern customary land practice among the igbo community in the Western Nigeria.

An Analysis of the conceptual issues affecting land ownership/inheritance among the people of Ogbe Ahiazu Mbaise by Keke Onyiye Vivan