**Name: Iwok UforoAbasi Friday**

**Matric No: 16/Law01/112**

**Course Title: Land Law II**

**Course code: LPB 402**

**Date: 23rd April,2020**

**QUESTION**; Prepare a brief paper on the customary land tenure system as practiced in your locality (state the locality, state, local government or community you are writing about). This should briefly cover the creation, ownership and determination of family or communal land in your locality.

**INTRODUCTION**

Land tenure is the system of landholding in a given society. According to Prof Mqeke, customary is defines as the custom and usages traditionally observed among the indigenous African people and which form part of their culture of those people.

It is the law that was handed down from immemorial from Ancestors and as such, it represents a collection of precedents and decisions of the by-gone chiefs. This entails the custom and usages traditionally observed among the indigenous people that form part of their culture and religion. However the term customary law is used in a blanket form and it should not be taken to indicate that there is a single uniform set of customs through out Nigeria, Nigeria is a society with diverse tribes, culture and religion.

**CUSTOMARY LAND TENURE IN ABAK LOCAL GOVERNMENT AREA IN AKWA IBOM STATE**

The people of Abak are under the Annang tribe in AKWA IBOM state, this tribe hails under Ikot ekpene senatorial district which consist of Abak, Etim Ekpo, Ika, OrukAnam, Essien Udim which falls under the Annang tribe to a large extent share similar land tenure system not just land tenure system but custom too. My research will emphasize on the land tenure in Abak local government which is my local government.

The term “LAND” is known as “ISONG” in my local dialect, like other communities before the colonial era the ownership of land is a complex matter. The people of Abak recognizes the power to grant ownership of land to the king known as “OBONG”.

1. **CREATION**

Customary land tenure system is largely based on the native laws and customs of the people of Abak before the advent of the colonial rule which brought about the land use act but before that there was an organized customary land tenure system. The creation was around the native law as of the people . The creation of land tenure was held according to the community it was seen to be a communal land that is safe to the community .

**2) OWNERSHIP OF LAND**

The Term ownership is a the state or fact of exclusive rights and control over a property which in this case is a land . This signifies the highest claim to land under the customary law , in my locality ownership can be seen as to be divided into 3 namely

• Community

• Family

• Individual

**Community Ownership**

This was a very common form of ownership among the people of Abak, this is where a land is owned by the community and the OBONG is in charge of the lands owned by the community as the head of the community. He holds in the trust for his people and the people of the community are seen as trustees to the land. This community land is always within the community geographical area, so there is no disputes with other communities. Some of these lands are shared to families by the OBONG as their entitlements as people of the community, some of these lands where seen to be sacred and they were called Ikot Akai as they were not used for any purpose they were just for deities , and burial grounds, they were not to be tempered with.

**Family Ownership**

This was also common to the people of Abak which after the land has been shared by the OBONG to various families in the community, then family ownership comes in, here the land is handed over to the head of the family called MBONG EKPUK the land is being given to him to oversee and be in charge and he holds it in trust of other members of the family. The MBONG EKPUK allocates land to various members of the family and any land issue related in the family is being brought to the head of the Family and where he is unable to settle such disputes it is then taken to OBONG.

**Individual Ownership**

This is the ownership of a land by a single person, upon death of the owner or the land is transfered according to the terms of his or her will.

This ownership was not common in Abak, this could only occur after the family head has shared the land to members of the family or have decided to sell the family land . The sharing of the land to members of the family must be on agreed terms and principles and distribution of land is mostly among the male children since it is custom that a woman cannot own a land especially when such a woman is married even the deceased wife of the family head is excluded from having a land .

**3) MANAGEMENT**

Customary land is managed according to its ownership, where the land is a communal land it is managed by the OBONG who is the head of the community and the person incharge or settling land disputes in the community. Where it is a family land , it is managed by MBONG EKPUK 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 family. And when it is and individual ownership it is being managed by the person or unless he appoints someone to do it for him.

**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 . Under customary land tenure system in Abak, allocation of part or communal land to a member of the community neither divests the community of title nor vests title to the land in the member, it can be done solely by the head of the community. In actual fact, however the community does not transfer possession as such when it allocates land to its member, rather the community maintains possession of the land through its member.

**Conclusion**

This research has made it visible that the Abak people had and organized land tenure system where land is seen to be communal and it is held in trust by the head of the community knows as OBONG and such a person is tasked to distributing land to families and when shared to families it is being put in charge to the head of the family known as MBONG EKPUK the hold trust for other members of the family and they are also tasked with sharing it to members of the family and settling land disputes among the family, and the sharing doesn't make them Owners of the land but is primogeniture and patrilineal in nature.