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**ASSIGNMENT TITLE: CUSTOMARY LAND TENURE SYSYTEM**

**INTRODUCTION**

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 of customary tenure derive from and are sustained by the community itself rather than the state or state law (statutory land tenure).

It is to be noted that under the Nigerian Customary Law, ownership may be held by:

1. The community
2. Family
3. The individual

There are also various ways in which an individual can prove ownership of land in Customary Land Tenure. They are:

1. Production of title documents
2. Evidence of traditional history
3. Act of ownership such as selling, leasing or farming all or part of the land extending over sufficient period of time, numerous and positive enough to warrant the inference of ownership.
4. Acts of long possession and enjoyment of land.
5. Proof of possession of connected or adjacent lands in circumstances rendering it probable that the owner of such connected land would in addition be the owner of the land in dispute.

**CUSTOMARY LAND TENURE IN KANKE LOCAL GOVERNMENT PLATEAU STATE**

Kanke local government area is situated within Plateau state, North-central geopolitical zone of Nigeria. The LGA has its headquarters in the town of Kwal and is made up of a number of towns and villages such as Garram, Kabwir, Ampang, Amper, Pai, Pal, Dambi, Lawatang, and Gugur. The estimated population of Kanke LGA is put at 208,673 inhabitants with the vast majority of the area’s dwellers being members of the Ngas tribe. The Ngas language is commonly spoken in the LGA while Christianity and Islam are the widely practiced religions in the area. The Ngolong Ngas is the paramount traditional ruler in Kanke LGA and superintends over the traditional affairs of the Area.

**CREATION OF LAND**

The customary land holding system in my local government is strictly and largely based on the native laws and customs of the Ngas people which is headed by the Ngolong. As land has been passed from generation to generation the creation of land tenure was held in accordance to the people of the community and it was said to be a communal land.

A communal land has been characterized as land belonging to a vast family of which many are dead, few are living and countless members are unborn, communal land belongs to a community, past, present and future.

In the case of **Amodu Tijani v Secretary Southern Nigeria**, the court held that land belongs to the community, village or the family, and never to the individual.

**LAND MANAGEMENT UNDER CUSTOMARY LAW**

Land management under customary law was smooth, devoid of quarrels among the family members for one thing land was abundant.

The ideology of that time tested system was socialistic and collectivistic in nature and egalitarian as a philosophy which means that:

1. Land belonged to all members of the family or community and therefore all the members were co-owners and therefore all were entitled to at least a portion, which meant that no family could be landless in any community.
2. Land belonged to the whole community and was never to be alienated for any reason. Although customary tenancy and even a pledge could be granted to a stranger, the land always remained the property of the community or family since both customary tenancy and pledges were terminable on the occurrence of determining events.
3. No family needed to labor to access it as it was seen as a gift of natural providence to all families to which each family member was entitled.

Land under customary land tenure is managed by the community head or the village head who acts as a kind of trustees for the people. He protects family land in all possible ways. The community head allocate land to members and strangers based on need.

**DETERMINATION OF COMMUNAL LAND IN KANKE LOCAL GOVRNMENT PLATEAU STATE**

A customary tenancy may be determined in any of the following ways:

1. **Abandonment** - A customary tenant is said to have abandoned the land if he vacates the land without intention of returning to it.
2. **Forfeiture -** Forfeiture is a determination of the customary tenancy by a court order upon a proven allegation on the complaint of the overload of acts of misbehaviour constituting denial of his title by the customary tenant. Acts of misbehaviour include persistent refusal to pay customary tributes’
3. **Accomplishment of Purpose -** Where the customary tenancy is granted for a specific purpose or for a period of time, the accomplishment of the purpose or the effluxion of the time terminates it.

In the case of **Asani Taiwo v Akinwumi & Ors**, the Supreme Court forfeited the right of customary tenant for their repetitive breaches of their customary tenancy through acts of unlawful alienation of portion of land, destruction of palm trees and economic trees and encroaching on parts of land outside the grant.

In conclusion it can be said that Kanke local government had quite a well organized land tenure system.