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ABSTRACT

The aim of this paper is to critically analyse the land tenure system at the grass root level of the Nigerian society, using my local government to give a detailed example of its antique nature and also its structural integrity. This is documented with the knowledge of the federation holding vast ethnic and religious groups nation-wide and also keeping in mind that they have their various laws guiding the land tenure system respectively.

INTRODUCTION

The term customary law by definition of a layman could be discerned as traditional rules principles, doctrines in respect to one's community or place of origin ,the nature of this lay definition is not far off from the topic of discussion in this medium. According to Black's law dictionary customary law is an established pattern of behavior that can be objectively verified within a particular social setting. However for the benefit of Nigerian Customary land tenure system; they are the accepted rules of practice in particular communities in terms of the customs, customary laws and norms which guide how land is used that avoid friction among the people. The community in this study which is also a point of interest is the south-eastern region of Nigeria where land is primarily used for farming, traditional purposes, family symbol, a sign of prestige, amongst so many other reasons ,the importance of land to the average Igbo man cannot be overly emphasized as its significance is paramount to both the individual and the family as a whole. It is the law that was handed down from immemorial from Ancestors and as such, it represents a collection of precedents and decisions of the by-gone chiefs. This entails the custom and usages traditionally observed among the indigenous people that form part of their culture and religion . However the term customary law is used in a blanket form and it should not be taken to indicate that there is a single uniform set of customs throughout Nigeria,

OWNERSHIP OF LAND IN MY LOCALITY

Land tenure system amongst the people of Nibo-ezeoye, Awka south of Anambra can be broadly categorized into three

- 1 Ezeoye-Nibo communal land tenure system (ANA OBODO)
- 2 Ezeoye Nibo village land tenure system (ANA OGBE)
- 3 Clan land tenure system (ANA UMUNNA)
- 4 Ezeoye Nibo family land tenure system (ANA EZI NA ULO)
- 5 Individual land tenure system.

COMMUNAL LAND TENURE SYSTEM

This land tenure system existed prior to the advent of colonial rule and even before the establishment of a standardized land tenure system in the country. This communal lands, traditionally referred to **ANA UMUNWANYI** and generally used for communal benefit i.e. benefit of all, they include market, village squares amongst other purposes. It has also been observed historically that disputes have ensued in the past in relation to the acquisition of communal land amongst neighboring villages.

FAMILY LAND TENURE SYSTEM

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 of the members of the family. Land here is shared according to the sex of the children with importance placed on the male child; NA NNA NA NNA the male son would in turn share to their children their own portion of the land this is their right.

INDIVIDUAL LAND TENURE SYSTEM

In traditional Nibo society, an individual can gain access to community land for purposes of agriculture, housing etc. Others may be seen from this angle; **ANA ALUSI** which is the scared land of the community this scared land can be seen from the angle of that owned in the community, some land in Nnewi community can be seen as OFIA ALUSI or ANA ALUSI.

TRANSFER OF OWNERSHIP IN THE LAND TENURE SYSTEM

In traditional Igbo society where a man is survived by his male born sons his estate is inherited by his eldest son THE NGWULU belongs to his eldest son other lands is divided according to the number of wives in the deceased household. If he is polygamous, in accordance with the number of children born by the individual wives

- A) ANA IRU EZI : this is an elder sons birth right to an extra piece of land which is quite distinct from the apportioned land ,this privilege is not extended to other sons whether extended or from nuclear family
- B) NGWULU this explains the fact that the eldest son DI OKPALA has the exclusive right to some of the main compound the father left behind he will continue to accommodate others till they acquire their own estates
- C) OGBOLODO /MKPUKE In the demise of the wife of a man, this apportioned part of the house is for the eldest son of the deceased wife or the wife who takes over.

DETERMINATION OF FAMILY LAND;ABSOLUTE PARTITION : In Nibo ezeoye the transfer of family property land or interest to another person outside of the family either by sale or gift is called AGBA AGBA-ASA SA meaning the receiver must give a male goat to the giver and eat it together for peace this is called EWU ANA.

- B) PARTITION :When a man dies the children would share his wealth in the following ratio if alive, the mother gets 30percent, the first son gets 40percent while the other children share the remaining 30percent. The first daughter is entitled to a plot or more of land. However, some areas in Igbo land make this a bone of contention.

MANAGEMENT OF COMMUNAL LAND TENURE SYSTEM

The management of Land of the people of NIBO ezeoye is managed by the Umunna who have procession of these lands. The direct responsibility of management of land is vested upon the kindred \lineage in case of any dispute resulting from the acquisition of this land.

CONCLUSION

In light of the above ,land tenure is the system of landholdings in a given society. It constitutes of laws handed down from our fore fathers and as such represent a collection of history and decisions of elders. It requires customs and tradition of people and has become an integral part of their beliefs and religion. In light of the above ,the author has been able to establish the methods of land ownership management of land tenures and management at the grass root level.

