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**LEVEL:400 LEVEL**

**COURSE TITLE: LAND LAW**

**COURSE CODE: LAND LAW II (LPB 402)**

**ASSIGNMENT: Prepare a brief paper (not more than 3 pages, 12pt, Times New Roman, 1.5-line spacing) on the customary land tenure system as practised in your locality (state the locality, state, local government or community you are writing about). This should briefly cover the creation, ownership, management and determination of family or communal land in your locality. Note that the examiner expects you to write based on your research or knowledge acquired with respect to customary land tenure in your locality.**

The work presented by the writer entails the locality of the writer and the customary land tenure system practiced in the said locality.

The area covered in this work is **Ika North East Local Government, Delta state**

**Community: Idimu Abiru**

Land tenure system in Nigeria denotes a way in which a party occupies an area of land. The society formed the rules that regulate land tenure in order to control land ownership in the country. The Land Tenure system can be referred to as sets of rules, duties, rights, and privileges of persons in matters concerning the land. It is also a relationship among communities, people, family and individuals in respect to land. It deciphers who can use the resources, for how long and under what conditions.

The Customary land tenure system practiced is communal (Idimu *aburu)* which is land owned by the entire community and individual land tenure system (*Alionye ohu)* which refers to land owned by individuals.

The writer would like to state that before in the olden days, land was owned and governed by the community, village and families and it was never owned by individuals. However, rules were later established that ownership of lands were vested on the Chairman of Ika North East Local Government Area who then allocated powers to communities. Individuals as well had access to lands through inheritance and sales.

As has been stated above, *Idimu Abiru* is a community from the Ika North East Local Government Area. This community is inhabited by Ika speaking people. The Communal land tenure is based on the equal rights of joint ownership of land by every member of the community, with the head given the responsibility to act on behalf of others as the custodian of the land.

The *Idimu abiru* community is headed by the *Ovia,* the head of the community. He possesses the main power over the land and is held as a trustee and cannot alienate or deal with the land as his own property. He has no beneficial right over the land.

The community lands acquired are mostly used for community projects. Most of these projects include *Ulo ekwukwo* which represents school for the younger children in the community, *Ulo uka* which represents the community church for the members of the community who don’t believe in tradition. We also have *Ali wenieguegu* which is playground for the children as well. It is located in the community school where the children go to play at their leisure times and listen to stories of our ancestors (*Ndi nedi nedi)*.

According to the belief and tradition of the community, a certain land area must be kept sacred which is described as *Ihu ali*. This land belongs to the deities and gods of the land referred to as (*Nkata*) and (*Ufere aja*). All sacrifices and prayers are made on this sacred ground (*Ihu ali).*

Furthermore, in *Idimu abiru,* the community own a burial ground referred to as (I*kpekpe*)which is cemetery for young people and adults on request where they do not have a family land to be buried in. The deceased older people in the community especially the males are buried in their family homes. That is, houses built by the deceased and where he lived before death.

**Individual Ownership of land**

In this section, the writer would like to inform that there are two ways of acquiring land in Ika-North East Local Government.

An individual can acquire land either through

* Inheritance
* Personal purchase

**Inheritance system**

Lands are inherited from our ancestors which are called (*Ndi nedi nedi*) and passed to the younger generations especially to the first male child of the family. When the head of the family dies, the family house (*Aliebon) is* automatically inherited by the first son *(Nwa okenya ibuzo)* in which the head of the family is buried in. The remaining properties is being shared amongst the other children in the family and the relatives. The first son is also entitled to his own part of the property shared amongst his siblings.

Another way of acquiring land as stated above by an individual is through personal purchase. This is where transaction in land is being held. An individual acquires land through the sale of that land. Where the individual is not of age to purchase a land and build on it, he or she cannot have access to the land until the age of 18. The responsibility of taking care of the land is conferred on a caretaker who will administer to the land until the individual is of rightful age.

In some areas, the individual may acquire permanent but only occupational rights. In such cases, the communities hold rights to reversion which is exercisable upon abandonment.

In summary, as can be deduced in this work, the land tenure system is in two fold in Ika North East Local Government. Land is owned by community and not the head. He is not the sole owner and cannot claim beneficial rights over the land. He only represents the community as a whole. Where he leases the community’s land to business concern then he should be able to account to the native treasury to their people. The argument that the chief is the embodiment of the political society itself, and that he is entitled to any income or benefit coming to the society should be null and void. It is true that the Ovia is vested with authority over the land, but is on the understanding that because of his superiority and customary position in which he is held, he is in the better position to administer the land for the benefit of all. Land ownership should not require additional payments from the community.

For individuals through inheritance, the property should not be willed to only the first son of the family but shared equally amongst the other children of the family with women included as beneficiaries. It should not be a reason for dispute of the beneficiaries.