

The Female Right Of Succession Under The Igbo Customary Law: A Critique

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ABSTRACT

Most Customary Laws in Nigeria, most especially, the Igbo Customary Law, deny females the right of succession to their father's or husband's property. One of the reasons for such cultural practice is the male preference syndrome. This disparity against the female gender in the right of inheritance has been described as a violation of human right. Any form of society discrimination on grounds of sex, apart from been unconditional, is antithesis to a society built on the tenet of democracy. The writers call for urgent need to jettison this obnoxious cultural practice which does no longer has bearing in this 21st century.

Keywords: Female, Igbo Customary Law, succession Right, Critique.

INTRODUCTION

No human has the power to determine his/her sex as we all came to this world by divine providence. Thus, there ought not to be discrimination on the ground of gender disparity. Both men and women are entitled to equal footing to the full protection of their right and freedom because they are human being¹. This however has not been upheld in the social milieu of our contemporary society. Globally, women or the female child have experienced various forms of abuses and discrimination. In Nigeria, women are confronted daily with challenges arising from the pervading influence of poverty, illiteracy and ignorance. This discrimination and abuse have been present in our society from the beginning of mankind. In fact the plight of the Nigeria woman start from the day she is born. This is because the average Nigerian father prefers the male to the female child. The African culture and tradition offers no help at all in this direction as the female child is discriminated against in all state of life.

In virtually all communities and sphere of human activities women are subjected to inequalities and abuses.

There remain in existence a number of Laws and practices that are predisposed in favour of the male and actively encouraged gender disparity in Nigeria. In most customary Laws of succession in Nigeria, female whether as children or wives are excluded from inheriting their father's or husband's property.

Generally, except made under the wills Act, a customary law wife does not inherit the husband's estate. She is regarded as a chattel to be inherited by a relation of her late husband².

The focus of this paper is to examine the intestate right of succession of the female under the Igbo Customary Law of Nigeria. The subsequent parts of this paper are broken down as follows.

- i. The concept of Right
- ii. The meaning of succession
- iii. The meaning of family and marriage vis-a-vis female inheritance.
- iv. The Laws that are put in place both nationally and internationally to protect the female child.
- v. Factors militating against the rights of female child.
- vi. Intestate succession right of Nigeria female.

¹ Okagbue I. Women's Right are human Right: Lagos Nigerian Institute of Advanced Legal Studies.

² Ugboma v Ibeneme (1967) F.N.L.R 257

We hope that in the end we will proffer some suggestions that will enhance the right of female to inherit properties without prohibitions, thereby contributing to knowledge in some ways.

The Concept of Right

Rights evolve the things one is morally, legally or officially allowed to have as a result of being human. They are commonly understood as inalienable fundamental right to which a person is entitled to simply because he is a human being. According to wikipedia³, human rights are moral principles that set out certain standard of human behavior and are regularly protected as legal rights in National and international law.

They are rights and privilege every human or citizen enjoys. They are also the fundamental character of any true democratic setting because, the essence of democracy itself is based on the idea of human right. According to Augie⁴ in her article, explained that the concept of human right is as old as human society and was evolved to a large extent as an instrument of revolt against tyrannical government. She noted that since the adoption of the Universal Declaration of Human Right in 1948, there has been a continuing concern of the protection of certain basic right, which a man is entitled to enjoy by the mere fact that he is human being.

The Meaning of Succession

Succession is often used interchangeably with inheritance. Succession means transmission of all rights, duties, powers and privileges from a deceased to his heirs or heirs in accordance with his Personal Law. According to Black Law Dictionary⁵ succession is the acquisition of right in property by inheritance under the law of descent and distribution. Thus succession is the acquisition or mode of acquiring a deceased property rights, duties and obligations. Succession may be testate or intestate. Testate succession involve where there is a will whilst intestate succession is where there is no will or where the will is defective.

Succession under the customary law is largely intestate. A successor under the Customary Law assumes the duties of the deceased's dependent. In this way, Customary Law of succession ensures that a deceased's duties and obligations survive him. Thus a successor is liable to pay the debts owed by deceased even if the estate is insufficient for discharging the debt.

The Meaning of Family and Marriage vis-a-vis female inheritance

The inheriting child whether male or female effectively step into the shoes of the deceased whose possessions, rights, and duties all transferred to the heir. further, heirs were determined by their relationship to the deceased through family lineage. Thus, intrinsic to the right of female child to inheritance is dependent on the status of the female with the deceased's family. In other words, whether a female child has the right or not to inherit, must first of all be established that she is a member of that family. The word family does not have a precise meaning. It is a description of a variety of collection of persons with different gradation of relationship. The Longman contemporary English Dictionary defined a family as a group of people who are related to each other, especially a mother, a father and their children. E.I Nwogugu⁶ defines family to include all persons with common ancestral relation through blood. Thus family may be defined to include a large body of persons related by blood attached to a common ancestors.

This relationship may be traced through male in patrilineal societies or female in matrilineal societies. A nuclear family is made up of the mother father and children. When membership extends to include relatives or paternal and maternal sides, this is referred to as referred to as extended family.

³ The free encyclopedia (2004) human right, <http://en.wikipedia.org/wiki/humanright>

⁴ Augie, A.A (2004) Human Rights and Good Governance in Africa: A crucial Nexus expending human rights, a proceeding presentation of Africa Development Forum Ethiopia. Available on [http://213.55.79.31/adf/adfiv/document/speeches and presentation](http://213.55.79.31/adf/adfiv/document/speeches%20and%20presentation)

⁵ Black law Dictionary (7th Edu.) P. 1445

⁶ Nwogugu, E.I Family Law in Nigeria 2nd Edition, 1974 (Ibadan, Heinemann Education Book Ltd P. xxi)

Under Nigeria Law, the concept of family is closely linked to marriage and does not admit cohabitation which has not yet been given legal effect. In *Okulade v Awosanya*⁷ Uwaifo took the view that a family is “a body of persons who live in one house or under one head including parent, children servants’ e.t.c the group consisting of parents and the children, whether living together or not. In wider sense all those who are nearly connected by blood or affinity. Those descendants or claiming descent from a common ancestor, a house kindred, lineage” In *Coker V Coker*⁸, Carey J. stated that it is well established that the primary, meaning of the term ‘family’ is children.

Marriage through which the nuclear family comes into existence is a contract in which a man and a woman become joined as husband and wife. Marriage by universal definition is the legal relationship between a husband and a wife. It is a union between a man and a woman. It can be seen as an interpersonal relationship with governmental, social or religious recognition usually intimate and sexual and often created as a contract.

Basically, there are three different types of marriage that a man and a woman can contract in Nigeria. They are:

- a) Statutory Marriage or Marriage under the Act.
- b) Customary Law Marriage
- c) Islamic Marriage

The marriage Act which is a law makes provision for the celebration of marriage in Nigeria. It is clear that the Act is described only for the celebration of marriage between a man and a woman and the marriage has to be monogamous one. Marriage Under the marriage Act may be celebrated in any license place of worship by any recognized minister of the church according to the rites and usages of marriage observed in such church. Alternatively, the couple may decide not to celebrate the marriage in the church, and contracting same before a duly license register appointed pursuant to the provision of the Marriage Act.

The essential requirement for the validity of a marriage under the Act includes a limit to the age of those who wish to enter into such a union. This is eighteen years under the Marriage Act. Also the parties to the union must not be within the prohibited degree of consanguinity or affinity. However, Section 4 of the Matrimonial Cause Decree (MCD) provides exception to the general rule, it enable two within the prohibited degree of affinity who wish to apply to marry each other to apply in writing to a High Court Judge for permission to do so. The Judge may permit the applicant to marry each other if he is satisfied that the circumstances of the case are exceptional as to justify the permission sought.

The Act also specifies that neither party must be already married. A party to a subsisting statutory, customary or Islamic Marriage lacks capacity to enter into another marriage with another person.

The non observance of this rule makes the subsequent marriage void and is an offence punishable by imprisonment. Equally, a party to a subsisting marriage under the customary law has no capacity to contract a statutory marriage with a third party. However the same parties to the customary law marriage may contract a subsequent and valid statutory marriage.

The voluntary consent of the parties is a prerequisite for the celebration of a statutory marriage. Lack of such consent or the granting of it under duress, mistake or representation renders the marriage agreement void.

The Act stipulates that parties to the marriage are sane so as to be able to appreciate the duties and obligation involved in the marriage. If any of the parties is insane, the marriage will be regarded as void because he or she is incapable of mentally understanding the nature of the marriage contract.

Customary Law Marriage

Nigeria been a multi tribal society, the customs of the people are varied as to the number of ethnic societies. In other words, there is no single Customary Law for Nigerians. The various ethnic communities have different customs as it's relate to marriage. We shall only explain the area in generalized form alluding to the accepted customs within a few communities especially as recognized by the courts of the land. Marriage under customary law is largely polygamous. Polygamous marriage

⁷ (2002) F.W.L.R (Pt 25) p. 1666

⁸ (1938) 14 NLR 83

is the union for life of one man with several wives. There is no limit to the number of wives a man can marry under customary law. However it is to be observed that most couples initially get married under Customary Law and the couples thereafter marry under the Act. This is quite valid provided the marriage is between the same parties. The legal implication of the marriage is that it would then be a monogamous marriage if a man that is married under the marriage Act, marries another woman under Customary Law whilst the first marriage subsist the second marriage is void⁹. Where a man that is married under customary law with one woman subsequently marries another woman under the marriage Act, the second marriage is void.¹⁰ Generally the following are prerequisites for a valid customary marriage.

- i. **Betrothal:** This simply means the agreement to marry. The two parties agreed to marry, and their parents or families take over. They make a discreet investigation of each other families with a view to deciding if their children should marry into the other family.
- ii. **Capacity:** The capacity of the parties relate to the age of the couple. There is no doubt that before the year 2003, there was no law against the child marriage, most of which occurs in the Northern parts of the country. Since the passing of the Child Right Act, no marriage of person below the age of eighteen years is allowed under Nigerian law.
- iii. **Consent:** The intending couple has to give their consent to a Customary Marriage. The Supreme Court in *Osanwonyi v Osanwonyi*¹¹ held that under Bini Native Law and Custom, the consent of the parties was necessary for valid marriage under customary law. Furthermore parental consent is necessary before a valid customary marriage can take place. In *Okpanum v Okpanum*¹² the High Court of East Central State of Nigeria held that in order to constitute a valid customary marriage, there must be a parental consent and mutual agreement between the parties.
- iv. **Marriage Consideration, otherwise called Dowry or Bride Price:** In some communities in Nigeria, one of the essential requirements of a valid Customary Law marriage is the payment of bride price which include any gift or payment in the form of money, natural produce or any kind of property given by an intended husband and his family to the parents or guardian of a female person on account of the marriage. Payment of bride price is an important element in customary law marriage.
- v. **Solemnization:** This is an essential ingredient of a valid customary marriage. It generally involves breaking Kola, pouring liberation, sharing drinks and other activities. The bride is eventually handed over to the bridegroom and his family.

Islamic Marriage: The Islamic concept of marriage is different from other concept. Islamic marriage is a simple contract that legalizes the union of a man and a woman. It is both religious and legal, though it is neither Christian nor is it a union of one man and one woman to the exclusion of other women. For Islamic marriage to be valid the condition that must be satisfied are the payment of dower which is the bride price to the bride in consideration for the marriage¹³.

We have made effort to go through all these details about family, vis-a-vis marriage because for a child to have legal right to the parents property or women to have shares of her husband's property such a child or woman must be part of the family through valid marriage be it customary, Islamic or under the Act.

The Laws put in place both nationally and internationally to protect the female Child.

A custom like the Ibo custom of Oli-ekpe or Iri-ekpe which permit the nearest paternal relation of a person subject to Ibo native law and custom who dies intestate without sons, brothers or father to inherit his estate as against his biological female children is inconsistent with the provision of section 42 (1) of the 1999 constitution of the Federal Republic which provides that a citizen of Nigeria of a particular community, ethnic group, place of origin, sex religion or political opinion shall not by

⁹ Towoeni V. Towoeni (2002) F.W. L.R (pt 122) 170

¹⁰ Section 47 of the marriage Act cap M7 Laws of the Federation of Nigeria, 2004

¹¹ (1973) NMLR at 28

¹² (1972) 2 ECSR at 561

¹³ Abdulmalik Bappa Mahmud, Supremacy of Islamic Law. N. Publication p. 38 – 41.

reason only that he is such a person (a) Be subjected either expressly by or any executive or administrative action of the government to disabilities or restriction to which citizens of Nigeria of other communities ethnic groups, place of origin, sex, religion or political opinions are not made subject or (B) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizen of Nigeria of other communities, ethnic group, place of origin, sex, religion or political opinions.

Also, the African Charter on Human and People Rights 2004 (ACHPR) which has been ratified by Nigeria contains diverse provisions, protecting women against discrimination. For instance, the general non - discrimination clause states that: every individual shall be entitled to the enjoyment of his rights and freedom recognized and guaranteed in the charter without distinction of any kind such as ... sex” Article 3 further concretized women’s right in Africa by stating that (1) every individual shall be equal before the law (2) every individual shall be entitled to the equal protection of the law” The right of women in Africa were further firmly entrenched by the provision of Section 18 (3) of the Africa Charter which stated in every explicit term that “ the State, shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the women as stipulated in international declaration and convention.

Article 2 of the convention on the elimination of all forms of discrimination of all forms of discrimination against women (CEDAW) also enjoins State Parties to condemn discrimination against women in all its forms, agree to pursue all appropriate means and without delay formulate a policy eliminating discrimination against women and to this end undertake:

(f) To take all appropriate measures including legislation to modify or abolish existing laws, regulation, custom and practices which constitute discrimination against women.

Furthermore, Article 1 of the Universal Declaration of Human Rights of 1948 has declared that all human beings are born free and equal in dignity and rights.

Factors Militating against the Rights of Female Child

The factors that have hindered the elimination of harmful culture practices against women are legion. They include firstly, cultural factors. This can be referred to as the male preference syndrome. The male superiority syndrome has deeply embedded or entrenched in most cultures in Nigeria. The birth of a son into any family calls for a big celebration and justification. The great premium placed on the birth of a male child is often indescribable.

These cultures appear to be two rigid and very resistant to change. Secondly, educational factors (denial of girl-child education) has slowed the eradication of these practices. Knowledge as we all know is power. Thirdly, legal factors have also acted as impediment; this includes non-domestication of CEDAW and other important legislations on gender rights. Besides, lots of lapse and gaps have been observed even in the enforcement of the existing National Law on gender rights. Fourthly, political factors have also been an obstacle; women vying for strategic elective post are often grossly marginalized and frustrated out. It is submitted that women active participation in politics is imperative, this will definitely afford them the opportunity of influencing the urgent reformation of these obnoxious cultural practices.

Finally, attitudinal factor, has also been a serious restraint to this problem under discourse most women especially in the rural areas are very complacent on this issue, worst still, they appear to have accepted their subjected position as normal, since our cultures itself approves it. Consequently they often shy away from seeking recourse to our courts of law even where their rights are flagrantly violated in the name of culture.

Succession Rights of Female Child

In most parts of the communities in Nigeria, female whether as widows or daughters have no succession right whatsoever in the estate of the male deceased person.

In some communities in the Northern state of Nigeria where the individual has not adopted Islam as a religion, intestate succession is essentially patrilineal. Female children are excluded from inheriting from their father¹⁴. According to Smith¹⁵

“If the former head of the gandu has left two or more sons in the home, the unallotted land of the gandu may soon be apportioned, but if there is only one widow, partition is likely to be postponed until her death, if she remains in the home. In either event allocation of the land by the previous head of the gandu do not change, and the principle of equal shares guide further division, which takes place among the men concerned, since women rarely have the right to inherit compound or land”

The position of female children in Ibo speaking area of Nigeria with regard to succession right is not different from the northern area. It has been firmly established that the principle of primogeniture – succession through the male lineage – governs the Igbo customary law of succession¹⁶. Under that system the “Okpala” or “Diokpa” who is the eldest male member of the family succeed on intestacy to the position of the head of the family and to the residence (Obi) of his father together with the immediate surrounding (Anisi Obi)¹⁷. He holds the rest of the intestate estate in trust for himself and other male members of the family and other male members of the family¹⁸. In *Ugboma v Ibeneme*¹⁹ the female members of the family failed in 1967 in their challenge of the sale by the eldest male siblings of landed property located at Onitsha which belonged to their late father. The Supreme Court had also in *Nezianya v Okagbue*²⁰ held that a widow cannot “assume ownership of (the late husband’s real estate) or alienates it”.

In *Atuanya v Onyejekwu*²¹ Egbuna J. held with regards to Ibo native law and custom that:
“By native law and custom when Udemba died his land will automatically vest whosever becomes the head of the family in trust for the member of the family. So on the death of Udemba his land which were not sold in his life time cannot rest in the second defendant as she can never be the head of the family, she being a woman.

In *Ejiamike V Ejiamike*²² the court held that a widow had no right to the late husband’s estate. Similarly, unmarried daughters have been also disinherited as they enjoy limited rights. Infact in most ethnic groups in Nigeria, the rightful person to become the head of the family as the eldest male child, if the founder has both male and female children surviving him²³. However under Yoruba customary law, after the death of the eldest surviving son (Dawodu) as head of the family, the next eldest surviving child of founder, whether male or female succeeds to the heads ship²⁴.

It is submitted that the Customary Law as been practiced by most communities in Nigeria which permit the nearest paternal male relation of a person who dies intestate without sons to inherit his estate as against his biological female children is against the intendment of Section 42 (1) of the 1999 constitution and also again section 42 (2) of the 1999 Constitution. Section 42 (2) provides that no

¹⁴ Yakubu M.G “Property inheritance and distribution of Estate under customary law” In toward a restatement of Nigeria customary law edible by Hon price Bola Ajibola SAN; Nwabueze B.O, Nigeria Land Law P. 382

¹⁵ Smith M.G “Hausa Inheritance and succession” in J.D.M Derrett (ed) studies in the laws of succession in Nigeria, 234

¹⁶ Obi S.N.C. “The customary law manual (government Printer, Enugu (1977)

¹⁷ *Osolu v Osolu* (2003) All N.L.R. 252 (Sc)

¹⁸ *Ejiamike v Ejiamike* (1972) 2 ECLR II

¹⁹ (1967) ENLR 251

²⁰ (1963) I AU N.L.R 352

²¹ (1972) NMLR

²² (1972) ECSLR

²³ Fekumo J.F “Principles of Nigeria Customary Land Law P. 168

²⁴ *Faliomi v Cole* (1990) 2 NWLR (Pt 133) 445

citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his birth. Certainly discrimination based on sex falls squarely within the prohibition of the Constitution. According to Anyogu F.C a single girl “upon her father’s death is entitled to an equal basis as her brother to share in her father’s estate, which are not subject to Customary Law²⁵. The legal implication of this is that they are disinherited from inheriting their father’s property which devolves under customary law. This was the inevitable position, Igbo daughters found themselves before the historic and pivotal case of *Mojekwu v Mojekwu*²⁶ came up for determination by the Nigeria court of Appeal. Niki Tobi J.C.A (as he then was) in this case invalidated an Nnewi “Oli-Ekpe” Customary Law which disinherited a deceased man’s biological daughter from inheriting her father’s land in preference of her uncle as repugnant to natural justice equity and good conscience. The judge in his leading illuminating judgment, observed thus: we need not travel all the way to Beijing to know that some of our customs, including Nnewi “Oli-Ekpe” custom ... are not consistent with our civilized world in which we all live today, including the appellant. In my humble view, it is the monopoly of God to determine the sex of a baby and not the parents. Although the scientific world disagrees with this divine truth. I believe that God, creator of human beings is also the final authority of who should be male or female. Accordingly, for a custom or Customary Law to discriminate against a particular sex is to say the least an affront on the Almighty God himself. Let no body do such a thing, on my part, I have no difficulty in holding that the Oil-Ekpe custom of Nnewi is repugnant to natural justice, equity and good conscience.

Also in the case of *Onyibor Anekwe and Chinweze v Mrs Maria Nweke*²⁷. The court was of the view that such custom that deprived a widow of the inheritance of her husband’s property is repugnant to natural justice. On the question of disinheritance, the learned justice, Ogbubiyi J.SC. Who delivered the unanimous judgment observed.

“I hasten to add that at this point, that the custom and practice of Awka people, upon which the appellant have relied for their counter-claim is hereby out rightly condemned in very strong terms. In other words, a custom of this nature in the 21st century societal setting will only tend to depict the absence of realities of human civilization it is primitive, uncivilized and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the woman folk in the given society. One would expect that the days of obvious differential discrimination are over. Any culture that disinherit a daughter from her father’s estate or a wife from husband’s property by reason of God’s instituted genders differential should be punitively and decisively deal with. The punishment should serve as a deterrent measure and ought to be meted out against the perpetrators of the culture and custom. For a widow of a man to be thrown out of her matrimonial home, where she lived all her life with her late husband and children by her late husband’s brother’s on the ground that she had no male child is indeed very barbaric, worrying and flesh skinning”.

It is also worthy of note that courts in other jurisdiction in Africa such as South Africa has recognized the inequality caused by such customary law that deprived women from succession to their husband’s/father’s property. In the South Africa case of *Charlotte Sibi V Mantabeni Feddy Sithole & Ors*²⁸ the applicant, Charlotte (Ms Sibi) whose brother died intestate in Pretoria in 1995. The deceased was not married nor was he a partner to a customary union. He had no children and when he died, was not survived by a parent or grandparent. His nearest male relatives were his two cousins, the first and second defendant respectively. In terms of the applicable law, the estate of the deceased fell to be distributed according to custom. Ms Sibi was in term of that system, precluded from being the heir to

²⁵ Anyogu F.C., Access to Justice in Nigeria. A gender perspective, Ebenezer Nigeria Ltd Production Enugu P. 319.

²⁶ (2005) 5 NNLR (pt 657) 402

²⁷ Sc 129/2013 (Unreported) delivered on April 11, 2014

²⁸ CCT 69/03

the estate of her deceased brother. She challenged successfully the award of the estate to the second respondent as the only heir to the estate.

In the constitution court, Langa DCJ, whose judgment was approved by the majority of the courts held that the rule of primogeniture as applied in the Customary law of succession cannot be reconciled with current notions of equality and human dignity as contained in the Bill of Right. He stated that the exclusion of women from inheritance on the ground of gender was not only a clear violation of Section 91, of the constitution but also “is a form of discrimination that entrenches past pattern of disadvantage among a vulnerable group, exacerbated by old notions of patriarchy and male domination in compatible with the guarantee of equality under the constitutional order”. He was also of the opinion that the principles of primogeniture violate the right of women to human dignity in this respect.

The courts in Nigeria are enjoined to expound the numerous legislations both domestic and international that are applicable to advance and promote the succession rights of women in Nigeria. According to Koyode Esq in *Tans Bridge Co Ltd. V Survey Int.*²⁹ *“It would be tragic to reduce judges to a sterile role and make automation of them. I believe it is the functions of judges to keep the law a alive, in motion and to make it progressive for the purpose of arriving at the end of justice, without being inhibited by technicalities to find every conceivable but acceptable way of avoiding narrowness that would spell injustice, short of a judge being a legislator, a judge to my mind must possess aggressive stance in interpreting the law.*

CONCLUSION

The paper has examined the disparity in the succession right of women whether as a daughter or wife, to their male counterpart. It was observed that one of the reasons for such cultural practices was the male superiority syndrome which is deeply embedded or entrenches in most culture in Nigeria. It was also pinpointed that despite the provisions of section 42 (1) and section 42 (2) of the constitution which prescribe that no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his/her birth, women disinheritance still thrives in some communities in Nigeria. However, the commendable judgment of the court in this area of the law in recent times was a welcomed development. Much as it is conceded that these discriminatory cultural practices or laws have long been deeply entrenched or embedded in our system and such would definitely constitute an uphill tasks to demolish or uproot, it is however, believed and hoped that the recommendation proffered in this paper will go a long way to make our customary law to wear a new face, and accord with global trend towards gender equality.

RECOMMENDATION

For there to be cultural changes in the emancipation of the right of the women, the legal profession should live up to their billings. Men of the legal profession are looked upon in every society as the hope of the common man, therefore the Bar and the Bench have a multi-dimensional role to play in this crusade. The judges should not think twice to strike down any obnoxious discriminatory cultural practices which come before them for adjudication. The historic judgment of Nike Tobi in *Mojekwu v Mojekwu*³⁰ is highly commendable. In fact, *Ikpeze V.C*³¹ has called for a “radical change of all customary practices relating to inheritance in Nigeria to ensure equality of all persons”

There is the urgent need for the legislatures of the various state to promulgate and enforces laws that will effectively abrogate obnoxious and discriminatory custom. Also, there should be sensitization and orientation of the public on the need to do away with such anachronistic custom which no longer have bearing in this 21st century, furthermore, the men should be educated on the need why women should have the right of succession to property. This can help in the financial status of the female gender, which in the long run will also benefit the men in the running of the home. Finally, efforts should be made by the government to domesticate most international instrument on woman’s Right.

²⁹ 28 (1986) NWLR (pt 37) 576

³⁰ (Supra)

³¹ *Ikpeze Ogugua V.C Gender Dynamics of Inheritance rights in Nigeria: Need for women empowerment*, Folmech Printing & Publishing Co. Ltd, Onitsha, 2009, P 162.

The Non domestication of most international instrument on women's Right of which Nigeria has ratified as been a major problem for women's right activists to agitate for the enforcement of their rights. Nigeria ratified CEDAW (Convention on the Elimination of all forms of Discrimination Against Women) over twenty five years ago yet she has failed to domesticate the treaty as part of its municipal law and the legal implication is that CEDAW, by virtue of section 12 of the Nigeria 1999 has no force of law in Nigeria. Section 12 provide "No treaty between the Federation and any other country shall have the force of law except to the extent of which any such treat has been enacted into law by the National Assembly.

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