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**MATRIC NO: 16/LAW01/203**

**COURSE TITLE: LAND LAW II**

**COURSE CODE: LPB 402**

**ASIGNMENT TITLE: CUSTOMARY LAND TENURE SYSTEM**

**Question**

Prepare a brief paper on the customary land tenure system as practiced in your locality. This should briefly cover the creation, ownership, management and determination of the family or communal land in your locality.

**Abstract**

Land to the Igbos of Southern Nigeria is a property that has both religious, economic and political meaning. This held weight until the Land Use Act of 1978 came about and brought about reformation and changes. Unlike other tribes and ethnic groups in Nigeria, the Igbo society held land in families and occasionally by the community, that is communal land. Although the Land Use Act provides for a new uniform land tenure system, some practices still remain intact till date, which includes the ownership of land, inheritance etc.

**Introduction**Land simply put means the solid portion of the surface of the earth. Land tenure is the system of landholding in a given society[[1]](#footnote-1). According to Prof Mqeke, Customary law is defined as the “customs and usages traditionally observed among the indigenous African peoples and which form part of the culture of those peoples”[[2]](#footnote-2)

In *Owonyin v Omotosho[[3]](#footnote-3),* customary law was described as a “mirror of accepted usage” and common law of Nigerian people.

Customary land tenure system refers to the system of land holding governed by the customary law. Since 1978, the Nigerian customary land tenure has been modified to a large extent, by the provisions of the Land Use Act, 1978. The Act provides for a new uniform land tenure system in Nigeria. In *Otunba Hakeem Sobande v. Barrister Andy Igbowkwe[[4]](#footnote-4),* the Supreme Court held that the object of the Land Use Act is not intended to destroy incidence of customary law, but it modified its application.

**Owenership of Land in Umuzu Eziduo, Imo State**.

Land in Umuzu Eziduo, Imo State can be held by the community; family and the individuals. Among the three methods of land ownership, individual ownership of land is the most common among the indigenes of Umuzu Eziduo, in Imo state. Indigenes which are mostly men are the only people who have right to own land or have ownership of a land and he can decide to pass that land to his male children upon his demise.

In Igbo lands cutting across the Eastern parts of Nigeria, female children and women in general have no ownership of land, only men have the capacity to own and hold. In Umuzu Eziduo, a widow unlike other parts of the state, have every right to inherit the property of her late husband.

**Creation of Land in** **Umuzu Eziduo, Imo State**

Creation of land in this part of Imo State includes the following forms: i) where the land owner whose land is governed by customary law dies inestaste, such land devolves on his heirs, ii) where a land owner before his demise gives his land to his male sons.

**Management of** **Land in** **Umuzu Eziduo, Imo State**

The individual who is the owner; which is usually a male heir to the land, takes charge of the management and control of the land. He has the onus to preserve the property from any unlawful interference and to keep it in a good state of repair etc.

From the foregoing, it is quite clear that both creation, ownership, management and determination of land in Umuzu Eziduo, Imo state resolves around the male child with little or no regard to the Land Use Act of 1978.

1. See Prof. E.A. Tawio Nigerian Land Law [↑](#footnote-ref-1)
2. See Mqeke RB *Customary Law and the New Milennium* [↑](#footnote-ref-2)
3. (1961) AII NLR 304 [↑](#footnote-ref-3)
4. (2016) 11 NWLR (pt 1523)335 at 355 [↑](#footnote-ref-4)