

- **NAME : AGORUA JOY NWABATA**
- **MATRIC NO : 16/LAW01 /019**
- **COURSE: LAND LAW II (LPB 402)**
- **ASSIGNMENT: Prepare a brief paper (not more than 3 pages, 12pt, Times New Roman, 1.5 line spacing) 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.**

- **A PAPER ON THE CUSTOMARY/TRADITIONAL LAND TENURE SYSTEM PRACTICED IN OGUTA, OGUTA LOCAL GOVERNMENT AREA OF IMO STATE.**

Land tenure is the system of landholding in a given society. 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.

To Oguta people, land is viewed as a gift from God and our ancestors. Land is life, where our food and trade stems from. Historically in Oguta, land was held communally, however, this pattern of land ownership or land tenure has given way to individually held pieces and parcels of land, or communally specific pattern of land tenure system. "Oguta" which is fondly called "Oguta-Ameshi" or "Ameshi"- by its aborigines, indigenes - is a beautiful island town, with two parts, OGUTA 1 and OGUTA 2 this division is as a result of the Oguta lake which divides the town into two parts. I hail from Oguta 1 and my part of the town is my research focus for the purpose of this paper. Oguta comprises of 27 villages.

The tenure system in traditional Oguta society is a similar to the general tenure system practiced among the Igbos; however for the purpose of this work, different tenure practices in traditional Oguta society may be seen as discussed below:



COMMUNAL LAND TENURE (OBODO)

This is land which is owned by the entire Oguta community. The communal land tenure system in traditional Oguta society existed even before the different tenure laws were enacted in Nigeria. This could be seen in the various lands dedicated for different communal use and which includes the village squares, the lake, the market, town hall and other land dedicated for farming purposes. One can gain access to community land by being

a member of the community, a stranger cannot gain access to community land. The custodian of the communal land is the **Obieze** (the traditional ruler). Communal land cannot be sold.

VILLAGE LAND TENURE

This comprises of land which emanates from the communal land. Here Ala **OBODO** (community land) has been shared/divided among the 27 villages of Oguta. Each village in Oguta has land which is peculiar to them. Each village has their own square where meetings and other activities are conducted. Village land belongs to every member of a village. Village land cannot be sold in Oguta unless all members of the village have gone extinct. The oldest man of each village (**AJIE**) is the custodian of each village land. If there is dispute over village land from someone who is not from Oguta, the Obieze (King) settles such dispute and if there is dispute between two villages over village land, the King also settles the dispute. However, if a dispute over village land is within a village (members of the same village) the oldest man in the village (**AJIE**) settles the dispute.

KINDRED/CLAN LAND TENURE

This emanates from the direct share of the village land, in a typical Oguta setting each villages have different clan/kindred (a close-knit group of interrelated families). In Oguta, every man belongs to a clan and every clan holds a precisely fixed area of land. The custodian of the clan land is the eldest man in the clan. He holds the land in trust for the entire clan. He settles disputes concerning the clan land and ensures peace and stability. In Oguta, clan land is rarely sold and if it must be sold, then each member of the clan must agree to sell it and if there is agreement to sell, the land must be sold to someone related to them for example the children of their sisters and daughters. Once there is a reason to divide the land it seizes to be clan land in Oguta.

FAMILY LAND TENURE

Family land is owned by a family in a certain prescribed manner by the head of the family which is usually the oldest member of the family (**Opara**). 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 have the right to take decision pertaining to the land, alienate, lease or dispose of land without the consent of the principal members of the family. He must seek the opinion of the principal members of the family before taking decision on land. It is

only the family that can transfer its title to any person. A sale of family land will be void if consent is not given by the custodian of the family land (**Opara**). In Oguta, a portion of land familiar to your nuclear family, still belongs to the larger community. Family land can be sold and this brings it to an end. Transfer of right is also possible either temporarily or permanently and this brings family land to an end.

INDIVIDUAL LAND.

In Oguta, before colonial rule, individuals did not own land. Transfer of land was a communal, village, kindred and family affair. Changes in land tenure system during colonial rule was as a result of adoption of colonial laws and persons could now pay to acquire title to land. Land acquired by individuals belongs to them and they can decide to either use the land (in a way which is not detrimental to the community) or transfer their right or sell such land.

CONCLUSION

As can be deduced from the explanation above, land holding in Oguta is connected and one form of land holding is a subset of another. As stated by Dr A.A AGORUA, land holding in Oguta is a system where "micro ownership is still in the context of communal ownership".

Reference

. "THE OGUTA MIDDLEMAN BY DR ALFRED ADIBERI AGORUA.

. www.google.com- Oguta