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**LEVEL: 400**

**COURSE :LAND LAW II (LPB402)**

**ASSIGNMENT: PREPARE A BRIEF PAPER ON THE CUSTOMARY LAND TENURE SYSTEM IN YOUR LOCALITY.**

**LECTURER: PROF E.A TAIWO.**

**INTRODUCTION**

 Land tenure is the relationship, customarily defined, among people, as individuals or groups, with respect to land. (land include other natural resources such as water and trees.) Land tenure are rules that define how property rights to land are to be allocated within societies. They define how access is granted, the rights to use, control, and transfer land, as well as associated responsibilities and restraints.

 Customary law as defined by Prof Mqeke, is said to be“Custom and usages traditionally observed amongst the indigenous African people and which forms part of the culture of the people ”.Customary law is basically unwritten and varies from place to place in Nigeria. Customary law in Nigeria embraces both the ethnic and tribal laws as well as Muslim law. The former is known as the native law and custom while the latter is referred to as shari’a or Islamic law. In essence customary land tenure system refers to the system of land holding governed by the customary law, since 1978 the Nigerian customary land tenure has been modified to a large extent by the provision of the Land Use Act 1978. The act provides for a new uniform land tenure system in Nigeria.

Customary land tenure practices are accepted rules of practices in particular communities in terms of the customs, customary laws and norms which guide how land is used in order to avoid friction amongst the people.

CUSTOMARY LAND TENURE IN WARRI NORTH LOCAL GOVERNMENT AREA IN DELTA STATE,(THE ITSEKIRI KINGDOM).

 The Itsekiri kingdom as it is popularly known, is placed under the Warri-North local government.

The Itsekiri people refer to their land as the“Kingdom of Warri” or “Iwere”, and the term land is called “Ale” in it’s local dialect. The indigenes of the Itsekiri Kingdom, regard the Olu of Warri as the overlord and as such is placed with power to grant ownership of land. The Olu who is in charge of land ownership also sets up a council known as the Itsekiri communal land council, which consisted of chiefs and king makers, who together with the Olu are vested with issues relating to land in the Itsekiri Kingdom.

CREATION OF LAND

 The customary land holding system in the community is strictly and largely based on the native laws and customs of the Itsekiri people. As land was passed from generation to generation the creation of land tenure was held in accordance to people of the community and it was said to be a communal land. Transfer of land was handled by the Overlord the Olu together with his council.

OWNERSHIP

A)COMMUNAL LAND TENURE

 Communal land tenure system in the Itsekiri Kingdom is the most common ownership of land. As land is communally owned and the Olu is seen as the person in charge of the land in the community on behalf of the people of the community.

 The Olu together with his council are in charge of sharing of lands to different families as well as giving land as entitlement or gifts. The Olu and his council also designate lands to be used for farming, market square and also land dedicated to the deities or gods of the community, which is not to be used for any other purpose.

B) FAMILY OWNERSHIP

This was also common to the people of Itsekiri in which after the land has been shared by the Olu to families in the community,here the land is handed over to the head of the family called “Amugidi”, land is being given to him to oversee and be in charge and he holds it in trust of other members of the family.

MANAGEMENT

Customary land is managed according to its ownership, where the land is a communal land it is managed by the Olu who is the overlord together with the Itsekiri communal land council .Where it is family land , it is managed by AMUGIDI who is the head of the family and is in-charge of sharing of land to family members and also settling of land disputes between the members of the family.

DETERMINATION OF FAMILY OR COMMUNAL LAND IN MY LOCALITY

Generally lands in a community is seen as a communal land but where the head of the community shares those lands to different families in the community it is now family Land and those not shared to families remain communal land, And proceeds from such a land is used for the benefit of the community .

CONCLUSION

 In light of the research, it could be seen that the Itsekiri people had a well organized land tenure system, as land was communal and the Olu together with the council were in charge of allocation and settlement of dispute involving land ,as well as the Amugidi, the head of the family, who handled family land.