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***ANSWER TO THE ASSIGNMENT***

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

Nigeria is a society with diverse tribes, customs and cultures.Land has a spiritual value as the home of those ancestors who, more often than is realized, play an active and important part in the daily life of those still living. Instances abound in Amawbia, especially in the study area, in which some areas of land are used as sacred lands where sacrifices are occasionally made to the ancestors. Land tenure in Amawbia can be classified into community/communal or land owned by the entire Amawbia community (ANA OBODO), Village land/tenure (ANA OGBE), clan land/tenure (ANA UMUNNA),

the family land/tenure (ANA EZI NA ULO) and the individual land tenure. Outside these is also ones dedicated to the gods of the land or otherwise known as ‘OFIA ALUSI’’ or ‘ANI ALUSI‟.

An Analysis of Igbo Traditional Land Tenure System

Public land tenure is known to the community but does not have much impact on the way the land is being used

or utilised.

Tenure systems under customary law vary but, in principle, are restricted to usufruct rights. These may or may not be alienable,generally, or saleable, in particular. They may be perpetual or for certain periods only, or they may be solely for the lifetime of the holder (Poguchi, 1962). Although title to land is generally unrecorded, family and individual rights are usually well known and accepted within the community (Fabiyi

and Adegboye, 1977). Under the Nigerian customary land tenure system, there are different kinds of rights to

land, including the rights of the individual, the rights of the group and the rights of a sovereign nature .

According to Igbo‟s, the belief and tradition, ala (land) is a gift from God (Chukwu) and from ancestors has not left them. Ala (earth) is valued as a source of livelihood. Even though land

ownership has been men‟s domain.

For the Igbo the mother earth is (LAND) ala, the greatest deity after Chukwu, the heavenly creator

While land is the birth right of every Igbo male, it has a communal dimension whereby all members of the

community are expected to share its resources, especially in rural areas, under some form of traditional authority.

Amawbia community is one of the communities in Awka South L.G.A surrounded by Awka, Nise,

Nibo Enugu-agidi etc, the community serves as the seat of the government even before the elevation of Awka as

the state capital. It comprises of six villages and accommodates various institutions of government, such as the

governor lodge, local government headquarters, state police headquarters, the Nigerian Prison etc.

In traditional Amawbia society some reasons has been identified which leads to the demand for land

for various purposes which indirectly affects the tenures system and they includes: housing, farming, recreation, worship etc.

Housing: as population continues to grow, people must have to look for space where to build and take care of their family, the provision of shelter is necessary.

Farming: traditionally in the past the Amawbia community was noted for peasant farming which helps them to take care of their families. Recreation: in this area, the various village squares serves as recreation for the members of the community and even the OFIA ALUSI serves as recreation point for the masquerades during the EGBE ALUSI festivals. Worship: Christians and traditionalist alike must have a place of worship.

historically in Amawbia community is one of the communities in Awka South L.G.A surrounded by Awka, Nise, Nibo Enugu-agidi etc, the community serves as the seat of the government even before the elevation of Awka as the state capital. It comprises of six villages and accommodates various institutions of government, such as the governor lodge, local government headquarters, state police headquarters, the Nigerian Prison etc. the traditional Amawbia society, a lot of factors conspired to determine the various types of tenureship in the community. Just as seen in table above the factors identified were largely agreed by the respondents as the factors that conspired to determine land tenure system, they are discussed below: 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. 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). One by virtue of being a male member of the family is entitled to the share of the

family land. The government may decide to acquire land for overriding public interest. Also the community may decide to go for war just to increase their farm land e.g. the present ngene nkolobia land which the chief priest has almost finished selling the major part of the land was acquired through communal war. Also in the past there has been a war between Amawbia community and Awka over the Agbovu land and the persistent struggle over who owns the old local government station. 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. In Amawbia land was held communally, however, this pattern of land ownership or land tenure has given way to individually held pieces and parcels of land, or communally specific pattern of land tenure system.

The tenure system in traditional Amawbia society is a peculiar one; however for the purpose of this work, different tenure practices in traditional Amawbia society may be seen as discussed below: 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. Communal land practices here is not distinct from the practices or features already discussed generally above on the types of land tenure systems. And note that there’s also the village land tenure (Ana Ogbe).