***NAME: EKWEGBALU STEPHANIE CHINENYE***

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***BRIEF SUMMARY OF THE CUSTOMARY LAND TENURE SYSTEM OF NNEWI, ANAMBRA STATE.***

***Introduction.***

Before shedding light on the customary land tenure system of my locality, Nnewi in Nnewi North Local Government, Anambra, it is trite to define the phrase “Land Tenure”.

Land Tenure can be defined as the manner in which a party or group of people occupy or hold land.[[1]](#footnote-1) It is the process of holding land in any society or community.[[2]](#footnote-2)

My work will encompass the creation, ownership, management and determination of family land in my locality.

***Ownership of land in Nnewi.***

In Nnewi, most especially, Nnewi North Local Government, there are four main divisions of ownership of land;[[3]](#footnote-3)

* Ana Onwe (Personal land acquired by the holder using personal funds).
* Ana Obi (Land inherited by the holder from his father).
* Ana Oha (Communal land co-owned by members of an extended family or community.
* Ana Ibe (Land used as collateral securing a loan).

1. In relation to Ana Onwe, the owner of the land is at liberty to sell the land without having a go ahead from family members because the land is not co-owned. Any person who has quite a large amount of lands is referred to as the “***Ezeani***” of Nnewi.
2. Under Ana Obi, a father shares his land amongst his children. The first son does not necessarily have to acquire the largest share because size depends on affection and not on age. If the first son is disinherited by the father, any other male child can acquire the land including the “***Obi***”. The umunna must be notified if such action is taken.

An outcast “***efulefu***” is given a land in the middle of his brothers so it would be difficult for him to dispose the land.

1. Any land which falls under Ana Oha is held in trust for members of the extended family or community by the Obi, Head of the Clan or Council of Elders. The co-owned land is divided into portions amongst the owners for farming and other agricultural activities.
2. In relation to Ana Ibe, land can be used as collateral to secure a loan. People borrow for many different reasons e.g. to marry, to start trade, etc. The lender has the power to acquire the land if the borrower fails to re-pay the loan. The land can easily be redeemable by the children of the borrower only if the money lent to their father was not used to marry their mother.

***Family land in Nnewi.***

1. ***Creation of family land in Nnewi.***

Family land in Nnewi can be created in a situation where a person who owns land dies without having made a will. Such land is transferred, by operation of law, to his surviving children or other family members.

In addition, family land can also be created under a will by the owner of the land.[[4]](#footnote-4) Also, family land can be created by way of first settlement, gift, purchase or conquest.[[5]](#footnote-5)

Furthermore, when a family enters a land that has not been possessed for a very long time, it can be said that such land becomes a family land. This is because no claim has been laid to it for a long period of time. Such a family becomes owners based on the doctrine of adverse possession.

1. ***Management of Family land in Nnewi.***

The family land is under the management of the head of the family who is called the “***Onye isi ezinaulo***” or “***Diokpala***”. He has several duties, some of which are; preserving the land for the members of the family, protecting the land against external interference, allocating parts of the land to the family members, etc. The Onye isi ezinaulo cannot sell the land without first consulting the members of the family and this is so because the land is not his personal land. In addition, no member of the family can sell the land without consulting other key members of the family.

It is important to state that the *diokpala/onye isi ezinaulo* need not be the first son because the father is at liberty to disinherit the first son.

1. ***Determination of ownership of family land in Nnewi.***

Ownership of Family land can be determined by sale of the land after a consensual agreement between the family head and principal members of the family and gifting of the land to another person or family with the knowledge and acceptance of the family head and principal members of the family. If land is sold or severed without the consent of the principal heads, such a transaction will be *void ab initio[[6]](#footnote-6)* and such person will be cautioned.

Also, family ownership of land can be terminated by partition. Once land is partitioned, it cannot be accessed by members of the family anymore. The severed part is exclusively for whoever acquired it and it cannot be interfered with by the family members.[[7]](#footnote-7)

***Conclusion.***

The family land tenure system is the most common land tenure system practiced in Nnewi. As a result of development, the individual land tenure system has gained increasing popularity amongst the Nnewi people. However, the family system still holds a very strong ground amongst us. The communal land tenure system is hardly ever practiced.

1. https://www.legit.ng/1157833-5-types-land-tenure-system-nigeria.html [↑](#footnote-ref-1)
2. Adewale, T., The Nigerian Land Law, Revised ed. (Princeton & Associates Publishing Co. Ltd) 2016 [↑](#footnote-ref-2)
3. https://m.facebook.com/nnewipeople/posts/217469538606761 [↑](#footnote-ref-3)
4. Sogbesan v. Adebiyi (1941) 16 NLR 26 [↑](#footnote-ref-4)
5. Nelson v. Nelson (1951)13 WACA 248; Ashafa v. Awawu 11 NLR 39. [↑](#footnote-ref-5)
6. Ekpendu v. Erika (1959) 4 FSC 79 [↑](#footnote-ref-6)
7. Nwabueze, B. O., Nigerian Land Law, (Nwamife Publishers Ltd, 1972) 28 [↑](#footnote-ref-7)