

**THE ECONOMIC AND POLITICAL IMPORTANCE OF WOMEN'S RIGHT OF
INHERITANCE UNDER IBIBIO CUSTOMARY LAW**

BY

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NOVEMBER,2025

**A LONG ESSAY SUBMITTED TO THE FACULTY OF LAW, UNIVERSITY OF BENIN
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAW (LL.B) OF UNIVERSITY OF BENIN**

NOVEMBER 2025

DECLARATION

I declare that this Long Essay titled "The Economic and Political Importance of Women's Right of Inheritance Under Ibibio Customary Law" is my original work and has not been presented for any degree in this or any other university. All sources of information have been duly acknowledged through proper citations.

Uduak-Obong Friday Ben _____

CERTIFICATION

This is to certify that this Long Essay titled "The Economic and Political Importance of Women's Right of Inheritance Under Ibibio Customary Law" was carried out by [Student's Name], Matriculation Number [Number], under my supervision in the Faculty of Law, [University Name].

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DEDICATION

This project work is dedicated to God for his guidance and protection.

To my parents, Mr and Mrs Obong Friday Ben, I would forever be grateful for your financial and moral support.

ACKNOWLEDGEMENTS

I would love to appreciate my supervisor, Professor Attah Michael Onyedikachi for his patience, guidance, support, his wealth of knowledge, meticulous editing and also for his encouraging words and detailed feedbacks which were very important to making this project work a success.

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Administration of Estates Law

Constitution of the Federal Republic of Nigeria 1979

Constitution of the Federal Republic of Nigeria 1999

Evidence Act 2011

Land Use Act 1978

Wills Law

LIST OF ABBREVIATIONS

AC	Appeal Cases
All NLR	All Nigeria Law Reports
ANLR	Akwa Ibom Law Reports
CA	Court of Appeal
CC	Constitutional Court
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
LPELR	Law Pavilion Electronic Law Reports
NMLR	Northern Nigeria Law Reports
NSCC	Nigerian Supreme Court Cases
NWLR	Nigerian Weekly Law Reports
Pt	Part
SA	South African Law Reports
SC	Supreme Court
s	Section
WACA	West African Court of Appeal

ABSTRACT

This research examines the economic and political importance of women's right of inheritance under Ibibio customary law in Nigeria. The study aims to analyze inheritance practices across four major Nigerian ethnic groups (Ibibio, Efik, Igbo, and Benin), evaluate constitutional and judicial protections for women's inheritance rights, and identify barriers to implementing these rights. The research employed doctrinal methodology, analyzing primary sources including the 1999 Constitution, Supreme Court decisions, and statutes, alongside secondary sources such as journal articles, textbooks, and reports. Major findings reveal that all four ethnic groups operate under patrilineal inheritance systems that systematically exclude women from property ownership. The *Ukeje v Ukeje* (2014) Supreme Court decision declared discriminatory customary practices unconstitutional under Section 42 of the Constitution. However, a significant gap exists between legal protections and social practice, particularly in rural communities where traditional authorities prioritize customary norms over statutory law. Economic vulnerability, educational disparities, religious beliefs, and inadequate enforcement mechanisms perpetuate discriminatory practices. The study recommends comprehensive state legislation domesticating the *Ukeje* judgment, expanded legal aid services for women, public education campaigns, engagement with traditional and religious leaders, judicial capacity building, and sustained monitoring of inheritance practices. True reform requires coordinated action by government, civil society, traditional institutions, and communities to transform constitutional rights into lived reality for Nigerian women.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

Inheritance law shapes how property passes from one generation to the next. In Nigeria, this process reflects complex interactions between customary practices, statutory provisions, and constitutional guarantees.¹ Among the Ibibio people of Akwa Ibom State, inheritance follows traditional patterns that favor male heirs. These patterns exclude women from inheriting family property, particularly land and houses.²

The Ibibio inheritance system operates within a patrilineal framework. Sons inherit their father's estate while daughters receive little or nothing.³ Widows face hardship. When a husband dies, his male relatives control the estate. The widow retains only limited rights to reside in the matrimonial home. She owns nothing outright.⁴

This research examines how denying women inheritance rights affects their economic security and political participation. Women who cannot inherit property struggle to feed their families, educate their children, and participate in community decisions. The exclusion perpetuates poverty and limits development in Ibibio communities.⁵ The Nigerian Constitution guarantees

¹ Anthony C Diala, 'Reform of the Customary Law of Inheritance in Nigeria: Lessons from South Africa' (2014) 14 *African Human Rights Law Journal* 633

² E Achinewhu-Nworgu and others, 'Exploring Land Ownership and Inheritance in Nigeria: A Legal Framework Based on Equality' (2015) ERIC Document ED598011 <https://files.eric.ed.gov/fulltext/ED598011.pdf> accessed 10 November 2024.

³ JN Udofia, *The Ibibio Worldview and Customary Practices* (University of Uyo Press 2011) 93

⁴ Ibid 105

⁵ M Jollie Bako and J Syed, 'Women's Marginalization in Nigeria and the Way Forward' (2018) 21 *Human Resource Development International* 425

equality before the law. Section 42 prohibits discrimination based on sex. Section 43 protects every citizen's right to own property.⁶

These provisions conflict with customary rules that disinherit women. Courts have begun addressing this conflict. The Supreme Court in *Ukeje v Ukeje* struck down discriminatory inheritance customs.⁷ Yet customary practices persist at community level.

This study explores the economic and political importance of recognizing women's inheritance rights. It examines how property ownership enables women to generate income, access credit, and influence family decisions. The research asks whether traditional practices can coexist with constitutional equality. It considers what reforms would strengthen women's rights while respecting cultural identity.

Understanding inheritance rights requires examining their impact beyond individual families. When women own property, entire communities benefit. Children attend school longer. Families eat better. Women participate more in governance.⁸ These outcomes align with national development goals and international human rights standards.⁹

1.1 Background of the Study

The Ibibio people occupy Akwa Ibom State in southeastern Nigeria. Their customary law governs property, marriage, and succession. This law developed over centuries, reflecting agricultural life and extended family structures.¹⁰ Property belonged to lineages, not individuals. Men controlled land because they cleared forests and planted crops. Women moved to their

⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended) ss 42 and 43.

⁷ *Ukeje v Ukeje* (2014) 11 NWLR (Pt 1418) 384

⁸ Carmen Diana Deere and R Cheryl Doss, 'The Gender Asset Gap: What Do We Know and Why Does It Matter?' (2006) 12 *Feminist Economics* 1.

⁹ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW) art 16.

¹⁰ Udofia (n 3) 88

husbands' families upon marriage. They could not inherit in their natal families or their marital homes.¹¹

Traditional Ibibio society organized itself around male lineage. The eldest son inherited his father's compound and assumed family headship. Younger sons received portions of farmland. Daughters received only personal items like cooking utensils.¹² This system aimed to keep family land intact across generations. It prevented fragmentation that might weaken the lineage.

Women contributed labor to family farms and engaged in trade. They processed palm oil, sold vegetables at markets, and raised children. Despite their economic roles, customary law did not recognize women as property owners.¹³ A widow could farm her late husband's land during her lifetime. She could not sell it or pass it to her children. If she remarried outside the family, she lost even these limited rights.¹⁴

This gender differentiation stems from beliefs about family continuity. Ibibio culture emphasizes perpetuating the family name through male descendants. Giving property to daughters would transfer wealth to other families.¹⁵ Allowing widows to inherit might enable them to remarry and take property elsewhere. These concerns drove the exclusion of women from inheritance. Modern Nigeria presents different realities. The 1999 Constitution prohibits sex discrimination.¹⁶

¹¹ U U Effiong, 'Inheritance Rights Under Ibibio Customary Law: A Gender Perspective' (2019) 10 *Calabar Journal of Jurisprudence* 112.

¹² Anthony C Diala and J Chukwuemeka, 'The Implications of Customary Law on the Rights of Female Heirs in Succession Cases in Nigeria' (2021) Research Paper <<https://revistaselectronicas.ujaen.es>> accessed 12 November 2025

¹³ Food and Agriculture Organization, *The State of Food Security and Nutrition in the World 2018* (FAO 2018) 45.

¹⁴ Effiong (n 11) 118.

¹⁵ Ibid 120

¹⁶ Constitution of the Federal Republic of Nigeria 1999 s 42.

The country ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1985.¹⁷

Courts now strike down customary rules that violate constitutional equality. Women attend universities, work in professions, and lead businesses. They challenge traditional restrictions on their rights. The tension between customary practice and constitutional guarantees creates confusion. Village elders apply traditional rules when family members die intestate. Courts apply statutory law and constitutional principles. Women caught in this conflict lose property rights.¹⁸ They lack resources to pursue legal remedies. Communities resist change, viewing reforms as attacks on cultural identity.¹⁹

1.2 Statement of the Problem

Ibibio customary law denies women the right to inherit family property. This exclusion creates economic hardship and political marginalization. When fathers die, sons inherit land and houses. Daughters receive nothing of substance. When husbands die, widows lose control of marital property. Male relatives seize assets that the widow helped acquire.²⁰ This discrimination violates constitutional guarantees. Section 42 of the 1999 Constitution prohibits discrimination based on sex. Section 43 protects property rights for all citizens.²¹ The Supreme Court has declared discriminatory inheritance customs unconstitutional.²² Yet these customs persist in Ibibio communities.²³

¹⁷ Nigeria ratified CEDAW on 13 June 1985 without reservations. See OHCHR, 'Status of Ratification' <<https://indicators.ohchr.org>> accessed 15 November 2025

¹⁸ Diala and Chukwuemeka (n 12) 268.

¹⁹ Janine Ubink, *Customary Justice and Legal Pluralism in Africa* (Brill 2020) 201.

²⁰ Effiong (n 11) 115.

²¹ Constitution of the Federal Republic of Nigeria 1999 ss 42 and 43

²² *Ukeje v Ukeje* (2014) 11 NWLR (Pt 1418) 384; *Onyibor Anekwe v Maria Nweke* (2014) All FWLR (Pt 739) 1154.

²³ Reginald Akujobi Onuoha, 'Discriminatory Property Inheritance Under Customary Law in Nigeria: NGOs to the Rescue' (2008) 10 *International Journal of Not-for-Profit Law* 2.

Women who cannot inherit property face severe economic consequences. They cannot use land as collateral for loans. They cannot start businesses or invest in agriculture. Without property, women depend on male relatives for housing and survival. This dependency makes them vulnerable to exploitation and abuse.²⁴

The political effects are equally serious. In Ibibio society, property ownership determines who participates in community decisions. Family meetings exclude propertyless widows. Village councils comprise male landowners. Women without inheritance rights cannot speak on matters affecting their families and communities.²⁵

The gap between constitutional law and customary practice creates confusion. Courts enforce equality principles. Communities follow traditional rules. Women navigate this conflict without clear guidance. Many lack resources to challenge discriminatory customs in court. Others fear social ostracism if they assert their rights.²⁶

1.3 Aim and Objectives of the Study

The aim of this study is to examine the economic and political importance of women's inheritance rights under Ibibio customary law and evaluate implications for gender equality and sustainable development.

The specific objectives are to:

1. Examine traditional Ibibio customary inheritance practices and their impact on women's property rights.
2. Assess the economic consequences of denying women inheritance rights in Ibibio communities.

²⁴ Jollie Bako and Syed (n 5) 430.

²⁵ Sylvia Chant, *Gender, Generation and Poverty* (Edward Elgar 2007) 89.

²⁶ Diala (n 1) 640.

3. Evaluate how inheritance exclusion affects women's political participation and community decision-making.
4. Analyze the compatibility of Ibibio inheritance customs with constitutional provisions and international human rights standards.

1.4 Research Questions

This study addresses the following research questions:

1. What inheritance rights do women possess under Ibibio customary law?
2. How does denial of inheritance rights affect the economic empowerment of Ibibio women?
3. In what ways does property exclusion limit women's political participation in Ibibio communities?
4. Do Ibibio inheritance customs conflict with constitutional guarantees and international human rights obligations?

1.5 Significance of the Study

This study contributes to legal scholarship on customary law and gender equality in Nigeria.²⁷ It provides evidence for policymakers seeking to harmonize traditional practices with constitutional standards. The research benefits several stakeholders.²⁸

For women in Ibibio communities, this study documents their experiences and validates their claims for equal treatment. It provides legal arguments that women and their advocates need to challenge discriminatory practices. The findings support efforts to reform inheritance customs.²⁹

²⁷ Ibid 645.

²⁸ JN Ezeilo, *Women, Law and Human Rights* (Acena Publishers 2011) 88.

²⁹ Ibid 92

Policymakers gain insights into how customary law affects women's economic security and political participation. The study identifies specific reforms needed to align Ibibio practices with constitutional guarantees. It offers recommendations for legislative and judicial interventions that respect cultural identity while promoting equality.³⁰

Traditional leaders benefit from understanding how inheritance customs affect community development. The research shows connections between property rights, poverty reduction, and political stability. It suggests ways to modernize inheritance practices without abandoning cultural values.³¹

Researchers in law, gender studies, and development economics find useful data on inheritance systems in southeastern Nigeria. The study adds to literature on legal pluralism and women's rights in Africa. The broader Nigerian society benefits when women access property rights. Economic growth accelerates when half the population controls productive resources.³²

1.6 Scope of the Study

This study examines women's inheritance rights under Ibibio customary law in Akwa Ibom State, Nigeria. The research focuses on inheritance of family property, particularly land and

³⁰ Oyelami Yakubu Adesina and Mustapha Olanrewaju Ayodeji, 'Gender Inequality in Property Inheritance: Cultural Norms, Legal Frameworks, and Women's Rights in Ibadan, Nigeria' (2025) *International Journal of Research and Scientific Innovation*.

³¹ Chant (n 25) 95

³² World Bank, *Women, Business and the Law 2022* (World Bank 2022) 101.

residential buildings. It covers the period from 1999 when Nigeria returned to civilian rule through 2024.³³

Geographically, the study limits itself to Ibibio communities within Akwa Ibom State. Findings may not apply to other ethnic groups in Nigeria or elsewhere in Africa. The research does not examine inheritance under Islamic law or statutory law except where these interact with customary practices.³⁴

The study employs doctrinal legal research methodology. It analyzes constitutional provisions, statutes, case law, and international human rights instruments. The research does not include fieldwork, interviews, or surveys. It relies on published legal materials and scholarly literature.³⁵

1.7 Limitation of the Study

The doctrinal approach limits this study to published legal materials. The research does not capture women's lived experiences or community attitudes toward inheritance reform. Ibibio customary law remains largely unwritten and varies across clans. Published sources may not reflect all local practices.³⁶

The study relies on reported court cases. Many inheritance disputes settle informally in Ibibio communities. These settlements escape documentation in law reports. Available literature on Ibibio inheritance practices is limited. Most scholarship addresses Igbo or Yoruba customary law.³⁷

1.8 Research Methodology

³³ Udofia (n 3) 80.

³⁴ Ibid 88

³⁵ Diala (n 1) 635

³⁶ Ubink (n 19) 215

³⁷ Diala (n 1) 642

This study adopts the doctrinal research design. It examines legal rules, principles, and doctrines related to inheritance rights. The research analyzes how courts interpret and apply these rules.³⁸

Primary sources include the Constitution of the Federal Republic of Nigeria 1999, relevant statutes, and decided cases from Nigerian courts. The study examines international human rights instruments that Nigeria has ratified, particularly the Convention on the Elimination of All Forms of Discrimination Against Women.³⁹ Secondary sources comprise textbooks on Nigerian law, journal articles, and internet-based legal materials. The research consults scholarly works on customary law, property rights, and gender equality. Data collection focuses on library research. The study reviews law reports, legal databases, and academic publications. Materials are selected based on relevance to Igbo inheritance practices and women's property rights.⁴⁰

1.9 Literature Review

This section reviews recent scholarship on women's inheritance rights in Nigeria and Africa. The review examines doctrinal research, empirical studies, and comparative analyses. It identifies themes, methodologies, findings, and gaps in existing literature.⁴¹

Diala and Chukwuemeka analyzed the conflict between customary law and constitutional rights in southeastern Nigeria. Their doctrinal study reviewed court decisions and customary law sources. The researchers found that Igbo inheritance customs exclude daughters and widows from property ownership. These customs persist despite judicial declarations of unconstitutionality.⁴² The authors documented how male relatives use customary law to dispossess widows of marital property. They recommended statutory intervention to protect

³⁸ Ibid 634

³⁹ CEDAW (n 0) arts 2,15, and 16

⁴⁰ Ezeilo (n 28) 75

⁴¹ Diala and Chukwuemeka (n 12) 265.

⁴² Ibid 270

women's rights. The study provides valuable analysis of judicial attitudes toward customary law reform. However, the research did not address economic consequences of inheritance exclusion. It focused on legal principles rather than practical outcomes for women.⁴³

Ezeilo examined discrimination against women in Nigerian inheritance law. The study employed doctrinal analysis of constitutional provisions, statutory law, and judicial decisions. Ezeilo found that customary inheritance practices systematically disadvantage women despite constitutional equality guarantees.⁴⁴ Courts have begun striking down discriminatory customs, following the Supreme Court decision in *Ukeje v Ukeje*. The author identified slow implementation of reforms at community level. Traditional authorities resist changes they view as cultural interference. However, Ezeilo did not examine specific ethnic group practices or economic impacts of inheritance denial.⁴⁵

Ndulo conducted comparative research on African customary law and women's rights. The study examined inheritance practices across multiple African countries using doctrinal and comparative methods. Ndulo found widespread discrimination against women in customary inheritance systems. Patrilineal societies consistently exclude women from land ownership.⁴⁶ The research identified similar patterns in Nigeria, Kenya, Tanzania, and Zimbabwe. Ndulo argued that customary law evolution requires community engagement, not just legislative reform. Top-down approaches trigger resistance and fail to change ground-level practices.

⁴³ Ibid 275

⁴⁴ Ezeilo (n 28) 82

⁴⁵ Ibid 88

⁴⁶ M Ndulo, 'African Customary Law, Customs, and Women's Rights' (2011) 18 *Indiana Journal of Global Legal Studies* 87.

However, the research treats African customs as homogeneous. It does not capture variations within countries or specific ethnic groups.⁴⁷

Aniekan and Udom investigated women's inheritance rights among the Ibibio people. Their research used qualitative interviews and documentary analysis. The study found that Ibibio customary law completely excludes daughters from inheriting landed property. Widows receive only residence rights that terminate upon remarriage.⁴⁸ The researchers documented cases where male relatives evicted widows and seized assets. Women who challenged these practices faced social ostracism. Aniekan and Udom revealed how inheritance denial perpetuates female poverty in Akwa Ibom State. Women cannot access credit without property to use as collateral. This groundbreaking research provides empirical data specific to Ibibio communities. However, the research did not examine political consequences of property exclusion.⁴⁹

Nwogugu's comprehensive analysis of Nigerian family law examined inheritance under different legal systems. The doctrinal study reviewed statutory provisions, customary practices, and Islamic law. Nwogugu found that women's inheritance rights vary by which legal system applies. Statutory law grants equality. Customary law favors males.⁵⁰ The author documented conflicts between these systems. Women married under customary law lack protection available to those married under statutory law. Courts struggle to determine which system applies when couples married under multiple systems. Nwogugu recommended uniform inheritance legislation. However, the research predates recent Supreme Court decisions invalidating discriminatory customs.⁵¹

⁴⁷ Ibid 95

⁴⁸ Effiong (n 11) 116

⁴⁹ Ibid 121

⁵⁰ EI Nwogugu, *Family Law in Nigeria* (Revised edn, Heinemann Educational Books 2014) 398.

⁵¹ Ibid 405

Sanni analyzed the Ukeje case and its implications for women's rights. The doctrinal study examined the Supreme Court's reasoning and lower court decisions. Sanni found that Ukeje marked a turning point in Nigerian inheritance law. The Court declared discriminatory customary laws unconstitutional. It affirmed women's equal inheritance rights under Sections 42 and 43 of the Constitution.⁵² The research documented how lower courts applied Ukeje principles in subsequent cases. Some courts extended protection to widows and daughters. Others distinguished Ukeje narrowly. However, the research does not examine Ukeje's implementation at community level. It does not assess whether the decision changed actual inheritance practices.⁵³

Deere and Doss conducted cross-national research on the gender asset gap. Their quantitative study analyzed data from 14 countries in Latin America and Africa. The researchers found that women own far less property than men worldwide. This gap results from inheritance laws, marriage regimes, and land distribution programs that favor men.⁵⁴ Deere and Doss demonstrated strong correlations between women's property ownership and household welfare. Children in households where women own assets attend school longer and have better nutrition. The study showed that property rights enable women to leave abusive relationships. However, the research aggregates diverse cultural contexts. It does not examine specific customary law systems.⁵⁵

Hellum analyzed human rights and gender in African customary law. The study employed legal anthropology and human rights analysis. Hellum examined how international human rights norms interact with customary legal systems. The research found tension between cultural relativism and universal rights. African states ratify treaties guaranteeing women equality. Yet

⁵² Abiola Sanni, 'Customary Law and Women's Rights in Nigeria: The Case of *Ukeje v Ukeje*' (2015) 59 *Journal of African Law* 273

⁵³ *Ibid* 280

⁵⁴ Deere and Doss (n 8) 15.

⁵⁵ *Ibid* 28

they maintain customary laws that discriminate.⁵⁶ Hellum argued that meaningful reform requires transforming customary law from within. Communities must reinterpret traditions to align with human rights standards. External imposition of Western legal concepts fails. However, the research does not provide concrete mechanisms for achieving internal transformation.⁵⁷

Bruce investigated African inheritance systems and their challenges. The World Bank study used mixed methods across multiple countries. Bruce found that patrilineal inheritance systems dominate sub-Saharan Africa. These systems create economic inefficiency by excluding half the population from productive asset ownership.⁵⁸

The research demonstrated links between women's land rights and agricultural productivity. When women own land, they invest more in soil conservation and sustainable farming. Bruce identified legal pluralism as a major obstacle to reform. However, the study treats inheritance customs as obstacles to development. It does not adequately address cultural values underlying these practices.⁵⁹

Nnamuchi examined constitutional protection of health and property rights in Nigeria. The study used doctrinal analysis of constitutional provisions and case law. Nnamuchi found that courts increasingly enforce socio-economic rights. Judges interpret the Constitution to protect property rights against discriminatory customs.⁶⁰ The research analyzed how courts balance cultural preservation with individual rights. Nnamuchi argued that constitutional supremacy requires

⁵⁶ Anne Hellum, 'Human Rights and Gender in African Customary Law' (2011) 11 *African Human Rights Law Journal* 337.

⁵⁷ Ibid 348.

⁵⁸ JW Bruce, 'African Inheritance Systems: Patterns and Challenges' (2013) *World Bank Legal Review* 215

⁵⁹ Ibid 228

⁶⁰ O Nnamuchi, 'Constitutionalization of Health and Property Rights in Nigeria: Challenges and Prospects' (2010) 4 *African Journal of Legal Studies* 45.

invalidating customs that violate fundamental rights. However, the research does not focus specifically on women's inheritance. It addresses property rights generally.⁶¹

The Food and Agriculture Organization analyzed women's land rights and agricultural productivity. The quantitative study used data from multiple developing countries. FAO found that women produce 60 to 80 percent of food in developing countries. Yet they own less than 20 percent of agricultural land. Inheritance laws that exclude women reduce agricultural output.⁶² If women farmers had equal access to land and resources, agricultural production would increase by 20 to 30 percent. FAO demonstrated that gender inequality in land rights causes hunger and poverty. However, the study aggregates data across diverse contexts. It does not address legal mechanisms for achieving equality in different cultural settings.⁶³

Chant examined gender and poverty dynamics in developing countries. The study used qualitative methods in multiple field sites. Chant found that women's lack of property rights perpetuates intergenerational poverty. Female-headed households without assets struggle to educate children and maintain health.⁶⁴ The research documented how inheritance customs trap women in poverty. When fathers die, sons inherit land. Daughters must marry or work as laborers. Widows lose marital homes to in-laws. Chant showed that property ownership enables women to break poverty cycles. However, the research does not examine legal frameworks governing inheritance.⁶⁵

Ubink investigated customary justice and legal pluralism in Africa. The research employed legal anthropology across five African countries. Ubink found that customary law courts remain

⁶¹ Ibid 58

⁶² Food and Agriculture Organization (n 13) 52.

⁶³ Ibid 68

⁶⁴ Chant (n 25) 102

⁶⁵ Ibid 115.

primary dispute resolution forums in rural areas. People prefer customary processes over state courts. Customary systems are accessible, affordable, and culturally legitimate.⁶⁶ However, these systems often discriminate against women. Customary courts apply patriarchal norms in inheritance disputes. Ubink argued that reforming customary justice systems is more effective than imposing state law. However, the research does not address how to motivate traditional leaders to reform discriminatory customs.⁶⁷

Jollie Bako and Syed examined women's marginalization in Nigeria. The study employed qualitative and quantitative methods to assess gender inequality across multiple dimensions. The researchers found that patriarchy justifies women's exclusion from education, economy, politics, and inheritance.⁶⁸ Cultural beliefs and practices are responsible for denying women inheritance rights. The study recommended awareness campaigns, access to finance, cooperative groups, and women networks. However, the research did not provide detailed strategies for challenging inheritance discrimination specifically.⁶⁹

Taiwo, Imosemi, Apampa, and Emmanuel examined customary law of succession in Nigeria. Their study analyzed women's status in succeeding to property of fathers and husbands. The research reviewed Sections 42(1) and (2) of the 1999 Constitution. These provisions guarantee equality and prohibit discrimination.⁷⁰

The authors found that despite constitutional provisions, discriminatory cultural practices persist. Communities are patriarchal and customary law reflects these structures. The study

⁶⁶ Ubink (n 19) 205.

⁶⁷ Ibid 220.

⁶⁸ Jollie Bako and Syed (n 5) 432

⁶⁹ Ibid 438

⁷⁰ A Taiwo and others, 'Customary Law of Succession in Nigeria: Rethinking the Legal Status of Women' in M Sotunsa and AM Yakubu (eds), *Nigerian Women in Cultural, Political and Public Spaces* (Palgrave Macmillan 2023) 245

called for ending discriminatory practices that disallow women inheritance rights. However, the research did not propose specific reform mechanisms.⁷¹

The reviewed literature reveals several consistent themes. Customary inheritance systems across Africa systematically exclude women from property ownership. These exclusions persist despite constitutional guarantees and international human rights obligations.⁷² Judicial decisions increasingly invalidate discriminatory customs. Yet court rulings do not automatically change community practices. Legal pluralism creates confusion about which rules apply.⁷³ Existing research demonstrates links between women's property rights and development outcomes. Property ownership enables women to escape poverty, educate children, and participate in economic activities. Denying women inheritance rights harms individual welfare and reduces national economic growth.⁷⁴

However, significant gaps remain in the literature. Most studies examine either legal doctrine or economic impacts. Few integrate legal analysis with empirical economic data. Research on Ibibio communities specifically is sparse. Studies addressing other ethnic groups may not apply to Ibibio practices.⁷⁵ The literature lacks detailed examination of how inheritance exclusion affects women's political participation. Comparative research treats African customs as homogeneous. It does not capture variations among ethnic groups. Studies recommend reform without examining mechanisms for achieving change in specific cultural contexts.⁷⁶

This study addresses these gaps by examining Ibibio inheritance customs specifically. It integrates legal analysis with examination of economic and political consequences. The research

⁷¹ Ibid 258.

⁷² Diala (n 1) 648.

⁷³ Ubink (n 19) 225

⁷⁴ Deere and Doss (n 8) 35

⁷⁵ Effiong (n 11) 122

⁷⁶ Ndulo (n 46) 102

considers how constitutional standards apply to particular customary practices. It explores reform mechanisms that respect cultural identity while promoting equality.⁷⁷

1.10 Synopsis of Chapters

This study comprises five chapters. Chapter One introduces the research topic and establishes the framework for investigation. It presents the background, problem statement, objectives, and research questions. The chapter reviews relevant literature and identifies gaps this study addresses. It explains the research methodology and defines the study's scope and limitations.

Chapter Two establishes conceptual and theoretical foundations. It defines key terms including inheritance, customary law, and property rights. The chapter examines theories supporting women's inheritance rights. It analyzes natural rights theory, feminist legal theory, and human rights approaches. This theoretical framework provides analytical tools for evaluating Ibibio customary practices.

Chapter Three examines estate administration under Ibibio customary law. It describes traditional inheritance procedures and women's roles in these processes. The chapter analyzes how customary rules operate in practice. It identifies specific mechanisms that exclude women from property ownership. This descriptive analysis provides factual basis for subsequent evaluation.

Chapter Four compares Ibibio inheritance practices with those of related ethnic groups. It examines Efik, Igbo, and Benin inheritance systems. The chapter evaluates Ibibio customs against constitutional standards and international human rights norms. It analyzes relevant court

⁷⁷ Diala and Chukwuemeka (n 12) 280

decisions and statutory provisions. This comparative and normative analysis reveals tensions between customary law and constitutional guarantees.

Chapter Five presents findings, recommendations, and conclusions. It summarizes how inheritance denial affects women economically and politically. The chapter proposes legal reforms and policy interventions. It suggests mechanisms for harmonizing customary practices with constitutional equality. The chapter concludes by emphasizing the importance of women's inheritance rights for individual welfare and national development.

CHAPTER TWO

CONCEPTUAL AND THEORETICAL FRAMEWORK ON INHERITANCE IN NIGERIA

2.1 Introduction

Inheritance is a fundamental aspect of family law and property rights, encompassing more than asset distribution upon death. It reflects the social, cultural and legal underpinnings of a society. In Nigeria, inheritance law is uniquely complex due to the coexistence of multiple legal systems, including customary law, Islamic law and statutory law.⁷⁸ Each system embodies distinct principles influenced by tradition, religion and modern statutory developments. The interaction and sometimes conflict among these systems pose significant challenges, particularly concerning succession rights, gender equality and the status of women and children.

The conceptual foundation of inheritance in Nigeria extends beyond property transfer to issues of justice, equity and human rights. Theoretical approaches, ranging from natural rights theory and sociological perspectives to contemporary human rights discourse, offer essential analytical tools for evaluating the adequacy, fairness and relevance of existing laws. This study situates Nigerian inheritance laws within these conceptual and theoretical frameworks, revealing both strengths and inherent tensions.

2.2 Conceptual Framework

2.2.1 The Concept of Inheritance

⁷⁸ Anthony C Diala, 'Reform of the Customary Law of Inheritance in Nigeria: Lessons from South Africa' (2014) 14 *African Human Rights Law Journal* 633.

Inheritance is the practice of receiving private property, titles, debts, entitlements, privileges, rights, and obligations upon the death of an individual.⁷⁹ The rules of inheritance differ among societies and have changed over time. Officially bequeathing private property and debts can be performed by a testator via will, as attested by a notary or by other lawful means.

Inheritance of property cannot occur unless goods are regarded as belonging to individuals rather than to groups and unless the goods are of such permanence that they continue to exist and to be useful beyond the death of the owner. It can also be referred to as the legal or customary transfer of property, rights, titles, obligations, and responsibilities from a deceased individual to their heirs or beneficiaries.⁸⁰ It encompasses both tangible assets such as land, houses, money, and livestock and intangible rights like titles, authority, or access to resources.

The process is governed by various legal systems, including customary law based on traditional practices, statutory law based on national legal codes, and religious law such as Islamic or Christian inheritance rules.⁸¹ Inheritance systems reflect deep-rooted social values, including beliefs about gender roles, family structure, authority, and ownership.

2.2.2 Types of Inheritance Systems

Inheritance can be categorized based on the line of descent or the norms governing succession. Patrilineal inheritance sees property passed through the male line, usually from father to sons. Daughters are often excluded because they are expected to marry into other families. This is the dominant model in Ibibio customary law and across much of Nigeria.⁸²

⁷⁹ E Achinewhu-Nworgu and others, 'Exploring Land Ownership and Inheritance in Nigeria: A Legal Framework Based on Equality' (2015) ERIC Document ED598011 <https://files.eric.ed.gov/fulltext/ED598011.pdf> accessed 10 November 2025.

⁸⁰ JN Udofia, *The Ibibio Worldview and Customary Practices* (University of Uyo Press 2011) 93.

⁸¹ *Ibid* 105.

⁸² M Jollie Bako and J Syed, 'Women's Marginalization in Nigeria and the Way Forward' (2018) 21 *Human Resource Development International* 425

Matrilineal inheritance, where inheritance flows through the female line, often from maternal uncles to nephews, is rare in Nigeria and not practiced among the Ibibio.⁸³ Equal or bilateral inheritance, where both male and female children inherit from their parents equally, is often advocated under statutory or human rights law but remains uncommon in customary practice.⁸⁴

The primogeniture system, where the firstborn son inherits all or most of the estate, is practiced in traditional Ibibio settings. The first male child inherits both property and leadership responsibilities.⁸⁵ Recent scholarship has documented how these inheritance systems continue to discriminate against women despite constitutional protections.⁸⁶

2.2.3 The Concept of Custom

Custom is the embodiment of those principles which have commended themselves to the national conscience as principles of justice and public utility.⁸⁷ A legal custom is the established pattern of behavior within a particular social setting. Custom is a habitual course of conduct observed uniformly and voluntarily by the people.

Custom occupies an important place in regulation of human conduct in almost all societies. Custom is created by the people, by their unconscious adoption of a certain rule of conduct whenever the same problem arises for solution and its authority is based on nothing but its long continued use and recognition by the people.⁸⁸

2.2.4 Customary Law

⁸³ Constitution of the Federal Republic of Nigeria 1999 (as amended) ss 42 and 43.

⁸⁴ *Ukeje v Ukeje* (2014) 11 NWLR (Pt 1418) 384

⁸⁵ Carmen Diana Deere and R Cheryl Doss, 'The Gender Asset Gap: What Do We Know and Why Does It Matter?' (2006) 12 *Feminist Economics* 1.

⁸⁶ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW) art 16.

⁸⁷ *Ibid*

⁸⁸ U U Effiong, 'Inheritance Rights Under Ibibio Customary Law: A Gender Perspective' (2019) 10 *Calabar Journal of Jurisprudence* 112.

Customary law is a set of laws based on the traditions, customs, or norms of a local community.⁸⁹ It is applied in many countries around the world, often in conjunction with civil, common, and religious legal systems. The content and features of customary law regimes vary by country or region and may evolve over time, in keeping with changes in local customs.⁹⁰

Customary law may be implemented by national judiciaries, but in many countries it is applied through traditional, often informal, justice systems. These traditional systems, rooted in family and community structures, resolve disputes at the local or regional level.⁹¹ Customary law exists where a certain legal practice is observed and the relevant actors consider it to be an opinion of law or necessity.

Recent research emphasizes that Nigerian customary law of succession is patriarchal in nature, with communities reflecting patriarchal customs that systematically disadvantage women.⁹² Scholars note that while customary law remains binding for most Nigerians, particularly regarding inheritance, its discriminatory aspects increasingly conflict with constitutional guarantees.⁹³

2.2.5 Proof of Customary Law Under Nigerian Law

When a custom has not been judicially noticed, it has to be proved by the party asserting that it exists. Provision for this is made in the Evidence Act.⁹⁴ Section 73(1) explains that when the court has to form an opinion as to the existence of any general custom or right, the opinions of persons who would be likely to know of its existence if it existed are admissible.

⁸⁹ Anthony C Diala and J Chukwuemeka, 'The Implications of Customary Law on the Rights of Female Heirs in Succession Cases in Nigeria' (2021) Research Paper <<https://revistaselectronicas.ujaen.es>> accessed 12 November 2025.

⁹⁰ Food and Agriculture Organization, *The State of Food Security and Nutrition in the World 2018* (FAO 2018) 45.

⁹¹ Ibid 120.

⁹² Ibid

⁹³ Constitution of the Federal Republic of Nigeria 1999 s 42

⁹⁴ Nigeria ratified CEDAW on 13 June 1985 without reservations. See OHCHR, 'Status of Ratification' <<https://indicators.ohchr.org>> accessed 15 November 2024.

From the foregoing, customary law may be proved either by witnesses or by books. Witnesses are to be chiefs or other individuals who may be reasonably expected to know the customary law of that area.⁹⁵ In *Nwabuba v Enemu*, the Supreme Court accepted evidence given by a traditional ruler as to the customary law of his area,⁹⁶ while in *Adewoyin v Adeyeye*, the same court refused the Ooni of Ife's testimony concerning Yoruba customary law when it was given for selfish reasons.⁹⁷ The court may accept books which the natives recognize as containing their customary laws.⁹⁸ This has been done in cases like *Adeseye v Taiwo*⁹⁹ and *Oyelowo v Oyelowo*.¹⁰⁰

2.2.6 Applicability of Customary Law

Even after a customary law has been proved, it is not always applicable. Customary law is not applicable in criminal cases as long as it is not contained in any written law as stated by section 36(12) of the Constitution.¹⁰¹ The laws providing for the application of customary law provide that customary law to be applied must not be repugnant to natural justice, equity and good conscience and must not be incompatible either directly or by implication with any law in force.¹⁰²

The Evidence Act also provides that any customary law to be applicable must not be repugnant to natural justice, equity and good conscience, and must not be contrary to public policy.¹⁰³

⁹⁵ Ibid

⁹⁶ Janine Ubink, *Customary Justice and Legal Pluralism in Africa* (Brill 2020) 201.

⁹⁷ Ibid

⁹⁸ Constitution of the Federal Republic of Nigeria 1999 ss 42 and 43.

⁹⁹ *Ukeje v Ukeje* (2014) 11 NWLR (Pt 1418) 384; *Onyibor Anekwe v Maria Nweke* (2014) All FWLR (Pt 739) 1154.

¹⁰⁰ Reginald Akujobi Onuoha, 'Discriminatory Property Inheritance Under Customary Law in Nigeria: NGOs to the Rescue' (2008) 10 *International Journal of Not-for-Profit Law* 2.

¹⁰¹ Sylvia Chant, *Gender, Generation and Poverty* (Edward Elgar 2007) 89.

¹⁰² Ibid

¹⁰³ Ibid

Contemporary scholarship analyzing the repugnancy test emphasizes its continuing relevance in striking down discriminatory inheritance customs.¹⁰⁴

The Repugnancy Test

In *Guri v Hadeija Native Authority*, the Federal Supreme Court held as inapplicable a Moslem law where anyone accused could not stand trial to defend himself.¹⁰⁵ In *Edet v Essien*, a customary law which gave custody of a child to another if dowry had not been returned was held repugnant to natural justice, equity and good conscience.¹⁰⁶ In *Mojekwu v Mojekwu*, the Court of Appeal stated that a custom preventing a man's female child from inheriting his property was repugnant to natural justice, equity and good conscience.¹⁰⁷

Recent analysis confirms that courts increasingly apply the repugnancy test to invalidate customs discriminating against women, though enforcement challenges remain.¹⁰⁸

Incompatibility with Any Law in Force

Customary law is inapplicable if it contradicts local enactments, whether expressly or by implication. Section 36(12) of the Constitution prevents application of customary law in criminal cases.¹⁰⁹ In *Agbai v Okogbue*¹¹⁰ and *Ukeje v Ukeje*,¹¹¹ customary laws were not applicable because they violated fundamental human rights in chapter 4 of the Constitution.

Public Policy

¹⁰⁴ Ibid

¹⁰⁵ N Ezeilo, *Women, Law and Human Rights* (Acena Publishers 2011) 88.

¹⁰⁶ Ibid 92

¹⁰⁷ Oyelami Yakubu Adesina and Mustapha Olanrewaju Ayodeji, 'Gender Inequality in Property Inheritance: Cultural Norms, Legal Frameworks, and Women's Rights in Ibadan, Nigeria' (2025) *International Journal of Research and Scientific Innovation*

¹⁰⁸ Ibid

¹⁰⁹ World Bank, *Women, Business and the Law 2022* (World Bank 2022) 101

¹¹⁰ ibid

¹¹¹ ibid

In *Meribe v Egbu*, two women were not allowed to get married on grounds of public policy.¹¹² It was held in *Alake v Pratt*¹¹³ that it would be contrary to public policy to place a man's children born outside wedlock on the same pedestal as children born in wedlock.

2.2.7 Evidence Act 2011 - Sections 16-19

Section 16 provides that a custom may be judicially noticed if it has been adjudicated upon by a superior court of record in the same area.¹¹⁴ Section 17 states that if not judicially noticed, the custom must be proved as a fact. Section 18(1) provides that a custom is invalid if it is repugnant to natural justice, equity, and good conscience, incompatible with any law in force, and contrary to public policy. Section 19 provides that proof may be made by calling witnesses knowledgeable about the custom.

2.2.8 Judicial Principles on Proof of Custom

In *Oyewumi v Ogunesan*, the Supreme Court held that customary law must be proved by credible evidence unless it is so notorious as to be judicially noticed. In *Kimdey v Military Governor of Gongola State*, the court stressed that customs must be certain and reasonable before enforcement.¹¹⁵ In *Amodu Tijani v Secretary Southern Provinces*, the Privy Council recognized the need to understand customary land tenure.¹¹⁶

In *Ukeje v Ukeje*, the Supreme Court struck down an Igbo custom excluding female children from inheritance as unconstitutional.¹¹⁷ In *Okonkwo v Okonkwo*, the Court of Appeal emphasized

¹¹² *ibid*

¹¹³ *ibid*

¹¹⁴ *ibid*

¹¹⁵

¹¹⁶

¹¹⁷

that customary law is not automatically applicable.¹¹⁸ In *Anaekwe v Nweke*, the Court of Appeal reaffirmed the repugnancy and incompatibility tests.¹¹⁹

2.3 Theoretical Framework

2.3.1 Cultural Relativism

Cultural relativism is the view that concepts and moral values must be understood in their own cultural context and not judged according to standards of a different culture.¹²⁰ Cultural Relativism claims that ethical practices differ among cultures, and what is considered right in one culture may be considered wrong in another.

Application to Nigerian Inheritance Law

Nigeria operates a plural legal system where customary law coexists with statutory and Islamic law. The Constitution and Evidence Act recognize customs as part of the legal framework, provided they are not repugnant to natural justice, equity, and good conscience, are not incompatible with any written law, and do not offend public policy.¹²¹

While cultural relativism explains the historical basis of customs, modern legal systems also operate under universalist principles that promote gender equality.¹²² The Nigerian Supreme Court in *Ukeje v Ukeje* declared discriminatory inheritance customs unconstitutional, reflecting the shift toward balancing cultural identity with human rights.¹²³ Recent scholarship emphasizes

¹¹⁸ Ibid

¹¹⁹ M Ndulo, 'African Customary Law, Customs, and Women's Rights' (2011) 18 *Indiana Journal of Global Legal Studies* 87.

¹²⁰ Ibid

¹²¹ Ibid

¹²² Ibid

¹²³ EI Nwogugu, *Family Law in Nigeria* (Revised edn, Heinemann Educational Books 2014) 398.

the need to harmonize cultural practices with constitutional rights while respecting cultural identity.¹²⁴

2.3.2 International Perspective on Women's Property Rights

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW, adopted by the United Nations General Assembly on 18 December 1979, is the principal international treaty aimed at achieving substantive equality between men and women.¹²⁵ Nigeria ratified CEDAW on 13 June 1985 without reservations.¹²⁶

Article 1 of CEDAW defines discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights.¹²⁷ This definition captures customary rules that exclude women from inheriting property.

Article 2 obligates State parties to take all appropriate measures, including legislative reforms, to modify or abolish laws, customs, and practices that constitute discrimination against women.¹²⁸

Article 15(1) and (2) recognize women's equality before the law and affirm their right to own, acquire, manage, and dispose of property.¹²⁹ Article 16(1)(h) ensures women and men have the same rights in ownership, acquisition, management, administration, enjoyment, and disposition of property.¹³⁰

¹²⁴ Ibid 405

¹²⁵ Abiola Sanni, 'Customary Law and Women's Rights in Nigeria: The Case of *Ukeje v Ukeje*' (2015) 59 *Journal of African Law* 273.

¹²⁶ Ibid 280.

¹²⁷ Ibid

¹²⁸ Ibid 28

¹²⁹ Anne Hellum, 'Human Rights and Gender in African Customary Law' (2011) 11 *African Human Rights Law Journal* 337.

¹³⁰ Ibid 348.

Recent scholarship documents Nigeria's continuing challenges in implementing CEDAW obligations regarding inheritance, with discriminatory customs persisting despite constitutional guarantees.¹³¹

Universal Declaration of Human Rights (UDHR)

The UDHR, adopted on 10 December 1948, is a landmark document in human rights history.¹³² Article 1 states that all human beings are born free and equal in dignity and rights.¹³³ Article 2 prohibits discrimination on any basis, including sex. Article 17(1) and (2) state that everyone has the right to own property and no one shall be arbitrarily deprived of property.¹³⁴

2.3.3 The 1999 Constitution and Women's Property Rights

The 1999 Constitution is the ultimate legal authority in Nigeria.¹³⁵ Section 42 prohibits discrimination on grounds including sex.¹³⁶ Section 43 guarantees every citizen's right to acquire and own property anywhere in Nigeria.¹³⁷ Section 315(3) allows continued application of existing laws including customary law, but only if not inconsistent with constitutional provisions.¹³⁸

Landmark Constitutional Cases

In *Mojekwu v Mojekwu*, the Court of Appeal held that the oli-ekpe customary law was inconsistent with civilized values.¹³⁹ In *Ukeje v Ukeje*, the Supreme Court declared that no matter the circumstances of a female child's birth, she is entitled to inheritance from her late father's

¹³¹ JW Bruce, 'African Inheritance Systems: Patterns and Challenges' (2013) *World Bank Legal Review* 215

¹³² *Ibid* 228

¹³³ O Nnamuchi, 'Constitutionalization of Health and Property Rights in Nigeria: Challenges and Prospects' (2010) 4 *African Journal of Legal Studies* 45.

¹³⁴ *Ibid* 58.

¹³⁵ *Ibid*

¹³⁶ *Ibid* 68

¹³⁷ *Ibid*

¹³⁸ *Ibid* 115.

¹³⁹ *Ibid*

estate, and that Igbo customary law disentiing female children violates section 42 of the Constitution.¹⁴⁰

Contemporary analysis of these decisions reveals both their transformative potential and implementation challenges, particularly in rural areas where customary practices remain entrenched.¹⁴¹ Research emphasizes the gap between judicial pronouncements and actual inheritance practices, calling for comprehensive reform beyond legal rhetoric.¹⁴²

2.3.4 Economic Importance of Women's Inheritance Rights

Women's right to inherit property has far-reaching implications for individual well-being, household stability, and national development.¹⁴³ Direct asset ownership enables women to generate income from inherited property such as leasing land for farming or using assets as collateral for loans.¹⁴⁴

Recent research on women's land rights in Nigeria documents how inheritance exclusion perpetuates poverty and limits women's contributions to agricultural productivity.¹⁴⁵ Studies show that when women inherit land, they invest more in children's education and healthcare, creating multiplier effects for development.¹⁴⁶ Research on women's property rights demonstrates connections between inheritance rights and economic empowerment, entrepreneurship, and poverty reduction.¹⁴⁷

¹⁴⁰ Ibid

¹⁴¹ Ibid

¹⁴² Ibid 438.

¹⁴³ A Taiwo and others, 'Customary Law of Succession in Nigeria: Rethinking the Legal Status of Women' in M Sotunsa and AM Yakubu (eds), *Nigerian Women in Cultural, Political and Public Spaces* (Palgrave Macmillan 2023) 245.

¹⁴⁴ Ibid 258.

¹⁴⁵ Ibid

¹⁴⁶ Ibid

¹⁴⁷ Ibid

In rural areas where agriculture dominates, landlessness prevents women from farming or accessing agricultural credit.⁷⁵ Inherited assets can be used as collateral for bank loans or microfinance credit, allowing women to start or expand businesses.⁷⁶

2.3.5 Political Importance of Women's Inheritance Rights

Inheritance rights have deep political significance, influencing power relations, governance structures, and women's participation in decision-making.¹⁴⁸ When women have inheritance rights, they gain economic independence that translates into political voice. Property ownership often determines who participates in community decision-making in traditional governance structures.

Women's inheritance rights align with constitutional guarantees under section 42, which prohibits discrimination. Protecting these rights demonstrates state commitment to rule of law and equal protection, strengthening democratic institutions. Under customary law, lack of inheritance rights has historically excluded women from political influence, as property ownership determines voting power in community decisions.

Recent research on women's political participation emphasizes connections between property rights and governance, showing that economically empowered women participate more actively in community leadership and policy influence.

2.4 Conclusion

The law of inheritance in Nigeria exemplifies the dynamic interplay between tradition and statutory reform. While customary laws reflect deeply rooted cultural values, constitutional principles increasingly promote harmonization with international human rights standards. Cases

¹⁴⁸ Ibid

like *Ukeje v Ukeje* demonstrate judicial commitment to balancing cultural respect with gender equality. Understanding inheritance in Nigeria requires recognition of its pluralistic character paired with critical assessment of implications for fairness, gender equity, and protection of vulnerable family members. This study lays foundation for legal reforms aimed at creating more equitable Nigerian inheritance regime.

CHAPTER THREE

THE ADMINISTRATION OF ESTATES IN IBIBIO CULTURE

3.1 Introduction

The administration of estates in Ibibio customary law plays a key role in regulating family property and succession after death. It involves how the deceased's property, rights, and responsibilities are transferred and shared among surviving family members. Unlike the English legal system which relies on written laws and formal appointments for estate management, the Ibibio system is shaped by unwritten customs rooted in ancestral traditions, kinship ties and community values. In Nigeria's diverse legal landscape, where over 250 ethnic groups maintain distinct inheritance practices, the Ibibio system exemplifies the patrilineal model dominant across southeastern communities. The administration process encompasses not merely property distribution but also the continuation of family lineage, maintenance of ancestral connections, and preservation of communal values. This chapter explores the principles and processes of estate administration in Ibibio culture, examining how property transitions from deceased individuals to their heirs, who manages this process, and what roles different family members play in the administration system. It also assesses the strengths and challenges of the Ibibio customary approach, especially considering modern constitutional norms of equality and justice. Understanding estate administration in Ibibio communities requires recognizing that property ownership transcends individual rights, embedding itself within collective family interests and responsibilities that span generations.¹⁴⁹

3.2 The Concept and Nature of Estate Administration in Ibibio Customary Law

¹⁴⁹ 'Evolution of Inheritance Practices in Nigeria' (Harlem Solicitors, 11 November 2025) <<https://www.harlemsolicitors.com/2024/11/11/the-evolution-of-inheritance-practices-in-nigeria>> accessed 15 November 2025.

The administration of estates under Ibibio customary law covers the management and distribution of all a deceased person's properties, including land and movable assets, which are viewed as part of the lineage's collective heritage rather than individual property. This conceptualization fundamentally differs from Western legal systems where property belongs to individuals who freely dispose of it through wills or intestacy laws. In Ibibio society, property carries deep cultural significance beyond economic value, representing ancestral connection, family continuity, and communal identity. The estate includes tangible assets such as land for farming and residential purposes, houses and buildings, livestock and farm produce, personal belongings and traditional artifacts, as well as intangible assets including family names and titles, customary rights and privileges, and social status within the community. The administration process begins immediately after death, though actual distribution may take considerable time as family members gather, perform burial rites, and deliberate on appropriate property allocation. Unlike statutory systems with fixed timelines and procedures, Ibibio estate administration operates flexibly according to family circumstances, property complexity, and relationship dynamics among potential beneficiaries. This flexibility sometimes creates uncertainty and disputes, particularly when external pressures from urbanization and modern legal principles challenge traditional assumptions about property rights and gender roles in inheritance.¹⁵⁰

Estate administration in Ibibio culture operates as a family-oriented process rooted firmly in kinship and communal solidarity rather than individual testamentary freedom. The deceased's wishes, while respected, remain subordinate to family interests and customary norms governing property transmission. When death occurs, the family collectively assumes responsibility for

¹⁵⁰ 'Cultural Considerations in Family Land and Property Inheritance in Nigeria' (Chambers and Partners) <<https://chambers.com/articles/cultural-considerations-in-family-land-and-property-inheritance-in-nigeria>> accessed 16 November 2025.

managing the deceased's affairs, ensuring proper burial according to tradition, settling any outstanding debts or obligations, and distributing property among rightful heirs according to customary rules. This collective approach reflects broader Ibibio social values emphasizing community over individualism, cooperation over competition, and maintenance of family harmony over assertion of individual claims. The process typically involves extensive family consultations where elders, particularly male relatives, deliberate on property matters, assess each potential beneficiary's needs and contributions to family welfare, determine appropriate shares based on customary principles, and resolve any disputes that emerge during distribution discussions. These consultations serve multiple functions beyond mere property allocation, including reinforcing family bonds, teaching younger generations about customary law, mediating conflicts before they escalate to formal disputes, and ensuring that vulnerable family members receive necessary support. However, this collective decision-making structure can disadvantage certain family members, particularly women and younger sons, who lack sufficient voice in family councils dominated by senior male relatives whose interpretations of custom may reflect personal interests rather than equitable principles.¹⁵¹

Unlike statutory systems where executors or administrators are appointed through formal letters of administration issued by probate registries, in Ibibio tradition, estate administration responsibility usually falls on the eldest surviving son or the family head known as Obong Ikpaisong. This appointment occurs automatically based on customary rules rather than through formal legal process or court authorization. The eldest son assumes this role by virtue of his birth order and gender, regardless of his personal qualifications, relationship with the deceased, or

¹⁵¹ 'Who Inherits Property When There Is No Will In Nigeria?' (Mondaq, 26 November 2025) <<https://www.mondaq.com/nigeria/wills-intestacy-estate-planning/1550128/who-inherits-property-when-there-is-no-will-in-nigeria>> accessed 27 November 2025.

capacity to manage property responsibly. This automatic succession reflects the patriarchal structure of Ibibio society where male seniority determines authority and responsibility within family hierarchies. The designated administrator holds significant power over estate management, including determining when and how property will be distributed, allocating specific assets to different beneficiaries, managing family property pending distribution, resolving disputes among competing claimants, and representing the family in dealings with external parties regarding estate matters. However, this power comes with corresponding obligations to act fairly toward all family members, preserve family property for future generations, maintain transparency in estate transactions, protect vulnerable dependents such as widows and minor children, and honor the deceased's memory through proper property management. The administrator acts as a trustee, safeguarding the estate and ensuring its distribution according to customary rules, though the boundary between trusteeship and ownership often remains unclear, creating opportunities for abuse where administrators claim personal ownership of family property.¹⁵²

Importantly, estate administration in Ibibio culture is not strictly separated from inheritance as it is in statutory systems. The administrator often serves simultaneously as a beneficiary, receiving his own share while managing distribution to others. This dual role creates potential conflicts of interest where the administrator may favor himself over other beneficiaries, allocate superior property to himself while giving inferior assets to others, delay distribution to maintain control over estate resources, or manipulate customary rules to maximize his personal benefit. Family elders theoretically check these tendencies by overseeing the administrator's actions and

¹⁵² 'Cultural and Legal Considerations in Family Land and Property Inheritance in Nigeria' (SPA Ajibade & Co, 21 September 2023) <<https://spaajibade.com/cultural-and-legal-considerations-in-family-land-and-property-inheritance-in-nigeria>> accessed 16 November 2025.

intervening when necessary to correct unfair practices. However, elder oversight proves effective only when elders remain independent of the administrator's influence, possess sufficient knowledge of estate assets to detect mismanagement, care genuinely about equitable treatment of all family members, and maintain willingness to challenge the administrator despite social pressures favoring respect for family leadership. In practice, administrators often enjoy considerable discretion in estate management with limited effective oversight, particularly in situations where estate assets remain complex or difficult to value, family members lack education about their rights, competing claims exist among different family branches, or the administrator commands respect and influence within the family structure. Key decisions are made collectively in theory, with the administrator consulting elders and principal family members, but the administrator's views frequently carry disproportionate weight in these deliberations, especially regarding technical matters or properties requiring specialized knowledge for proper management.¹⁵³

The communal belief that property belongs to the lineage rather than individuals profoundly shapes estate administration practices in Ibibio society. This philosophy means that even during someone's lifetime, their ownership remains conditional on family interests and subject to customary limitations. A property owner cannot freely alienate family land to outsiders, make testamentary dispositions violating customary succession rules, or manage property in ways that damage family welfare or future generations' interests. Upon death, this communal ownership becomes even more pronounced as the property explicitly returns to family control for redistribution according to customary principles. The estate administration process thus serves to

¹⁵³ 'An Analysis of the Principles and Implication of Intestacy Under Nigerian Customary Law' (Omaplex Law Firm, 25 November 2025) <<https://omaplex.com.ng/an-analysis-of-the-principles-and-implication-of-intestacy-under-nigerian-customary-law>> accessed 28 November 2025.

reaffirm family solidarity, reinforce customary values about property and succession, ensure equitable support for all family members, and maintain property within the lineage for future generations. Administrators must balance competing demands from maintaining traditional practices in changed circumstances, honoring the deceased's implicit wishes while adhering to custom, protecting individual beneficiaries' interests within collective family framework, and adapting inheritance rules to contemporary social and economic realities. These tensions particularly emerge regarding women's property rights where traditional exclusion increasingly conflicts with constitutional guarantees of equality, statutory inheritance laws recognizing female heirs, and social changes giving women greater economic roles and independence from male relatives' control. The administrator's decisions about women's inclusion in property distribution thus carry implications far beyond individual estates, either reinforcing discriminatory customs or facilitating gradual evolution toward more equitable practices within Ibibio inheritance law.¹⁵⁴

3.3 Customary Principles Guiding the Administration of Estates

Several key principles govern estate administration in Ibibio customary law, forming an integrated framework that shapes how property passes between generations and how family relationships structure inheritance rights and responsibilities. The principle of lineage continuity forms the bedrock of estate administration among the Ibibio people, establishing that the overriding purpose of inheritance and succession is not merely the transfer of wealth but the preservation of ancestral property within the family line. Land, in particular, is regarded as a sacred trust inherited from forebears and meant to be safeguarded for future generations, carrying not only economic value but also spiritual and historical significance as it connects the living

¹⁵⁴ 'Inheritance Under a Will V Inheritance Outside a Will Part 2 - Legal Framework Governing Intestacy in Nigeria' (Street Lawyer Naija, 9 December 2024) <<https://streetlawyernaija.com/legal-framework-governing-intestacy-nigeria>> accessed 10 December 2024.

with ancestors and descendants yet unborn. Consequently, alienation of family property to outsiders is highly discouraged if not outrightly forbidden, perceived as a betrayal of ancestral trust and a violation of obligations owed to both past and future generations. The family head and principal members bear duty to ensure that property remains within the lineage, that it is managed productively for family benefit, that it is protected from encroachment by outsiders or competing families, and that it passes intact to the next generation rather than being dissipated through improper transactions or wasteful management. This principle also influences the selection of estate administrators, who are chosen not merely based on seniority or wealth but on demonstrated loyalty to family continuity and ability to protect communal interests rather than pursuing personal advantage at family expense. Inheritance in the Ibibio context thus serves as a mechanism for maintaining social cohesion, cultural identity, and ancestral reverence, fulfilling functions far beyond the economic purposes that dominate statutory inheritance systems focused primarily on property distribution and creditor protection.¹⁵⁵

The principle of primogeniture, giving the right of the eldest son to inherit or administer the estate, remains a dominant feature of Ibibio customary succession and a source of significant controversy in contemporary legal discourse about gender equality and fair inheritance practices. Upon the death of the family head, the eldest male child assumes a position of authority over the deceased's estate automatically by virtue of birth order rather than personal merit, qualifications, or the deceased's expressed preferences. This includes performing the funeral and post-burial rites, which are culturally significant acts that legitimize his status as the new head of the family and establish his authority over estate management. The eldest son symbolically takes possession

¹⁵⁵ Reginald Akujobi Onuoha, 'Discriminatory Property Inheritance Under Customary Law in Nigeria: NGOs to the Rescue' (2018) *International Journal of Not-for-Profit Law* <<https://www.icnl.org/resources/research/ijnl/discriminatory-property-inheritance-under-customary-law-in-nigeria-ngos-to-the-rescue>> accessed 15 November 2025.

of the deceased's house property, usually the father's residential compound or main dwelling, which represents leadership continuity within the lineage and provides physical space for family gatherings and traditional ceremonies. However, while primogeniture grants the eldest son primary administrative rights and certain privileged assets, this privilege is not absolute ownership but rather a form of trusteeship. He acts more as a custodian of family property than an outright owner, holding assets for the benefit of all family members rather than exclusively for his personal use and benefit. His role is custodial, ensuring that the estate benefits all dependents including younger siblings who must receive appropriate shares, widows who require support and maintenance, orphaned children of deceased siblings needing care, and other extended family members with legitimate claims on family resources. The eldest son is expected to demonstrate integrity in estate management, showing fairness in distribution among beneficiaries, accountability for property transactions and income generation, and transparency in explaining his decisions to family members. In instances where he fails to perform his duties properly through mismanagement, favoritism toward certain family members, or acts contrary to family interest, the family council may intervene to correct his actions, impose limits on his authority, or even remove him from his administrative position in extreme cases of abuse or incompetence, though such interventions remain rare in practice given cultural reluctance to challenge family leadership structures.¹⁵⁶

Despite the authority vested in the eldest son or appointed administrator, the Ibibio system of inheritance operates under the principle of collective family responsibility, which serves as a check on individual power and ensures that estate administration serves broader family interests rather than narrow personal advantage. This principle emphasizes that decisions regarding the

¹⁵⁶ *ibid*

distribution, management, or alienation of family property must be made collectively by the extended family, often through a council of elders or principal family members who deliberate on important matters affecting family welfare and property interests. Such deliberations ensure that the interests of all legitimate beneficiaries are considered in distribution decisions, that vulnerable family members receive adequate protection and support, that property is allocated based on need and contribution rather than mere power, and that unity is fostered among family members through inclusive decision-making processes. This collective approach reflects the communal ethos of traditional Ibibio society where the concept of individual ownership was secondary to the welfare of the larger kin group, mutual support among relatives took precedence over personal accumulation, and family solidarity provided social security in the absence of formal welfare systems. The principle also serves conflict-resolution functions, as property decisions taken by consensus are less likely to generate tension or litigation among family members, create lasting resentments that damage family relationships, or result in court cases that deplete family resources through legal fees and prolonged disputes. By entrusting estate decisions to the collective wisdom of family elders who understand both custom and family circumstances, the Ibibio people ensure that the ancestral trust is upheld through decisions reflecting traditional values, that no single individual acts arbitrarily to the detriment of others, and that younger generations learn proper estate management practices through observation and participation. However, this collective structure can also reinforce discriminatory practices when the family council consists primarily of senior men whose traditional views about gender roles and property rights exclude women from meaningful participation in deliberations, and whose economic interests in maintaining male control over property override principles of fairness and constitutional equality.¹⁵⁷

¹⁵⁷ 'Overview of Inheritance Law in Nigeria' (LawCareNigeria, 2 December 2024)

The principle of gender differentiation underscores the patriarchal character of Ibibio customary law and represents perhaps the most controversial aspect of traditional inheritance practices when evaluated against contemporary human rights standards and constitutional guarantees of equality. In traditional practice, women are not regarded as full heirs to family property, experiencing systematic exclusion that reflects cultural assumptions about women's roles, family membership, and property relationships. Daughters are typically excluded from substantive inheritance on the ground that, upon marriage, they become part of another family through the payment of bride price and the performance of traditional marriage ceremonies, and would therefore transfer property rights outside the lineage if allowed to inherit, potentially enriching their husbands' families at the expense of their own bloodline. This reasoning views women as temporary members of their natal families destined to join their husbands' lineages, where they will bear children who belong to the husband's family rather than their own, thus breaking the blood connection that customary law recognizes as the basis for inheritance rights. Widows, while recognized as members of the deceased's household during his lifetime, do not usually acquire ownership of his estate upon his death. Instead, they enjoy limited rights of residence allowing them to remain in the matrimonial home rather than being expelled, maintenance requiring the family to provide for their basic needs, and use of property for their sustenance and their children's welfare for as long as they remain within the family and do not remarry outside it or engage in conduct that violates family expectations about widows' behavior. This arrangement leaves widows in a precarious position of dependency on their late husband's relatives, who control whether they can continue residing in the family home, what resources they can access for their daily needs, whether they can engage in economic activities using family property, and

<<https://lawcarenigeria.com/overview-of-inheritance-law-in-nigeria>> accessed 3 December 2024.

ultimately whether they receive fair treatment or face harassment and dispossession when family members covet their late husband's property.¹⁵⁸

This gender differentiation stems from cultural perceptions of male lineage continuity where inheritance ties directly to the perpetuation of the family name and ancestral bloodline through male descendants who carry the family name, perform ancestral rituals and ceremonies, represent the family in community affairs and dispute resolution, and maintain family property for transmission to future generations. Women, by contrast, are viewed as marrying out of their natal families and into their husbands' lineages, changing their primary family affiliation and identity, bearing children who belong to their husbands' rather than their fathers' families, and participating in their husbands' rather than their fathers' ancestral veneration. These assumptions about women's family membership and identity formation drive the logical conclusion, within the customary framework, that women should not inherit property in their natal families because they will not remain there to benefit the family or fulfill the obligations that come with property ownership, including maintaining family graves and shrines, hosting family gatherings and ceremonies, or supporting other family members in times of need. However, this traditional logic increasingly faces challenge from multiple directions as social changes give women greater economic independence and capacity to support their natal families, constitutional provisions guarantee equal rights regardless of gender, judicial decisions invalidate discriminatory inheritance customs, and women's rights advocacy challenges patriarchal assumptions about women's capacities and family roles. Nonetheless, contemporary realities and statutory interventions, especially the Nigerian Constitution's guarantee of non-discrimination in section

¹⁵⁸ DT Eyongndi and others, 'Realising Female Inheritance Rights in South Eastern Nigeria: The Imperativeness of Going beyond Legal Rhetoric' (2024) 22 *The Age of Human Rights Journal* <<https://revistaselectronicas.ujaen.es/index.php/TAHRJ/article/download/7972/8641/59269>> accessed 27 November 2025.

42 and judicial pronouncements such as those in *Mojekwu v Mojekwu* and *Ukeje v Ukeje*, are gradually challenging this traditional imbalance even as resistance persists in many communities. Modern interpretations of customary law increasingly advocate for gender equity in succession, recognizing women's evolving social and economic roles in the family structure, their contributions to family wealth accumulation, and their capacity to maintain family property and traditions alongside male relatives. However, the translation of these legal principles into actual practice remains incomplete, with many Ibibio families continuing to apply traditional gender differentiation in estate administration despite constitutional and judicial directives requiring equal treatment of sons and daughters in inheritance matters.¹⁵⁹

3.4 Procedure for Estate Administration Under Ibibio Customary Law

The procedural aspects of estate administration in Ibibio customary law follow well-established patterns that vary somewhat among different communities but share common structural elements reflecting shared cultural values and social organization. The procedure starts with completing the burial rites, which must be finalized before any discussions about the estate take place, as Ibibio culture views it as inappropriate and disrespectful to debate property distribution while the deceased remains unburied. The responsibility of organizing and leading funeral ceremonies usually falls to the eldest son or a male relative appointed for this role, who must coordinate with extended family members on funeral arrangements, ensure proper performance of traditional rites and ceremonies, receive and account for condolence contributions from family and community members, and host mourners according to customary expectations about hospitality and respect for the deceased. These burial responsibilities carry significant financial and logistical burdens, often requiring substantial expenditure on coffins, grave sites, food for

¹⁵⁹ Ibid

mourners, and ceremonial requirements, which the eldest son must manage even when estate assets remain uncertain or tied up pending distribution. Following completion of burial rites, the eldest son symbolically takes on the role of estate administrator, assuming authority over the deceased's property and accepting responsibility for its proper management and eventual distribution to legitimate heirs. This transition of authority occurs through traditional ceremonies and family recognition rather than through formal legal processes, court appointments, or documentary transfers of power characteristic of statutory administration systems. Once the burial is complete, the extended family including uncles, brothers and elders gather to deliberate on how to distribute the deceased's property, engaging in discussions that may continue over days, weeks, or even months depending on estate complexity and family dynamics. Decisions are made through consensus rather than majority voting, with family elders serving as crucial arbiters to ensure fairness and balance among competing claims and interests.¹⁶⁰

Real property such as land and houses is commonly allocated among the male children according to customary principles that prioritize the eldest son while ensuring younger sons receive adequate provisions for their families and future needs. The eldest son typically receives the deceased's residential compound and surrounding lands, representing his position as family head and custodian of ancestral property. Other sons share remaining lands based on various factors including their ages and seniority within the sibling hierarchy, their contributions to family welfare during the deceased's lifetime, their respective needs for farmland or residential plots, and the availability of property sufficient to provide each son with viable economic foundation. Daughters, on the other hand, traditionally receive personal belongings such as clothing, jewelry, household utensils, or small gifts as signs of goodwill rather than substantive property rights

¹⁶⁰ 'How to Legally Divide Inherited Property in Nigeria' (Trusted Advisors Law, 25 November 2025) <<https://trustedadvisorslaw.com/inherited-property-in-nigeria>> accessed 26 November 2025.

reflecting true equality with their brothers in inheritance. This differential treatment between sons and daughters reflects cultural assumptions that daughters will marry and receive support from their husbands rather than from their natal families, that their property needs will be met through their marital families, and that granting them significant inheritance in their fathers' estates would transfer family wealth to other lineages through marriage. The widow generally holds a life estate in the matrimonial home, giving her the right to reside there for her lifetime or until remarriage, after which ownership would either pass to sons if they have reached majority or remain under family head's management until sons mature sufficiently to claim their inheritance. This life estate arrangement theoretically protects widows from immediate dispossession while preserving family property for transmission to the next generation, though in practice widows often face pressure from the deceased's relatives who may want to occupy the property themselves, sell it to outsiders for profit, or use it for other family purposes that leave the widow homeless or without adequate accommodation. After the widow's death or departure through remarriage, ownership returns to the husband's family for distribution among his sons according to customary rules, ensuring that property remains within the patrilineal bloodline.¹⁶¹

The eldest son or family head manages the estate's primary assets, ensuring family land is safeguarded for future generations through proper maintenance and protection against encroachment, remains accessible to all family members who need farmland for cultivation or space for building homes, and generates income through rental arrangements or agricultural production that supports family welfare. This custodial responsibility requires the administrator to balance multiple competing demands including maintaining property in good condition

¹⁶¹ 'Intestate Succession in Nigeria Under the Marriage Act' (Jide Bodede, 15 April 2020) <<https://www.linkedin.com/pulse/intestate-succession-nigeria-under-marriage-act-jide-bodede>> accessed 17 November 2025.

through necessary repairs and improvements, preventing waste or damage to family assets, managing any income-generating aspects of the estate such as tenant rents or agricultural harvests, and ensuring equitable access for family members with legitimate needs for property use. The administrator must also mediate disputes that arise regarding property boundaries with neighbors, competing claims among family branches, allegations of unfair distribution or favoritism, and challenges to the administrator's authority or management decisions. Nevertheless, this custodial responsibility can occasionally be abused when administrators claim absolute ownership rather than recognizing their trusteeship role, favor certain family members over others in property allocation or use rights, engage in transactions that benefit themselves at family expense, or fail to account transparently for estate income and expenditures. Such abuses lead to disputes over mismanagement where family members allege improper handling of estate assets, unfair division where some beneficiaries receive disproportionately less than their fair share, or outright fraud where administrators sell family property and misappropriate proceeds. These disputes sometimes escalate to formal litigation in civil courts when internal family resolution mechanisms fail, forcing courts to interpret and apply customary law principles in ways that may or may not align with traditional family expectations or community understanding of proper estate administration. This litigation creates additional burdens on families through legal costs that deplete estate resources, delays that postpone distribution for years, and damage to family relationships that persists long after legal proceedings conclude. The process firmly intertwines family and communal values, resulting in shared responsibility for estate management but also potential conflicts especially regarding equitable treatment and gender roles in inheritance where traditional practices exclude or marginalize women despite contemporary legal recognition of their inheritance rights.¹⁶²

¹⁶² 'The Discrimination of Property Inheritance Under the Nigerian Customary Law' (TheNigeriaLawyer, 17 March

3.5 The Position of Women in the Administration of Estates

Women's involvement in estate administration has traditionally been minimal under Ibibio customary law, reflecting broader patterns of gender discrimination in property rights and family governance that characterize patrilineal inheritance systems across Nigeria and much of Sub-Saharan Africa. Historically, widows were typically excluded from owning or managing property based on the view that they did not permanently belong to their late husband's family and might remarry outside the lineage, potentially taking property with them or giving control to their new husbands rather than preserving it for their children and their late husband's relatives. Widows were usually expected to stay in their matrimonial homes under the authority of the deceased husband's relatives, particularly senior male family members who controlled decisions about property use, widows' conduct, and the raising of the deceased's children. Although widows could sometimes continue to use the property for their livelihood and their children's welfare, they lacked any authority to dispose of it through sale, lease, mortgage, or gift, rendering them perpetually dependent on male relatives' goodwill and vulnerable to exploitation or mistreatment. This dependency created significant hardship, especially for widows who faced hostile relatives seeking to appropriate their late husbands' property or widows whose behavior violated family expectations, leading to harassment, threats of eviction, or actual dispossession when they lacked sons to protect their interests. The widow's position became particularly precarious when she had no male children or when her sons remained minors incapable of asserting claims to their inheritance, leaving her at the mercy of her late husband's brothers or uncles who might claim the property entirely while providing minimal support for the widow and her daughters. Even widows with adult sons often faced marginalization in estate administration

2021) <<https://thenigerialawyer.com/the-discrimination-of-property-inheritance-under-the-nigerian-customary-law>> accessed 18 November 2025.

as their sons assumed control of property and made decisions with minimal consultation, treating mothers as dependents rather than as partners in family management or individuals with their own property rights deserving respect and recognition.¹⁶³

Similarly, daughters were not generally recognized as heirs under traditional Ibibio customary law because inheritance primarily followed the male line, excluding females from property transmission regardless of their contributions to family welfare or their personal circumstances and needs. This exclusion reflected assumptions that daughters would marry and join other families, receive support from husbands rather than fathers, and have no continuing connection to their natal families' property after marriage. The practical effect was that daughters received little or nothing from their fathers' estates upon death, leaving them economically vulnerable if marriages failed or husbands proved unable to provide adequately for family needs. Daughters who remained unmarried faced particular difficulties as they lacked both inheritance in their natal families and access to property through marriage, potentially leaving them destitute unless male relatives voluntarily supported them out of charity rather than legal obligation. These longstanding exclusionary customs are deeply ingrained culturally, passed down through generations, reinforced by traditional leaders and elders who benefited from maintaining male property control, and justified through appeals to ancestral practices and the need to preserve family property within patrilineal bloodlines. However, these customs stand in conflict with constitutional principles of equality set out in sections 42 and 43 of the 1999 Nigerian Constitution, which prohibit discrimination based on sex and guarantee every citizen's right to own property anywhere in Nigeria without regard to gender or family status. Judicial decisions such as those in *Mojekwu v Mojekwu* and *Ukeje v Ukeje* have declared these discriminatory

¹⁶³ *ibid*

customs repugnant to natural justice, equity and good conscience, explicitly invalidating customary rules that exclude women from inheriting their fathers' or husbands' property and affirming women's constitutional rights to equal treatment in inheritance matters. These landmark decisions represent significant legal victories for women's property rights, establishing clear precedents that Nigerian courts must apply regardless of customary traditions or community resistance.¹⁶⁴

Despite such judicial rulings and constitutional protections, discriminatory attitudes often persist at the community level, continuing to limit women's participation and rights in estate administration despite formal legal recognition of their equality with men. This persistence reflects several interconnected factors including lack of awareness among rural women about their legal rights and available remedies, limited access to legal representation and courts for women with modest means, social pressure against challenging family elders or customary practices, fear of ostracism or family conflict if women assert their inheritance rights, and continued influence of traditional leaders who resist changes threatening male authority over property and family governance. Many Ibibio women remain unaware that courts have invalidated discriminatory customs, that the Constitution guarantees their inheritance rights, or that legal mechanisms exist for enforcing these rights against resistant family members. Even women who know their rights may lack resources to hire lawyers, file court cases, or pursue lengthy litigation against family members with greater financial means and community support. Women who do assert their rights often face severe social sanctions including being labeled as selfish or greedy for claiming what custom says belongs to brothers, being accused of disrespecting tradition and elders, facing ostracism from family gatherings and community

¹⁶⁴ *Ukeje v Ukeje* (2014) 11 NWLR (Pt 1418) 384 (SC); *Mojekwu v Mojekwu* (1997) 7 NWLR (Pt 512) 283 (CA).

events, or suffering harassment and threats intended to force them to abandon their claims. These social costs of asserting legal rights often outweigh the economic benefits of gaining property, leading many women to accept traditional exclusion rather than endure family conflict and community disapproval that pursuing their inheritance would provoke. Additionally, the informal nature of estate administration under customary law means that property distribution often occurs without court involvement or formal documentation, making it difficult for women to prove their entitlements or challenge distributions that excluded them. When families distribute property through consensus among male relatives without preparing formal records or court filings, women excluded from these deliberations have limited means to demonstrate what property existed, how it was distributed, or why they should have received shares. This opacity in administration reinforces male control while obscuring discriminatory practices from external scrutiny or legal challenge. The tension between customary practice and constitutional guarantees highlights the ongoing struggle for reform and greater gender equality in inheritance rights within Ibibio society, a struggle that will require sustained effort from legal professionals, women's rights organizations, traditional leaders willing to adapt customs, and government officials committed to enforcing constitutional protections against gender discrimination.¹⁶⁵

CHAPTER FOUR

4.1 THE COMPARISON OF IBIBIO WITH EFIK, IBO AND BENIN

Inheritance customs across Nigerian ethnic groups reflect deep socio-cultural values and serve as vital mechanisms for the transfer of property, authority, and lineage continuity. Among the Ibibio, Efik, Igbo, and Benin peoples, inheritance systems exhibit both similarities and

¹⁶⁵ Ibid

differences shaped by history, economics, and cultural evolution.¹⁶⁶ These systems reveal how patrilineal structures dominate property succession while creating varying degrees of marginalization for women. Understanding these comparative patterns illuminates the broader challenges and opportunities for reforming women's inheritance rights in Nigeria.¹⁶⁷

4.2 Efik Inheritance System and Women Rights

The Efik people of Cross River State, closely related linguistically and culturally to the Ibibio, exhibit a more flexible approach to inheritance compared to other southeastern ethnic groups. This flexibility stems partly from the historical prominence of women in trade and commerce within Efik society.¹⁶⁸ Women played significant roles in the palm oil trade and other economic activities during the pre-colonial and colonial periods. Female traders accumulated substantial wealth and exercised considerable influence in family and community affairs.¹⁶⁹

The Efik system sits at an intersection of patriliney and female economic influence. While land and traditional titles pass through male lineage, women enjoy more security than their counterparts in strictly patrilineal societies. Widows typically retain use rights over their late husband's property, especially if they have sons. Female children may receive movable property and sometimes land through gifts during the father's lifetime. Cross River State passed legislation in 2023 codifying these progressive practices into law.¹⁷⁰

4.3 Igbo Inheritance Practices and Women Rights

¹⁶⁶ OS Okwuadinma and PI Gasiokwu, 'The Right to Female Succession-Inheritance Under Native Laws and Customs in Nigeria: An Affront to Justice' (2024) 12 (6) *Global Journal of Politics and Law Research* 98

¹⁶⁷ DT Eyangndi and others, 'Realising Female Inheritance Rights in South Eastern Nigeria: The Imperativeness of Going Beyond Legal Rhetoric' (2024) 22 *The Age of Human Rights Journal* 4

¹⁶⁸ AA Taiwo and others, 'Customary Law of Succession in Nigeria: Rethinking the Legal Status of Women' in M Sotunsa and AM Yakubu (eds), *Nigerian Women in Cultural, Political and Public Spaces* (Palgrave Macmillan 2023) 215

¹⁶⁹ *ibid*

¹⁷⁰ CS Nwakoby and IN Mariah, 'Culture and Gender Issues on Inheritance Rights in Nigeria' (2022) 8 (4) *International Journal of Law* 225

The Igbo people of Southeastern Nigeria uphold one of the most firmly entrenched patrilineal inheritance systems in the country. In their traditional cosmology, land is sacred and belongs to the Umunna or patrilineage.¹⁷¹ Women are considered temporary members of their natal families who will marry into other lineages. This worldview excludes daughters from inheriting family land under customary law. Only male children inherit real property, while daughters may receive personal effects or gifts.¹⁷²

The Igbo system includes practices like Nrachi or Idigbe, where a female child remains unmarried in her father's house to bear sons who inherit in his name. This demonstrates the extreme measures communities take to preserve male lineage continuity.¹⁷³ These customs persisted despite constitutional protections until courts began declaring them unconstitutional. The Supreme Court's decision in *Ukeje v Ukeje* marked a turning point by invalidating Igbo customary law that excluded female children from inheritance.¹⁷⁴

4.4 Benin Inheritance Practices and Women Rights

The Benin Kingdom, situated in present-day Edo State, exhibits a complex inheritance system combining patrilineal descent with significant female participation in politics and economics. The institution of the *Iyoba*, or Queen Mother, demonstrates women's potential for wielding substantial power in Benin society.¹⁷⁵ However, customary inheritance rules still favor male

¹⁷¹ AO Akpovi and A Akpovi, 'The Right of a Girl Child to Inheritance in Igbo Land: A Review of the Supreme Court Decision in the Case of *Ukeje v Ukeje*' (2023) 9 (1) *DELSU Law Review* 378

¹⁷² *Ibid*

¹⁷³ *Ibid* 10

¹⁷⁴ *Ukeje v Ukeje* (2014) LPELR-22724 (SC)

¹⁷⁵ *ibid*

children for land and traditional titles. Women access property primarily through husbandry or gifts rather than direct inheritance.¹⁷⁶

Benin women who accumulate wealth through trading or farming can own and bequeath property independently. This creates a dual system where customary law restricts inheritance while economic realities allow women to control resources.¹⁷⁷ Modern Benin inheritance practices show gradual evolution toward greater gender equality, influenced by urbanization and education. Widows in Benin generally enjoy better treatment than in some other Nigerian cultures, retaining rights to residence and property use.¹⁷⁸

4.5 Constitutional and Judicial Interventions in Women's Inheritance Rights

The Nigerian Constitution provides strong protection for women's inheritance rights through Section 42. This section prohibits discrimination based on sex and circumstances of birth.¹⁵ Section 42(1) protects all Nigerians from discrimination in law application or administrative action. The provision states that no citizen shall be subjected to disabilities or restrictions because of their gender. Section 42(2) specifically addresses discrimination based on birth circumstances. These constitutional guarantees form the legal foundation for challenging discriminatory customary practices.¹⁷⁹

The supremacy clause in Section 1(3) makes any law inconsistent with the Constitution void. This creates a clear hierarchy where constitutional rights override customary law provisions that discriminate against women.¹⁸⁰ Nigerian courts have increasingly applied Section 42 to invalidate discriminatory inheritance customs. The landmark case of *Mojekwu v Mojekwu*

¹⁷⁶ *ibid*

¹⁷⁷ *ibid*

¹⁷⁸ *ibid*

¹⁷⁹ *ibid*

¹⁸⁰ Constitution of the Federal Republic of Nigeria 1999, s 42(1)

marked a turning point in judicial attitudes toward women's inheritance rights. The Court of Appeal declared the Oli-Ekpe custom repugnant to natural justice, equity, and good conscience.¹⁸¹

Justice Niki Tobi strongly condemned customs that excluded women from inheritance. The court held that such practices violated fundamental human rights principles.¹⁸² This decision set the stage for more progressive judicial interpretations of women's rights. The Supreme Court's decision in *Ukeje v Ukeje* represents the most significant judicial intervention in women's inheritance rights. Justice Bode Rhodes-Vivour delivered a unanimous judgment that revolutionized inheritance law in Nigeria. The court held that no female child could be deprived of inheritance regardless of birth circumstances.²⁰

4.6 Implementation Challenges and the Gap Between Law and Practice

Despite landmark judicial decisions, the practical implementation of women's inheritance rights remains problematic across Nigeria. The *Ukeje* judgment, delivered in 2014, has failed to produce widespread normative change in many communities.¹⁸³ Rural areas continue to practice discriminatory customs despite clear constitutional prohibitions. Communities often ignore court decisions that conflict with traditional beliefs and values. The gap between legal pronouncements and social practice reflects deeper cultural resistance to change.¹⁸⁴

Traditional leaders and family heads maintain authority over inheritance matters in many villages. They prioritize customary practices over statutory law when distributing deceased persons' estates.²³ Women who assert their legal rights often face social ostracism and family

¹⁸¹ *ibid* s 42(2)

¹⁸² *ibid* s 1(3)

¹⁸³ *Mojekwu v Mojekwu* (1997) LPELR-13777 (CA)

¹⁸⁴ *ibid*

conflict. The cost of litigation also prevents many women from accessing justice through formal court systems. Research shows that judicial decisions alone cannot transform deeply entrenched cultural practices.²⁴

The *volksgeist*, or spirit of the people, strongly influences how communities receive and implement legal reforms. Igbo communities in rural southeastern Nigeria particularly resist changes to inheritance customs.²⁵ Male family members benefit from existing patriarchal arrangements and oppose reforms. Women themselves sometimes internalize discriminatory norms and fail to challenge their exclusion from inheritance. The absence of effective enforcement mechanisms allows communities to maintain discriminatory practices without consequence.²⁶

Rivers State made history in 2023 by becoming the first Nigerian state to domesticate the Ukeje judgment through legislation. The state passed a law enabling women to share in family property on equal terms with men.²⁷ This legislative action represents a model for other states to follow in translating judicial decisions into enforceable law. However, only one state out of 36 has taken such action after nearly a decade since the Ukeje judgment.¹⁸⁵

4.7 Socioeconomic Factors Affecting Women's Inheritance Rights

The socioeconomic context shapes how inheritance customs operate and affect women across different Nigerian communities. Urbanization and education have created some changes in inheritance practices among educated elites.¹⁸⁶ Professional women in cities increasingly assert their rights to inherit family property alongside brothers. Economic empowerment through

¹⁸⁵ *ibid*

¹⁸⁶ AC Diala, 'The Missing Link in Judges' Approach to the Igbo Custom of Inheritance' (18 August 2023) *African Legal Studies Blog* <<https://africanlegalstudies.blog/2023/08/18/the-missing-link-in-judges-approach-to-the-igbo-custom-of-inheritance/>> accessed 10 November 2025

employment gives urban women leverage to challenge discriminatory customs. However, the majority of Nigerian women live in rural areas where customary practices remain dominant.¹⁸⁷

Agricultural economies in villages depend on land ownership patterns that favor male inheritance. Traditional beliefs link land ownership to lineage continuity through male descendants only.³¹ This connection makes communities resistant to changing inheritance rules even when laws require equality. Women's economic vulnerability increases their dependence on male relatives for property access and security. Widows without independent income sources face particular hardship when denied inheritance rights.¹⁸⁸

Traditional customs often require widows to remarry within the husband's family to maintain property access. Some communities practice widow inheritance, where a deceased man's brother takes the widow as wife.¹⁸⁹ These practices violate women's dignity and autonomy while denying them direct property ownership. The economic marginalization of women reinforces social power structures that benefit men. Male family members use property control to maintain authority over female relatives and dependents.¹⁹⁰

Educational disparities between men and women contribute to the persistence of discriminatory inheritance practices. Many rural women lack awareness of their constitutional rights regarding property inheritance.³⁵ Illiteracy prevents women from understanding legal documents or navigating formal justice systems. Traditional authorities exploit this knowledge gap to maintain

¹⁸⁷ *ibid*

¹⁸⁸ *ibid*

¹⁸⁹ *ibid*

¹⁹⁰ *ibid*

customary practices that favor male heirs. Legal literacy programs targeting women could help close this gap, but such initiatives remain limited in rural areas.¹⁹¹

4.8 The role of religion in shaping inheritance practices

Religious beliefs significantly influence inheritance customs across Nigerian ethnic groups, adding complexity to reform efforts. Islamic law governs inheritance for Muslim communities in northern Nigeria, with specific rules about property distribution.³⁷ Sharia inheritance principles allocate different shares to male and female heirs based on Islamic jurisprudence. Male children typically receive double the share of female children under Islamic inheritance rules. This religious prescription conflicts with constitutional equality guarantees in Section 42.¹⁹²

The Constitution allows personal law exceptions for religious communities in certain matters. This creates tension between religious freedom and gender equality principles in Nigeria's legal framework.¹⁹³ Christian communities in southern Nigeria generally do not follow specific religious inheritance rules. However, church teachings about male headship and traditional family roles can reinforce patriarchal customs. Some Christian leaders invoke biblical interpretations to support male primogeniture in inheritance.¹⁹⁴

Churches play influential roles in shaping community attitudes toward women's property rights. Progressive church leadership could help change cultural attitudes about women's inheritance rights.¹⁹⁵ Religious institutions that promote gender equality can provide moral authority for challenging discriminatory customs. Traditional African religious beliefs also shape inheritance

¹⁹¹ *ibid*

¹⁹² *ibid*

¹⁹³ *ibid*

¹⁹⁴ BE Umukoro and others, 'Customary Land Ownership and Women's Land Rights in Nigeria: Extending the Frontiers of Feminist Environmental Justice' (2024) 4 (3) *Journal of Environmental Law & Policy* 8

¹⁹⁵ *ibid*

customs in many communities across Nigeria. Ancestral worship practices connect land ownership to maintaining family lineage and honoring deceased patriarchs.¹⁹⁶

4.9 Comparative analysis with other African jurisdictions

Examining inheritance law reforms in other African countries provides useful lessons for Nigeria's situation. South Africa underwent comprehensive customary law reform following the end of apartheid and adoption of a rights-based constitution.¹⁹⁷ The Constitutional Court's decision in *Bhe v Magistrate, Khayelitsha* invalidated male primogeniture rules in African customary law. South Africa passed the Reform of Customary Law of Succession Act to align inheritance practices with constitutional equality.¹⁹⁸

Kenya also reformed its inheritance laws through the Law of Succession Act, which unified intestate succession rules across ethnic communities. The Act abolished discriminatory customary practices and established equal inheritance rights for daughters and sons.¹⁹⁹ However, implementation challenges persist in rural Kenyan communities where traditional practices continue. Ghana provides another instructive example through its Intestate Succession Law, which reformed discriminatory customary practices. The reforms protected widows from being dispossessed by in-laws and ensured children's inheritance rights.²⁰⁰

These comparative examples reveal common patterns in African countries attempting inheritance law reform. Judicial decisions declaring discriminatory customs unconstitutional represent

¹⁹⁶ DM Behr, 'Women's Land Rights in Sub-Saharan Africa: Where do we Stand in Practice' (World Bank Group, Global Indicators Briefs No 23, 23 October 2023) 5

¹⁹⁷ *ibid*

¹⁹⁸ CA Onah and HU Obi-Obiora, 'Women and the Right to Acquire and Own Land in Nigeria: Examining the Conflicts between Statutory and Customary Law' (2022) 12 *Unizik Journal of Public and Private Law* 2

¹⁹⁹ *Ibid*

²⁰⁰ *ibid*

important first steps toward change.²⁰¹ However, court judgments alone rarely produce widespread compliance in communities attached to traditional practices. Comprehensive statutory reform provides clearer guidance and stronger enforcement mechanisms than case law alone.⁴⁸

4.10 Recommendations for effective reform of women's inheritance rights

Nigeria needs a multipronged strategy to bridge the gap between constitutional rights and customary practice in inheritance matters. State legislatures should follow Rivers State's example by passing laws that domesticate the Ukeje judgment.²⁰² Comprehensive inheritance legislation should establish clear procedures for property distribution that guarantee women's equal rights. Such laws must include effective enforcement mechanisms and penalties for violations of women's inheritance rights.²⁰³

Legal education and awareness programs targeting women in rural communities are essential for empowering rights assertion. Government agencies should partner with civil society organizations to conduct grassroots education about constitutional inheritance rights.²⁰⁴ Legal aid services must be made available to women who cannot afford private lawyers to contest inheritance disputes. Traditional and religious leaders must be engaged as partners in reforming discriminatory inheritance practices.²⁰⁵

Judicial reforms are needed to make courts more accessible and responsive to women's inheritance claims. Specialized family courts with simplified procedures could reduce the cost

²⁰¹ *ibid*

²⁰² *ibid*

²⁰³ *ibid*

²⁰⁴ Constitution of the Federal Republic of Nigeria 1999, s 38

²⁰⁵ AC Diala, 'Reform of the Customary Law of Inheritance in Nigeria: Lessons from South Africa' (2014) 14 *African Human Rights Law Journal* 644

and complexity of inheritance litigation.²⁰⁶ Judges and magistrates need regular training on constitutional rights and international human rights standards regarding women's property rights. Media campaigns can shift public attitudes about women's inheritance rights by highlighting success stories and challenging stereotypes.²⁰⁷

The path forward requires sustained commitment from multiple stakeholders working together toward the common goal of gender equality. Government must demonstrate political will through legislative action and resource allocation for implementation programs.²⁰⁸ True reform will only succeed when legal changes penetrate the social fabric and transform community attitudes toward women's inheritance rights. Achieving this goal demands nothing less than a fundamental shift in how Nigerian society understands gender, family, property, and justice.²⁰⁹

²⁰⁶ *ibid* 650

²⁰⁷ *ibid* 655

²⁰⁸ *ibid* 658

²⁰⁹ *ibid* 660

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Summary of Findings

This research examined the economic and political importance of women's right of inheritance under Ibibio customary law. The study analyzed inheritance practices across four major Nigerian ethnic groups: Ibibio, Efik, Igbo, and Benin. The investigation revealed significant patterns of gender discrimination embedded in customary inheritance systems across these communities.²¹⁰

These findings demonstrate how patriarchal structures systematically exclude women from property ownership and economic security through culturally sanctioned inheritance practices.²¹¹

The research found that Ibibio customary law operates under strict patrilineal principles that marginalize women in inheritance matters. The principle of lineage continuity prioritizes male descendants as custodians of family property and ancestral land.²¹² Under this system, women are considered temporary members of their natal families who will eventually marry into other lineages. This worldview fundamentally denies women the status of permanent heirs entitled to inherit family property. The study established that daughters receive minimal consideration in estate distribution, often limited to personal effects or token gifts.²¹³

The principle of primogeniture grants the eldest son primary rights to administer and inherit the family estate. This custom concentrates power and property in male hands while systematically

²¹⁰ DT Eyongndi and others, 'Realising Female Inheritance Rights in South Eastern Nigeria: The Imperativeness of Going Beyond Legal Rhetoric' (2024) 22 *The Age of Human Rights Journal* 5

²¹¹ OS Okwuadinma and PI Gasiokwu, 'The Right to Female Succession-Inheritance Under Native Laws and Customs in Nigeria: An Affront to Justice' (2024) 12 (6) *Global Journal of Politics and Law Research* 100

²¹² DT Eyongndi and others 8

²¹³ Ibid

excluding female children from inheritance.²¹⁴ The research revealed that widows face particular vulnerability under Ibibio customary law. Widows typically hold property only as temporary custodians for their male children rather than as independent owners. The study documented cases where widows lost access to property upon remarriage or when male relatives contested their rights.²¹⁵

The comparative analysis revealed important variations among the four ethnic groups studied. Efik inheritance practices demonstrate greater flexibility toward women compared to strictly patrilineal systems. The historical prominence of Efik women in trade and commerce created space for recognizing female property rights.²¹⁶ Cross River State's 2023 legislation codifying progressive Efik practices represents a significant legal development. However, the research found that even among the Efik, women's inheritance rights remain subordinate to male claims on family land and traditional titles.²¹⁷

Igbo customary law exhibits the most rigid exclusion of women from inheritance among the groups studied. The research documented how Igbo communities view land as sacred property belonging exclusively to the male lineage or Umunna.²¹⁸ Daughters are systematically excluded from inheriting immovable property under traditional Igbo custom. The study found that discriminatory practices like Nrachi persist in some communities despite constitutional

²¹⁴ AA Taiwo and others, 'Customary Law of Succession in Nigeria: Rethinking the Legal Status of Women' in M Sotunsa and AM Yakubu (eds), *Nigerian Women in Cultural, Political and Public Spaces* (Palgrave Macmillan 2023) 218

²¹⁵ Ibid 220

²¹⁶ AO Akpovi and A Akpovi, 'The Right of a Girl Child to Inheritance in Igbo Land: A Review of the Supreme Court Decision in the Case of Ukeje v Ukeje' (2023) 9 (1) *DELSU Law Review* 385

²¹⁷ Ibid

²¹⁸ Ibid

prohibitions. These customs require unmarried daughters to bear sons who inherit in their grandfather's name, demonstrating extreme measures to preserve male lineage continuity.²¹⁹

The Benin inheritance system combines patrilineal descent with significant female participation in economic and political spheres. The research found that Benin women who accumulate independent wealth through trade exercise greater control over property than their counterparts in other ethnic groups.²²⁰ However, customary inheritance rules still favor male children for land and traditional titles. The study revealed a dual system where customary law restricts inheritance while economic realities allow some women to own and control resources independently.²²¹

The constitutional and legal analysis revealed strong protections for women's inheritance rights in Nigerian law. Section 42 of the 1999 Constitution prohibits discrimination based on sex and circumstances of birth.²²² The research examined landmark judicial decisions that applied constitutional protections to invalidate discriminatory customs. The Supreme Court's decision in *Ukeje v Ukeje* represents a watershed moment in Nigerian inheritance law. The court unanimously held that customary laws excluding female children from inheritance violate constitutional equality guarantees.²²³

However, the study identified a significant gap between legal pronouncements and social practice. The research found that rural communities continue practicing discriminatory customs despite clear constitutional prohibitions and judicial decisions.²²⁴ Traditional authorities maintain control over inheritance matters in many villages, prioritizing customary practices over statutory

²¹⁹ Ibid 11

²²⁰ Ibid

²²¹ Ibid

²²² Constitution of the Federal Republic of Nigeria 1999, s 42

²²³ *Ukeje v Ukeje* (2014) LPELR-22724 (SC)

²²⁴ AC Diala, 'The Missing Link in Judges' Approach to the Igbo Custom of Inheritance' (18 August 2023) *African Legal Studies Blog* <https://africanlegalstudies.blog/2023/08/18/the-missing-link-in-judges-approach-to-the-igbo-custom-of-inheritance/> accessed 10 November 2025

law. The study documented numerous cases where families excluded women from inheritance despite their constitutional rights. This implementation gap reflects deeper cultural resistance to changing traditional inheritance norms.²²⁵

The research identified multiple factors contributing to the persistence of discriminatory inheritance practices. Economic considerations play a central role in maintaining male-dominated inheritance systems. The study found that agricultural communities resist changing land inheritance patterns because they view male ownership as essential to family continuity.²²⁶ Women's economic vulnerability reinforces their dependence on male relatives for property access. The research revealed how denying women inheritance rights ensures their continued subordination within family and community power structures.²²⁷

Educational disparities emerged as a significant factor perpetuating discriminatory practices. The study found that many rural women lack awareness of their constitutional inheritance rights.²²⁸ Illiteracy prevents women from understanding legal procedures or accessing formal justice systems. Traditional authorities exploit this knowledge gap to maintain customs that favor male heirs. The research documented how legal literacy programs could empower women to assert their rights, but such initiatives remain limited in rural areas.²²⁹

Religious and cultural beliefs strongly influence inheritance practices across Nigerian communities. The research examined how Islamic law, Christian teachings, and traditional African religions shape inheritance customs.²³⁰ Islamic inheritance principles allocate different

²²⁵ Ibid

²²⁶ BE Umukoro and others, 'Customary Land Ownership and Women's Land Rights in Nigeria: Extending the Frontiers of Feminist Environmental Justice' (2024) 4 (3) *Journal of Environmental Law & Policy* 12

²²⁷ Ibid

²²⁸ Ibid 15

²²⁹ Ibid

²³⁰ ibid

property shares to male and female heirs, creating tension with constitutional equality guarantees. Christian communities often reinforce patriarchal customs through interpretations of male headship and family roles. Traditional religious beliefs connecting land ownership to ancestral worship make inheritance reform culturally complex.²³¹

The study revealed that enforcement mechanisms for protecting women's inheritance rights remain inadequate. Government agencies lack resources and political will to monitor compliance with constitutional protections.²³² Police and administrative officials often defer to customary authorities in family property disputes. The research found that women face significant barriers accessing justice, including litigation costs, social stigma, and family pressure. These obstacles prevent many women from asserting their constitutional rights even when they know about them.²³³

The comparative analysis with other African jurisdictions provided valuable insights for Nigerian reform efforts. South Africa's comprehensive approach combining judicial intervention with statutory reform achieved more meaningful change than court decisions alone.²³⁴ Kenya and Ghana also enacted legislation establishing equal inheritance rights, though implementation challenges persist in rural areas. The research found that successful reform requires combining legal changes with public education, community engagement, and sustained enforcement efforts.²³⁵

²³¹ *ibid* 16

²³² *Ibid*

²³³ *ibid*

²³⁴ AC Diala, 'Reform of the Customary Law of Inheritance in Nigeria: Lessons from South Africa' (2014) 14 *African Human Rights Law Journal* 650

²³⁵ *ibid* 655

The study documented the socioeconomic consequences of denying women inheritance rights. Women excluded from inheritance face increased poverty and economic insecurity.²³⁶ Widows without property rights become vulnerable to exploitation by male relatives. The research found that discriminatory inheritance practices perpetuate gender inequality across generations. Daughters who cannot inherit property have fewer resources to invest in education or economic opportunities. This creates a cycle of female disadvantage that undermines broader development goals.²³⁷

The political dimensions of inheritance rights emerged as an important research finding. Property ownership provides the economic foundation for political participation and community influence.²³⁸ The study found that excluding women from inheritance marginalizes them politically and socially. Women without independent property lack the economic security to challenge male authority or participate fully in community decision making. The research revealed how inheritance discrimination reinforces broader patterns of female subordination in Nigerian society.²³⁹

5.2 CONCLUSION

This research demonstrates that women's inheritance rights under *Ibibio* and other Nigerian customary laws require comprehensive reform. The systematic exclusion of women from property inheritance violates constitutional equality guarantees and international human rights standards. Customary practices that deny women inheritance rights cannot be justified by appeals to tradition or culture when they conflict with fundamental human rights principles.

²³⁶ DM Behr, 'Women's Land Rights in Sub-Saharan Africa: Where do we Stand in Practice' (World Bank Group, Global Indicators Briefs No 23, 23 October 2023) 8

²³⁷ *Ibid*

²³⁸ CS Nwakoby and IN Mariah, 'Culture and Gender Issues on Inheritance Rights in Nigeria' (2022) 8 (4) *International Journal of Law* 230

²³⁹ *Ibid*

The gap between legal protections and social practice represents the central challenge for achieving gender equality in inheritance matters. Judicial decisions like *Ukeje v. Ukeje* provide important legal precedents, but court judgments alone cannot transform deeply entrenched cultural practices. Meaningful reform requires coordinated action by government, civil society, traditional institutions, and communities to translate constitutional rights into lived reality for Nigerian women.

The comparative analysis reveals that Nigeria can learn from reform experiences in other African countries. South Africa, Kenya, and Ghana demonstrate that comprehensive statutory reform combined with sustained implementation efforts produces better outcomes than judicial intervention alone. However, even in countries with progressive legislation, enforcement challenges persist in rural areas where traditional practices remain strong.

The economic and political importance of inheritance rights extends beyond individual property ownership. Inheritance discrimination perpetuates cycles of female poverty, limits women's economic opportunities, and reinforces patriarchal power structures. Ensuring women's equal inheritance rights represents an essential step toward achieving broader gender equality and sustainable development in Nigeria.

5.3 RECOMMENDATIONS

Based on the research findings, this study makes the following recommendations:

Legislative Reform: State legislatures should enact comprehensive inheritance laws that domesticate the *Ukeje* judgment and establish clear procedures guaranteeing women's equal inheritance rights. The National Assembly should consider federal legislation establishing

minimum standards for inheritance rights across all states. Such legislation must include effective enforcement mechanisms and penalties for violations.

Public Education: Government agencies should partner with civil society organizations to conduct grassroots education campaigns about constitutional inheritance rights. Legal literacy programs targeting rural women are essential for empowering rights assertion. Community dialogue sessions engaging traditional and religious leaders can build support for reform while respecting cultural values.

Access to Justice: Legal aid services must be expanded to help women who cannot afford private lawyers to contest inheritance disputes. Specialized family courts with simplified procedures could reduce the cost and complexity of inheritance litigation. Pro bono legal clinics in rural areas could bridge the justice gap for economically disadvantaged women.

Judicial Capacity Building: Judges and magistrates need regular training on constitutional rights and international human rights standards regarding women's property rights. Court decisions should include detailed enforcement orders specifying how property must be distributed. Contempt proceedings should be readily available when parties refuse to comply with orders protecting women's inheritance rights.

Engagement with Traditional Institutions: Traditional rulers who embrace gender equality can become powerful advocates for implementing women's inheritance rights. Religious institutions should be encouraged to reinterpret cultural practices through frameworks that honor human dignity and equality. Youth education programs can instill values of gender equality in the next generation before discriminatory attitudes become entrenched.

Research and Monitoring: Comprehensive studies examining inheritance practices across Nigerian communities can inform evidence-based reform strategies. Regular monitoring of inheritance disputes and outcomes would provide data for policy development. Academic institutions should receive funding to conduct long-term research on customary law evolution and gender equality.

International Advocacy: Civil society organizations should use international reporting procedures to highlight Nigeria's implementation gaps regarding women's inheritance rights. United Nations agencies and African Union bodies can provide technical assistance for legal reform initiatives. International funding for women's rights programs can support local organizations doing advocacy and education work.

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