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Matric no: 16/law01/076

ABSTRACT

Land is a very significant property and is one thing that man could not do without. It is the major determinant factor for the existence of man, plants and animals. For instance, Simpson (1976) said that Land is the source of all materials wealth, from it we get everything that we use or value, whether it be food, clothing, fuel, shelter, metal or precious stones. We live on the land and from the land, and to the land our bodies or ashes are committed when we die.

Land tenure is the system of landholding in a given society. In *Owonyin v Omotosho*, customary law was described as a mirror of accepted usage and common law of Nigerian people. However, it should be noted that the term customary law is used in a blanket form and should not be taken to indicate that there is a single uniform set of customs throughout Nigeria. Also, Nigeria is a country with diverse tribes, customs and culture.

This paper covers the creation,

ownership, management and determination of family land in my locality as well as the land tenure system practiced.

Family can be defined as the body of persons who live in one house or under one head, including parents, children, servants by virtue of the case of *Okulade v Awosanya*.

I am an indigene of Ebonyi state, Izzi, Ebonyi local government area, Ishieke town.

IZZI LAND TENURE SYSTEM **CREATION OF FAMILY LAND**

Family land was a land held in common by members of the family and their heirs through inheritance. In Izzi land, family property may arise by deforestation, by communal allocation of land, by purchase or by gift.

1. **By Deforestation***[isu ohia]*: This is when a particular individual becomes the first to do something on a virgin land. For instance, the first to farm or cultivate. It should be noted that the land is called virgin land because nothing has been done on the land before and it belongs to no one.

There was a believe back in the days that evil spirits lived in the forest therefore whoever was brave enough to clear the land, farm or cultivate on it without being harmed, automatically became the owner of the land. However, it should be noted that deforestation is no longer a legitimate mode of acquiring land in this modern time

- 2. By communal allocation of land:** In Izzi land, this is when a particular family requests that a particular land be allocated to them. It should be noted that upon request, the custodian head of communal land known as the ISHIUKE in Izzi land would asked them to carry out certain requirements. For instance they can be asked to bring s cow or maybe to cook food e.t.c. After which, the ISHIOKORO[errand boy to the ISHIUKE] would carry s land survey on the land to be allocated to the family. Finally, the ISHIUKE will go ahead to perform the necessary rights on the land

which legally confers the land to the family for eternity.

OWNERSHIP/MANAGEMENT OF FAMILY LAND

In Izzi, family land is owned by the family members but it is held in trust by the first male born known as the "OKPARA". However this excluded women. In Izzi, women could not acquire land even when they are part of the family. This is because if they do, the family would lose its land to another family when they marry. But, this rule has been altered by the Supreme Court of Justice which now allows women to own land, sell it or even allocate without involving a man.

Land could not be given out except with the consent of the OKPARA. It is also the responsibility of the OKPARA to keep the family land in good form. Also, family land could be rented out to strangers, all they had to do was to reach an agreement with members of the family duly represented by the eldest person known as the OKPARA.

DETERMINATION OF FAMILY PROPERTY IN IZZI CAN BE

DONE BY ALIENATION OF LAND OR BY PARTITION.

1. **BY ALIENATION:** This occurs when the family transfers the totality of its interest in the family to another person. It can be by sale or gift. It should be noted that such transfer can only be valid when the OKPARA that is the family head and principle members of the family are involved
2. **BY PARTITION:** This is the act of sharing the land among individual members of the family. It should be noted that the individuals do not have the right to allocate the land to a stranger.