**Customary Land Tenure System in Amawbia, Anambra State**

**INTRODUCTION**

Land tenure system is a system of land holding in a given society. It is the law that was handed down from time immemorial from ancestors and as such it represents a collection of precedents and decisions of the by-gone chiefs.

Customary land tenure system refers to the system of land holding governed by the customary law. In this work, i will be examining the customary land tenure system in **Amawbia, Awka South Local Government Area of Anambra State** and focusing on the determination, creation and ownership of land in Amawbia community.

**Determination of Land Tenure in Traditional Amawbia Society**

In the traditional Amawbia society, a lot of factors conspired to determine the various types of

tenureship in the community;

1) **HISTORICAL ANTECEDENT**: In every Igbo society there are and there has been cases of borrowing in past. One coming up may be asking question why a family that is not from their family or clan should have a portion land close to their family or land without knowing that his fore fathers may have used the same land to borrow money from another different from their family or clan. Also there has been this history that the people of Amawbia who hailed from Ezimezi village or otherwise from (Ezi na Ifite) migrated to the current Egebengwu Nimo and they are presently a small village there, they farm there and have house. There is no way this people would have settled in such place if they have no land to reside in.

2) **RELIGIOUS/SPIRITUAL OBLIGATION/VOCATION**: In a traditional society just like Amawbia, certain lands were devoted for worship by the traditionalist and these people have chief priest and whose instance the management of the entire land is entrusted to. These chief by virtue of their position may partition or plot these land and even go to the extent of selling them. No one can question their authority hence the popular adage in the community let the gods speak for itself (Alusi kwuelu onweya).

**3)** **BIRTH RIGHT**: One by virtue of being a male member of the family is entitled to the share of the family land.

**4) CITIZENSHIP AND NATURALISATION**: One by virtue of being male born of the Amawbia community is entitled to access to family land. Also there have been cases of families who naturalised in Amawbia and they were given parcel of land to build or occupy.

**0wnership of customary land tenure Amawbia**

A. **COMMUNAL LAND TENURE (ANA OBODO):**

The communal land tenure system in traditional Amawbia 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 market and other land dedicated for farming purposes e.g. the (ANA UMUNWANYI) at Agu Amawbia etc. Recall also that the traditional Amawbia society has in the past fought wars just to increase her size of her communal land. One can gain access to community land by being a member of the community. In this type of tenure the land is owned by the entire Amobia community which can be shared among the six villages; the six villages comprise of Umueze, Ngene, Adabebe, Enuoji, Ezimezi and Umukabia hence the Ana Umueze Ana Adabebe etc in Agu Amawbia. The community land can be shared according to all male indigenes that pay the annual recurrent levy (UTU ARO) to the community for purposes of farming only.

The land is held in trust by the Okpalaigwe Amobia, the traditional ruler, he hold this land in trust for the entire community, the community land includes; Agu Amobia, etc.

B. **THE 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. 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. Land can be held partrilinearly or matrilinearly. Parilinearly deceased property is shared amongst all his sons with the oldest getting the largest share and matrilinearly, the deceased property is shared amongst his extended family, that is his next brother-though not necessarily the same mother.

In traditional Amawbia society the family land may comprise of the extended family structure and the nuclear family, this also came as a result of the sharing of the Ana Umunna. Land here is shared according to the male born with age as reference „NA NNA NA NNA‟ the male son will in turn share with their children their own portion of the land. This is their right to ownership of a freehold land (birthright).

Where any portion family or other communal land is allocated to a member of other of land-owning group for a time, the right of other members to use that portion is suspended until returns back to the family or community.

Note also that in an extended family set up, if a grandfather is involved and is a polygamous, the first son irrespective of the fact that the mother is last to be married in the family has the NGWULU to himself and the other sons (last sons) from different mothers will also have access to the OGBOLODO.

C. **INDIVIDUAL LAND TENURE**:

The individual land tenure in traditional Amawbia society is not different from already discussed types of land tenure earlier. The mode of access would follow the pattern as described in the models above. In traditional Amawbia society an individual can gain access to community land for purposes of agriculture, hosing etc. Others may be seen from this view: THE ANA ALUSI (SACRED LAND):

This category of land can be seen from the angle of that owned by the community; some land in Amobia community is still seen today as OFIA ALUSI OR ANA ALUSI. These lands are were some traditionalist/heathen offer prayers and sacrifices to their gods, it is held sacred by the priest and those members of such traditional religion, its exclusive for the members and no one is expected to encroach in such land, these lands may include; ofia alusi ngene nkolobia, ngene eme, ngene oji which is recently been occupied by St Edward Catholic church Amobia among others.