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INTRODUCTION

Land and its resources will ever remain at the epicenter in the development of any nation and people. The enhancement of proper management of land by government and its sustainable dialogue with the people especially in the acquisition of land call for workable land policy. Acquisition of land in Rivers State is one of the most controversial issues confronting the state administrators. Thus, previously acquired lands were not used for the interest of the common people. This paper aimed to determine land policy and sustainable land use in Rivers State, Nigeria

LAND TENURE SYSTEM IN IKWERE ETHNIC NATIONALITY

OWNERSHIP OF LAND

Land tenure deals with the customs, practices and laws governing rights, duties and relationships of people. Land belonged to the living, the unborn and the dead as well. Land was regarded as a natural endowment as rain, sunlight and the air we breathe . Land tenure systems are legal and customary relationships between individuals, groups and society concerning rights and duties in the use of land. In Rivers State and Nigeria generally, the land tenure system by virtue of the established customs and traditions of the African people vested land rights in a corporate group such as the family or community and this group had overriding rights over those of the individuals in the group. Adigun (1991) states that the traditional land tenure system grants that land rights are in alienable. Enyindah makes it more explicit when he admitted that the African land tenure system which had been developed by our forefathers or ancestors produced an unfettered internal group cohesion and peace among its citizens as ownership or access to land depended on one’s membership of the group including tribe, lineage, village, community and family. However, once the colonial administration was established in Ikwerre land, the status quo was changed. The traditional land ownership was seen as not working well enough for the demands of state government. It therefore led to the in perpetuum promulgation of various land legislations that transferred ownership of land to the colonial authorities with little or no compensations at all . In Ikwerre society, the community chief (or Nenwe eli) has control over the community land entrusted to his care for the benefit of all members of the community. Similarly, the family Head who undoubtedly could be the oldest male member of the family is invested with the sole rights to be in control of the family land for the benefit of all members of the family. For this reason, he cannot withhold land from all male persons who have been given approval to take a portion of the land. In other words, nobody was denied access to family or community land. It is argued that permanent alienation of land was strictly forbidden except for the purposes of building a residential house. In this instance male children could inherit right of use or occupation at the death of the owner or cultivator which could also be sold. Worthy of note is the fact that land tenure system in Nigeria albeit Ikwerre was established so as to meet the felt needs of members of the communities. And the needs were met through the provisions of the customary tenure system. Unfortunately the market economy of western Europe which affected African societies changed all that.

MANAGEMENT OF LAND

The management of land holding adopted a general form in Ikwere . The dominant characteristics of which is that land belongs to the group or community (clan, village, kindred, lineage, head of the group or community) holds land in trust and administers it on behalf of its members currently living, and its members yet to be born . The criteria for selection of the head could be age in which case those enjoying rights of primogeniture in their respective families are chosen or holders of respected traditional titles such as ward head . The control over and access to land were inextricably linked to socio-political relationships and land was regarded not just as a physical entity but as also having symbolic and spiritual significance as an embodiment of a link between the generations. The fundamental principle is that no male member of the lineage is without land as all adult male members of a group had rights to use the land . It was from this “Right of Avail” that all other rights either individual or common were deduced and it is observed that, non-indigenes encountered fewer obstacles in getting farm land than they did in acquiring land for settlement . The management of land is traditionally left under the control of the administrator who as the head of a community, clan or family decides and determine on land matters. Customary tenure is the cornerstone of landholding in ikwere. Accordingly, under this system, land is held by the community which is held in trust by the family, the village or the clan. Individual right to use the land is based strictly on being a member of that community, clan or family. More importantly, the title of any member of the community to land is purely of traditional legitimacy. Land which is no longer in use by an individual usually reverts to the community, clan or family as the case may be.

**DETERMINATION OF COMMUNAL LAND**

Overriding interests: when a sovereign power (e.g., a nation or community has the powers to allocate or reallocate land through expropriation, etc.)

Overlapping interests: when several parties are allocated different rights to the same parcel of land (e.g., one party may have lease rights, another may have a right of way, etc.)

Complementary interests: when different parties share the same interest in the same parcel of land (e.g., when members of a community share common rights to grazing land, etc.)

Competing interests: when different parties contest the same interests in the same parcel (e.g., when two parties independently claim rights to exclusive use of a parcel of agricultural land. Land disputes arise from competing claims.)