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Land Law

Introduction

The author of this work is writing of Jos North Local Government Area, Plateau state, of where she resides. The purpose of this work is to digress as briefly as possible the customary land tenure system practiced in this locality.

# A Paper on the Customary Land Tenure System as practiced in Jos North Local Government Area, Plateau State

# Land tenure in northern Nigeria

In Nigeria, there are different levels of land—holding, some of which co—exist: there is the Government level, the com- munity level, the family level and the individual level. Land— holding varies to some extent from one ethnic group to another. In such ethnic groups as Birom and Irigwe in Plateau State, and Gwari, Pategi, Lafiagi and Isaragi in Kwara State, village communities ‘own’ land. The claims of original ownership by communities are based on the early settlement of groups of related families in a given area. Encroachment on another community’s land-holding results in disputes. In the village community, authority over land rests with the village head and his council of elders, or with the elders where no chief is recognized. In much of traditional Nigerian society, individual male members of the community, together with their immediate family, are allocated temporary usufructuary rights over land by the village head and/or the elders.[[1]](#endnote-0)

Land held according to traditional practice may change hands in different ways, such as pledge, loan, exchange or sale. Private land ownership is becoming very important nowadays.

The research study revealed four patterns of the land tenure systems in Plateau state namely

1. The Traditional Inheritance Tenure System
2. The Gift Tenure System
3. The purchase Tenure System and;
4. Hired Land Tenure System[[2]](#endnote-1)

Land held according to traditional practice may change hands in different ways, such as pledge, loan, exchange or sale. Private land ownership is becoming very important nowadays.

Thus, while community land-holding is still strong in some areas, it has been curtailed in others. This is all the more so with increased population pressure on land, which enhances the importance of private tenure and decreases the importance of community rights.

# History of Land Tenure in Jos North

When the British occupied the Fulani Empire, it removed absolute land ownership from the Sultan and abolished all fief holdings and slave villages. To further maintain a firm grip on land, the British proclaimed the land and native right law No. 9 of 1910.2 this law made all land in northern Nigeria property of the Government which had to give consent before granting a right to occupy and use land. The Government, however, gave respect to the native law (Sharia) and to the customary laws existing in the local areas.

After independence in 1960, the 1910 law was replaced with a system of land tenure which re-emphasized that all lands in the Northern State were native lands except those lands exempted under section 48 and 49 of the 1962 law.

Under this law, rights of occupation and use of land were divided into ‘statutory and ‘customary’ rights. Statutory rights consisted of a grant of land for a specified number of years, while a customary right of occupancy was a right vested in an individual member or members of a community occupying and using lands in accordance with native law (Sharia) and custom. This meant that the rights held under native laws and custom were expected to be of an indefinite duration. For strangers, the land was not to exceed 1,200 acres of land for agricultural purposes or 12,500 acres for grazing. To order to validate these grants, the Minister was to issue a Certificate of Occupancy to the lawful occupier of land.

In 1978, the Military Government passed the land use decree giving the State and Local Governments alone the authority to assign and lease ‘undeveloped land. The decree also established the extent of land—holding for agricultural and grazing purposes: this is indicated in article 6(2)~, which states that no single customary right of occupancy shall he granted in respect of an area of land in excess of 500 hectares if granted for agricultural purposes, or 5,000 hectares if granted for grazing purposes.

All the foregoing have been combined to create the system by which the creation, management and ownership of land tenure is operated in this locality.

1. Overseas Development Institute, Pastoral Development Network [↑](#endnote-ref-0)
2. Land Tenure Systems and Farmers Efficiency and Profitability Analysis; a case from Plateau State

References

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  [↑](#endnote-ref-1)