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**ABSTRACT.**

The aim of this research work, is to give a vivid picture on the customary land tenure system as practiced in Isua Akoko, and also explain the creation, management and determination of family or communal land in Isua Akoko.

**INTRODUCTION.**

Rules of tenuredefine how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land as well as associated responsibilities and restraints.

Denis Obbo, the spokesperson at the Ministry of Lands, Housing and Urban Development, says there are four types of land tenure clearly spelt out in the the constitution of Uganda. These include mailo land tenure, freehold tenure , leasehold tenure and customary tenure .

Land tenure system helps a cultivator to establish rights of ownership of land by farmers. This would help the farmers to establish a link between the cultivators is the government. Land tenure system makes the ownership of land more secure and permanent, which is very much important for the development of agriculture.

Customary land is land which is owned by indigenous communities and administered in accordance with their customs, as opposed to statutory tenure usually introduced during the colonial periods. Common ownership  is one form of customary land ownership .

Since the late 20th century, statutory recognition and protection of indigenous and community land rights continues to be a major challenge. The gap between formally recognized and customarily held and managed land is a significant source of underdevelopment, conflict, and environmental degradation

Customary land tenure is as much a social system as a legal code and from the former obtains its enormous resilience, continuity, and flexibility. Of critical importance to modern customary landholders is how far national law supports the land rights it delivers and the norms operated to sustain these.

**STUDY AREA**

Major ethnic group in southwest Nigeria are the Yoruba. Generally, indigenous tenure in the southwest allows for various rights of individuals and groups to exist simultaneously on the same piece of land. One individual may have cultivating rights, another may have grazing rights, and still another may have rights pertaining to tree crops, hunting, or gathering. Communal tenure does not exist in southwest Nigeria.. Today all land in southwest Nigeria is claimed by individuals, families, or lineages. Rights in land among the Yoruba may be vested in social groups defined in political, residential, or kinship terms , or a combination of these. The rights that the individual holds will· depend on the method of access as well as on his or her status in the household.  In southern Nigeria in both the colonial period and since independence there was little interference from the government or ruling power in traditional land tenure systems. Thus, the Land Use Decree had no legislative precedent (Francis 2008; Williams 1992).

In the southern states, a dual system with customary land tenure and land tenure under the received English law (sometimes called statutory land tenure system) was enacted (Ebeku 2001). The traditional tenure system was “common ownership” which

was either within the family or community (Famoriyo 1984).The traditional land tenure system in South-western part of Nigeria is distinguished in the application of the Land Governance Assessment framework, Adeniyi (2011: 35) as;

 1.Private Landholding

 2.Family landholding

 3.Customary landholding

 4.Public Landholding

 Communal Landholding :It is important to note that rights to urban lands can be secured through a Certificate of Occupancy issued by the governor and registered under the formal Register of Deeds kept in the ministry in charge of land and housing. For rural lands, local governments can issue a Customary Certificate of Occupancy.In Amodu Tijani v Secretary Southern Nigerian,[[12]](" \l "_ftn13" \o ") the court held that land belongs to the community, village or the family, and never to the individual.

Akoko South-East is a [Local Government Area](/wiki/Local_Government_Areas_of_Nigeria" \o "Local Government Areas of Nigeria) in [Ondo State](/wiki/Ondo_State" \o "Ondo State), [Nigeria](/wiki/Nigeria" \o "Nigeria). Its headquarters are in the town of Isua (Akoko).isua have it origin been tranced back to the ancient Benin empire in which migrated from, isua is been divided into seven quarters in which those that use to been crown as king come from odovia which means the royal family.isua is divided into two major types called isua oke and isua ile but the king reside in isua oke.

However, according to Llyod (1962) he gave a remark of ondo land tenure that "while land has little scarcity or commercial value it will be described as communal: but as soon as it becomes valuable the descent groups currently using it will begin to claim amount to full ownership. That is, the land is vested in the community, as it is noted that the community is a political and social concept and as such it cannot act on its own, it can only act through some human agents such as the headman, chief or traditional rulers of the community who exercises the control and management of the communal land on behalf of the community.

**CONCLUSION**

A communal land tenure system ordains the community head as the governing power of the land. Although the land jointly belongs to the community, the head of the community takes the decision of how the land is distributed. This land tenure system is typically used for large scale farming. On the flip side, the land cannot be used as collateral to obtain a loan. And rules are made concerning the land. The king owns the power over land in isua Akoko nobody else does anything on a land without the kings permission.

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