

EXPANDING WOMEN'S RIGHT TO INHERIT IMMOVABLE PROPERTY IN IGBOLAND
BEYOND THE LIMITS OF UKEJE V. UKEJE*

Abstract

The traditional beliefs in patriarchy and male primogeniture in *Igboland* place women as inferior and subordinate to men. They promote a custom of inequality of the sexes which, among others, disentitled women from inheriting immovable property under customary law. However, in the 2014 case of *Ukeje v. Ukeje*, the Supreme Court of Nigeria invalidated that custom for failing the repugnancy test and contradicting relevant fundamental rights provisions on equality and non-discrimination in the Nigerian Constitution. It literally reversed the custom and granted women equal right to inherit immovable property with the men. This paper argues that salient gaps in the judgement may, technically, defeat or impede its essence. Most rural folks are also skeptical of this 'change' and stick to the old custom. This paper concludes that the judgement alone cannot, except with some form of expansion, guarantee full acceptance and institutionalization of the new concept of women's right to inherit property in *Igboland*. It therefore recommends, among others, legislative action, broad sensitization by locals, and the joinder of traditional rulers as co-defendants in litigations for breach of the new right, as options for bridging the identified gaps and expanding Nigerian women's property rights beyond the frontiers of *Ukeje v. Ukeje*. This paper contributes to existing literature on Nigerian women's property rights but its scope does not cover the salient extra-patriarchal issue of women contributing to their own lack of access to land.

Keywords: *Right to inherit immovable property, Igboland, Ukeje v. Ukeje, Women, Nigeria*

1. Introduction

The ethnic *Igbo* speaking people of South East Nigeria inhabit the area usually described as *Igboland*, which comprise the states of Abia, Anambra, Ebonyi, Enugu and Imo, with a significant number clustered in Edo, Delta, Bayelsa and Rivers states. ¹ The *Igbos* share a common traditional belief in patriarchy and primogeniture² which usually promote gender inequality and the subjugation of women, in both dignity and property rights.³ The patrilineal nature of *Igbo* societies subsumed in the prevalent customary law ensure that no female could be the head of a household or lineage or a sub-lineage.⁴ Women in *Igboland* are also denied the right to inherit the intestate immovable property of a deceased husband or father under customary law, to the exclusion of the males, except to the extent that they can expect to be maintained by their husbands' heirs. However, they can acquire wealth and assets in their own right, which, as personal property, will go to their children, and if they are childless, they may still produce heirs through African traditional 'woman to woman marriage'.⁵ In extreme cases, women were even regarded as part of the inheritable estate of a deceased husband or father.⁶ Sometimes, most widows

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¹ *Igboland* lies between latitude 5 and 7 degrees north and latitude 6 and 8 degrees east, and occupy a continuous stretch of territory of about 25,280 square kilometres. They are roughly bounded in the south by the *Ijaw* and in the west by the *Edo*, in the east by the *Ibibio* people, and in the north by the *Ogoja*, *Idoma* and *Igalla* people. The people from *Igboland* are called the *Igbos*. See: Korieh, C. J. (1996). *Widowhood among the Igbo of eastern Nigeria*. The University of Bergen. Available at: http://bora.uib.no/bitstream/handle/1956/12867/Chima%20Korieh_WIDOWHOOD%20AMONG%20THE%20IGBO%20F%20EASTERN%20NIGERIA.pdf?sequence=1 (10/4/2020).

² The rule of primogeniture underlines the customary law of male succession in *Igboland*. It presupposes that when a man dies, all his property passes to his eldest son, who administers and manages same on trust for the benefit of the family but a widow (and females) cannot inherit the estate since customary law regards her as part of the "property" of the deceased which the heir inherits.

³ Makama, G. A. (2013). "Patriarchy and Gender Inequality in Nigeria: The Way Forward." *European Scientific Journal*, 9(17); Aloy Ojilere, Onuoha, R., & Igwe, T. (2019). "New Directions for Securing African Women's Right to Property under Customary Law: The Case of Nigeria." *Asian Women*, 35(1), 95-119.

⁴ Nduka, U., & Ozioma, N. G. (2019). "Chinua Achebe's Things Fall Apart and the Role of Women in *Igbo* Traditional Religious Culture." *Open Journal of Social Sciences*, 7(12), 273.

⁵ Aloy Ojilere (2016). "Homosexuality and Same-Sex Marriage: The Dilemma of Human Rights in Sub-Saharan Africa." *Imo State University Journal of Commercial and Contemporary Law*, 6, 159-169.

⁶ Staveren, I. V., & Ode bode, O. (2007). "Gender norms as asymmetric institutions: A case study of Yoruba women in Nigeria." *Journal of Economic Issues*, 41(4), 903-925 at 909 (citing Sa'ad, Abdul-Mumin. "Traditional Institutions and the Violation of Women's Human Rights in Africa: The Nigerian Case." In *African Women and Children. Crisis and Response* edited by Apollo Rwomire. Westport: Praeger, 2001).

are usually dispossessed of the immovable landed property of their husbands,⁷ even where the parties had been married under the Marriage Act (and ordinarily not subject to customary law of inheritance),⁸ even where the deceased made a valid Will to the contrary.⁹ To say the least, such discrimination contravene basic templates of both Nigerian and international human rights instruments.¹⁰ Regrettably, in time past, the old Supreme Court of Nigeria endorsed the traditional practice of inequity and discrimination against widows. For instance, in *Neziyanya v. Okagbue*,¹¹ the court unequivocally stated thus:

By the customary law predominant in Igboland, a widow has no right to succeed to personal or real estate of her deceased husband. Of course, it would be absolute nonsense in the circumstances for a widow who is herself regarded as property to turn round to claim the property of her late husband. In such a case the only right available to her will be to be accommodated by the person who inherits the husband's estate until she remarries or becomes financially independent or dies.'

It is equally instructive that with the enactment of the Nigerian Constitution, the customary law of male primogeniture prevalent in *Igboland* and other parts of the Federation had to pass the validity tests of repugnancy and compatibility with public policy before it can be considered valid and enforceable.¹² These tests ensure that only customs which are not repugnant to natural justice, equity and good conscience or incompatible with public policy remained valid and binding.¹³ However, at that initial time (prior to *Ukeje v. Ukeje*, and like decisions), the customary law of male primogeniture which precluded women from the right of succession and the inheriting of immovable property (both testate and intestate) was not invalidated for repugnancy to natural justice, equity and good conscience. Instead, the Supreme Court held in *Arase v. Arase*¹⁴ that the custom was not repugnant to natural justice, equity and good conscience, and therefore, valid and binding on those subject to it. The decisive quest to stop the socio-cultural cum traditional inequality in the property rights of females in *Igboland* formed the basis of the action in *Ukeje v. Ukeje*¹⁵ which this paper now seeks to expand as a further contribution to Nigerian women's right to dignity and equality, especially in relation to inheriting immovable intestate property. Notably, section 42 (1) (a) and (2) of the Nigerian Constitution¹⁶ guarantees the right to freedom from discrimination on the basis of gender or circumstance of birth, and state thus:

1. No citizen of Nigeria is to be subjected to any disabilities or restrictions based solely on the fact that he or she is a member of a particular community, ethnic group, place of origin, sex, religion or political opinion or circumstances of his or her birth.'
- '2. No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his or her birth.¹⁷

Section 43 thereof guarantees the right of every Nigerian citizen to acquire and own immovable property anywhere in Nigeria while section 34 guarantees the right to human dignity. It is also a Fundamental Objectives and Directive Principles of State Policy in the Nigerian Constitution that the State 'shall protect, preserve and promote

⁷ Eboh, M. P. (2016). "The Woman Being: Its Nature and Functions." *Dialogue and Universalism*, (1), 7-17.

⁸ Ezeilo J. N. (1998-9). "Law and practices relating to women's inheritance rights in Nigeria: An overview." 7 *Nigerian Juridical Review* 131-139.

⁹ For instance, by section 49(5) (b) of the Administration of Estates Law 1959: "Any real property, the succession to which cannot by customary law be effected by testamentary disposition, shall descend in accordance with customary law, anything herein to the contrary notwithstanding."

¹⁰ Nwaechefu, H., & Kalama, S. T. (2019). "Discrimination against Female and Widow in Inheritance of Real Estate and Succession in the South Eastern Nigeria: A Breach of International Instrument and the Nigeria Constitution." *JL Pol'y & Globalization*, 81, 53.

¹¹ [1963] All NLR 358 SC. See also: Korieh, C. J. (1996) (n. 1), citing Nwebo, O. E. & Eze O., (1989) "Widowhood Practices; Law and Customs"- Paper presented at the Workshop on Widowhood Practices in Imo State. Owerri. June 6-7.

¹² Section 26, High Court Law of Lagos State Cap 113 Laws of Lagos State 2003; Section 34 High Court Law of Kwara State. Cap 67 Laws of Kwara State of Nigeria 1991; and section 34 High Court Law Kano, Cap 57 Laws of Kano State of Nigeria 1991.

¹³ Aladetola, O. (2017). *Analysis of the Nigerian Supreme Court's constitutional duty regarding women's inheritance right under customary law* (Doctoral dissertation, University of Cape Town). Available at: https://open.uct.ac.za/bitstream/handle/11427/24935/thesis_law_2017_aladetola_opeyemi.pdf?sequence=1&isAllowed=y (4/12/2020).

¹⁴ (1981) N.S.C.C 101,114.

¹⁵ (2014) 11 NWLR (part 1418) 384; (2014) 234 LRCN 1.

¹⁶ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

¹⁷ This is in sync with relevant provisions of the Universal Declaration of Human Rights (UDHR) on the equal rights of men and women, especially, Article 1: All human beings are born free and equal in dignity and right. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood. Men and women are equal in dignity; Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are equal to protection against any discrimination in violation of this declaration and against any incitements to such discrimination, and Article 17 (i): Everyone has the right to own property alone as well as in association with others.

the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives.¹⁸ Despite these provisions, and until the landmark decision of the Supreme Court of Nigeria in *Ukeje v. Ukeje*,¹⁹ predominant customary law in *Igboland* precluded women from inheriting immovable property of a deceased father or husband, even under a valid Will.²⁰ This paper explores gaps in *Ukeje* which may still, albeit technically, impede women's enjoyment of the intended right to equal property inheritance in practical terms, across *Igboland*. It argues that *Ukeje* is a mere roadmap which, singularly, lack the capacity to guarantee *Igbo* women's right to inherit immovable property, in the long-run.²¹ The paper recommends options for bridging inherent technicalities and expanding the property inheritance rights of *Igbo* women in Nigeria beyond the frontiers of *Ukeje v. Ukeje*. These options are in sync with earlier findings that nearly 80% of property disposition in Nigeria is settled under customary laws, and that many Nigerians, including the *Igbos*, pattern their personal lives according to prevalent customary laws.²² Moreover, customary law is acknowledged by the Supreme Court of Nigeria as a system which regulates and imports justice into the lives of those subject to it, hence, in the old case of *Oyewunmi v. Owoade Ogunesan*,²³ Obaseki, JSC (as he then was) stated thus:

Customary law is the organic or living law of the indigenous people of Nigeria regulating their lives and transactions. It is organic in that it is not static. It is regulatory in that it controls the lives and transactions of the community subject to it. It is said custom is a mirror of the culture of the people. I would say that customary law goes further and imports justice to the lives of all those subject to it.

The paper complements existing literature on gender equality and inclusive human rights in patriarchal societies, however, its scope does not cover the extra-patriarchal issue of how Nigerian women, especially those in rural communities, contribute to their own lack of access to land.²⁴

2. Summary of Facts of *Ukeje v. Ukeje*

Generally, by the prevailing principle of primogeniture in patriarchal *Igbo* societies, the eldest male child (*Okpara*, *Opara* or *Diokpala*) of a deceased intestate is his heir and he has a sole claim to his estate, alongside his brothers, if there are. His mother or sisters (if any) are disentitled under customary law from any such inheritance. It was against this backdrop, that a daughter of a deceased instituted the action in *Ukeje v. Ukeje*.²⁵ In that case, one Mr. Lazarus Ogbonna Ukeje (also known as L. O. Ukeje), a native of Umuahia (Abia State) who lived most of his life in Lagos State, died intestate on December 27, 1981. He owned immovable real property in Lagos, and he was survived by his widow (Mrs. Lois Chituru Ukeje) and four children including the eldest son (Mr. Enyinnaya Lazarus Ukeje) and a daughter (Miss Gladys Ada Ukeje) who is the plaintiff in the case. Thereafter, his widow and eldest son (the defendants/appellants) sought and obtained letters of administration for and over his estate, without the knowledge or consent of his daughter. When the daughter (the plaintiff/respondent) became aware of this development, she filed an action against them at the Lagos State High Court, claiming that as a daughter of the deceased, she had an equal right of inheritance to her late father's estate and that she could not, therefore, be disentitled therefrom. She testified and called her mother as a witness to the fact of her birth and paternity. She also tendered evidence of her birth certificate showing that she is a daughter of the deceased, L.O. Ukeje, family photographs of herself and her deceased father, and a guarantor form which the deceased filled for her acknowledging that he was her father. The defence also called witnesses who mainly testified that under *Igbo* customary law, daughters, and women generally, are not entitled to inherit immovable property.

The trial court found for the plaintiff/respondent and ordered the defendants/appellants to surrender the letters of administration earlier issued to them, and hand over the administration of the estate to the Administrator-General pending when the court would choose 3 or 4 of them to apply for fresh letters of administration. The

¹⁸ Chapter II, section 21 (a) thereof. Suffice to say that Nigerian cultures and traditions such as the *Igbo* customary law discriminate against women and deny them inheritance rights, on the singular basis of their gender or circumstance of birth surely do not "enhance human dignity" and should be rightly invalidated.

¹⁹ *Supra*.

²⁰ Aloy Ojilere, & Gan Ching Chuan, (2015). "Learning from the Indian Judiciary: New Directions for Securing Nigerian Women's Right to Dignity." *Asian Women*, 31(1), 81-106.

²¹ *Ibid*.

²² Yekini, A. O. (2008). "Women and intestate succession in Islamic law." *Islamic Law and Law of the Muslim World Paper*, (08-49). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1278077 (10/4/2020); Egede, H. (2015). *The social stigmatisation of involuntary childless women in sub-Saharan Africa: The gender empowerment and justice case for cheaper access to assisted reproductive technologies?* (Doctoral dissertation, Cardiff University). Available at: <http://orca.cf.ac.uk/91231/1/2015egedehphd.pdf> (10/4/2020).

²³ (1990) 3 NWLR (pt. 137) p. 182.

²⁴ Cf. Chigbu, U. E. (2019). "Masculinity, men and patriarchal issues aside: How do women's actions impede women's access to land? Matters arising from a peri-rural community in Nigeria." *Land use policy*, 81, 39-48.

²⁵ *Supra*.

defendants/appellants also lost their appeal at the Court of Appeal. Still dissatisfied, they proceeded to the Supreme Court wherein they also lost and the decisions of the lower courts were affirmed. In the lead judgement, Justice Olabode Rhodes-Vivour, JSC, voided the Ibo customary law which disentitled a daughter from inheriting immovable property of a deceased father since such custom violated the fundamental rights to freedom from discrimination on the basis of sex or circumstance of birth guaranteed respectively by sections 42(1) (a) and (2) of the 1999 Constitution.²⁶ No doubt, it also invariably contradicts section 43 of the said Constitution which guarantees the right to acquire and own immovable property anywhere in Nigeria.

Suffice to say that the judgement establishes the fact that a female child has full and equal property rights as the male child, more so, as the inheritance right of the female recognized in *Ukeje* covers both movable and immovable intestate property. The *Ukeje* judgement significantly reinforces the earlier judgement of the Court of Appeal, Enugu Division in *Mojekwu v. Mojekwu*²⁷ which unanimously struck down as discriminatory and contrary to natural justice, equity and good conscience, the *Nnewi* customary law of *Oli-ekpe* which entitled the son of the brother of the deceased person (that is, the male cousin of the deceased) to inherit the property of the deceased to the exclusion of the biological female child of the deceased, on the mere basis that the primogeniture rule of Ibo customary law does not recognize the inheritance rights of daughters and females. In correlation, one may also logically argue that the *Igbo* native law and custom which deprives children born out of wedlock from inheriting from the estate of their father also contradicts the right to non-discrimination on the basis of 'circumstance of birth' in section 42(2) of the Nigerian Constitution, and therefore, should be deemed as equally annulled.

Granted that the *Ukeje* decision underscores the fact that judicial creativity and activism are *sine qua non* for defining the latitude of women's dignity and property rights, especially under *Igbo* customary law, this paper, however, contends that the decision needs to be substantially expanded in order to properly institutionalize the new notion of women's dignity and equal property rights in *Igbo* customary law. This is imperative because studies have shown that in addition to inherent gaps in the *Ukeje* decision, the age-long traditional beliefs in patriarchy and primogeniture prevalent among *Igbos* still make it impossible for some people, especially in rural *Igbo* communities, to fully acknowledge the new practice of equality of the sexes which *Ukeje* represents.

3. Appraising *Ukeje v Ukeje*

Ukeje v. Ukeje established the constitutional right of a daughter to share in the immovable intestate estate of her deceased father, alongside her brothers. It also affirmed the *locus standi* of a daughter or female to initiate or defend action relating to her right to equal inheritance of immovable property of such intestate estate. The decision primarily eliminates and reverses the age-long custom whereby women generally had no rights to inherit property under the *Igbo* native law and custom, as such rights were reserved exclusively for sons/males. Consequent upon *Ukeje*, and bearing in mind that the qualification for inheritance is dependent on blood relationship with the deceased intestator, any member of his family, whether son or daughter, can jointly or severally take out action to protect the family property or affirm a right therein.²⁸ The decision in *Ukeje v. Ukeje* also seems to have settled a vexed issue, namely, whether a daughter of the deceased born outside wedlock has a constitutional right of inheritance to his immovable property. The is deducible from the Supreme Court's interpretation of section 42(2) of the 1999 Constitution (as amended), that is, no one shall be made to suffer any discrimination based on 'circumstance of birth.' As such, once a child (male or female) has been acknowledged by the father, such child automatically shares the same right as the other of his children.²⁹ The said section 42(2) of the Nigerian Constitution has also been interpreted to emphasize that no native law or custom can disentitle a child born out of wedlock from sharing or inheriting a father's immovable estate.³⁰ Despite the highpoints in *Ukeje*, a number of gaps have been identified. Some of these gaps raise issues of technicality which may be relied upon to threaten or defeat the progressive intentment of the judgement.

No doubt, *Ukeje* may have actually solved the problem of discrimination. However, the court in *Ukeje* did not consider developing customary law by invalidating only the discriminatory aspects of the law rather than the system of customary law of male primogeniture. As such, it failed to balance the need for preservation of non-discriminatory customary law, albeit, the Nigerian Constitution empowers the courts to invalidate only the discriminatory aspect of the law and not the system of customary law generally.³¹ Diala also expressed skepticism

²⁶ At that time, the relevant constitutional provisions were sections 39(1)(a) and (2) of the Constitution of the Federal Republic of Nigeria, 1979 (as amended).

²⁷ (1997) 7 NWLR (pt. 512) 283.

²⁸ *Alaribe v. Okwuonu* (2015) LPELR 24297 (CA); *Odum v. Uchendu* (2015) LPELR-25615.

²⁹ *Young v. Young* (1953) WACA 19.

³⁰ *Mgbodu v. Mgbodu* (2018) LPELR-43770 (CA).

³¹ See: Aladetola, O. (2017), (n. 13).

in the potency of the judgement to even finally and permanently resolve the primogeniture issue against all Nigerian women and not just women in *Igboland*.³² He argued that *Ukeje* is 'parochial' because, logically, it did not specifically abolish the rule of male primogeniture in South-East Nigeria but simply declared same to be incompatible with the right to equality in section 42(1) and (2) of the Nigerian Constitution, thereby failing to protect the inheritance rights of women in other parts of Nigeria and leaving the real social context of inheritance yet unresolved.³³ In contrast, however, Ojilere, Onuoha and Igwe argued instead that, by the doctrine of privity of actions,³⁴ and bearing in mind that *Ukeje v. Ukeje* was not a class action litigation, the Supreme Court was right in not making an Order which will affect a party who was not before it, or falling into the temptation of granting to a party what was not prayed for.³⁵ Nonetheless, it is anticipated that in future related cases, the apex Court should make an all-inclusive interpretation of constitutional rights capable of affecting the property inheritance rights of women and girls across Nigeria. The court can achieve this feat, despite the doctrine of privity, by applying the example of the Supreme Court of India, which syncs all fundamental rights in the Indian Constitution with the right to life and personal liberty in Article 21 thereof. Consequently, a violation of a woman's right to equal property inheritance *vide* section 42 (1) (a) and (2) of the Nigerian constitution may well be broadly interpreted as an implied violation of the sacrosanct right to life in section 33 of the said Constitution, and meted with much greater consequences.

4. Recommendations for Expanding Women's Property Rights beyond *Ukeje v Ukeje*

It must be conceded that one of the greatest threats to the *Ukeje* decision lies in the difficulty and reluctance of the *Igbo* people to accept a new approach to an age-long traditional practice which was supposedly handed down to them from time immemorial by their ancestors. As such, in some affected communities, women are still being denied the right to inherit the immovable property of a father or husband, contrary to *Ukeje*. It is on this basis that alternative approaches become necessary for institutionalizing women's right to equality in dignity and property inheritance rights by expanding the latitude of *Ukeje v. Ukeje*. Some of these recommendations include social, legal, educational and civic alternatives,³⁶ namely,

1. Sensitizing women on the implications of the *Ukeje* decision as a way of asserting their independence and right to sue for equality in inheritance to immovable property.³⁷ This is without prejudice to the finding that some educated women in *Igboland* have also been denied the right to inherit immovable property either as a daughter or as a widow. In such situation, some of those women are timid, financially handicapped, reluctant or otherwise unable to decisively challenge the discriminations except with the support of 'outsiders' or relevant NGOs.³⁸
2. The role of the print, electronic and social media in the promotion of gender equality rights as well as in the sensitization of women and the general public on the new consciousness which *Ukeje v. Ukeje* represents must be encouraged by government at all levels. This sensitization is achievable through documentaries, social media advocacy, the internet, newspapers, as well as television and radio programs, among others.
3. The National Assembly as the arm of government mandated to make laws for the order and good governance of the Federation should be encouraged to domesticate the *Ukeje v. Ukeje* decision by legislation which should also specify criminal sanctions for violation of the gender equality and non-discrimination principle of women's dignity and inheritance rights, not only in *Igboland* but across the country. Such legislation will ensure national application of the principle of gender neutrality in the inheritance of both movable and immovable assets of a deceased, upon testacy or intestacy.

³² Diala, A. C. (2014). "Reform of the customary law of inheritance in Nigeria: Lessons from South Africa." *African Human Rights Law Journal*, 14(2), 633-654.

³³ *Ibid* at 652.

³⁴ The doctrine of privity broadly provides that a contract/action should neither benefit nor burden parties external to the contract/action. See: MacFarlane, L. J. (2019). "Privity and exceptions to privity in Scots Private Law: a new taxonomy." Available at: <https://www.era.lib.ed.ac.uk/bitstream/handle/1842/35680/MacFarlane2019.pdf?sequence=1> (12/4/2020).

³⁵ Aloy Ojilere, Onuoha, R., & Igwe, T. (2019) (n. 3).

³⁶ These recommendations do not, however, depart from the fact that under the Nigerian legal system, once a superior court (in this case, the Supreme Court of Nigeria) has decided on a given matter (in this case, *Ukeje v. Ukeje*), judicial notice is taken of all matters relating to the areas of law thereby affected. Therefore, on the doctrine of *stare decisis*, the decision and issues addressed in *Ukeje* binds all courts in Nigeria, forms part of Nigeria's jurisprudence on the property rights of women, and remains in force until it is overturned by the legislature (National Assembly) or by the apex court itself. The recommendations are rather intended to broaden the court's utmost intendment in *Ukeje*.

³⁷ Bala, R. (2017). "Women Empowerment by Education about Their Rights." *International Journal of Scientific Research*, 5(10).

³⁸ Onuoha, R. A. (2007). Discriminatory property inheritance under customary law in Nigeria: NGOs to the rescue. *Int'l J. Not-for-Profit L.*, 10, 79.

4. The Executive arm of government which is responsible for executing and enforcing the laws and judicial decisions must prioritize the policy of non-discrimination, as well as gender equality and mainstreaming in all projects and programs relating to property and the inheritance of immovable property across Nigeria.
5. The Judiciary must continue to be fearless, independent, fair and just at all times and in all cases whether directly or remotely related to human dignity, gender equality and property rights of widows, women and girls, in *Igboland* and across all jurisdictions in Nigeria. The courts, as in *Ukeje v. Ukeje* must live up to its toga of ‘the last hope of the common man.’ The courts must always ensure at all material times that the validity and enforcement of all customary laws, especially those relating to the inheritance of immovable property in *Igboland* and beyond, must be regulated and determined by the set template of the Nigerian constitution and international human rights law.
6. All Nigerian women, widows and girls, especially those in the remote and rural communities must be properly informed of the deep revolutionary implication of the *Ukeje* decision of Nigeria’s highest court, and how far it positively repositions them on matters relating to the inheritance of immovable property of a deceased father or husband. They must be mobilized in the places of religious worship, in market places, in schools, in their co-operative societies and various women unions, as well as town halls and be sufficiently informed that the courts have eliminated the notion of inferiority, subordination and gender dichotomy which society previously placed on women because of traditional beliefs in patriarchy and male primogeniture. Women must also be encouraged to build alliances of social, legal, financial and emotional support for each other, especially for eschewing timidity and bracing up with courage to litigate on their property rights if need be, knowing that the courts will always grant them substantial justice.
7. The responsibility for the recommended mass mobilization and education of rural women should be placed on traditional rulers and village heads, as well as community and religious leaders who already dwell among the women in their various communities. This is to create maximum effect, especially when the custodians of the same customary laws and traditional institutions which used to deny women of property rights now become the ones to educate them on their new rights under the *Ukeje* revolution.
8. With the tradition rulers and village heads having created broad awareness for this paradigm shift, the leaders of the various town unions will have to abide by the new law, and be encouraged to reflect the principles in *Ukeje* in the bye laws and constitutions of their various community associations and town unions. This will invariably encourage women’s active participation and involvement in the leadership of such community associations or town unions, albeit gradually.
9. Relevant Non-Governmental Organizations (NGOs) should also be encouraged by law and policy to undertake Public Interest Litigations (PIL) or Class Action Litigations (CAL) on behalf of vulnerable and impecunious women and girls whose rights to equal dignity and property inheritance have per chance been violated, or otherwise being threatened by immediate or extended family members of the deceased intestate.³⁹ This will ensure that poverty, timidity or ignorance do not constitute barriers to the enjoyment of women’s right to inherit immovable property in *Igboland* or anywhere else in Nigeria. And in the circumstance, if the affected NGOs request for information, legal aid or other reasonable support from government or designated public institutions, it should be fairly and reasonably considered and/or granted.
10. The inherent powers of the National Human Rights Commission (HRC) under section 6(1)(b) of the National Human Rights Commission (Amendment) Act 2010 should also be freely invoked for the benefit of vulnerable women and girls whose rights to equality and non-discrimination in property inheritance are being threatened or out rightly denied. The said provision empowers the Commission ‘to institute any civil action on any matter it deems fit in relation to the exercise of the functions under the Act.’
11. It is also advisable to codify the principle in *Ukeje v. Ukeje*, having become an essential part of the customary law in *Igboland* and across the federation of Nigeria, without prejudice to existing constitutional provisions in respect thereof. This recommendation is predicated on the obvious premise that law commands respect and obedience in a society when the local people know about it as well as their inherent obligations, rights and the penalty for its violation, more so, as the *Igbo* customary law on inheritance is believed to be uncertain.⁴⁰ This will facilitate the institutionalization and acceptance of the

³⁹ PIL/CAL are legal actions for the enforcement of a public interest or the interest of a class/ community of persons, in this case, women, whose legal rights or liabilities have been affected. PIL/CAL are usually undertaken in order to assist the vulnerable class to obtain change in the public interest. See: Aloy Ojilere, & Gan Ching Chuan, (2015), (n. 21).

⁴⁰ For instance, in *Dawodu v. Danmole* (1958) 3 FSC 46; (1962) 1 All NLR 702, the court accepted the contention that where the application of one method of distribution of estate (per stripes (*Idigi*) fails, then the alternative distribution method of (*Ori Ojori*) may be applied.

certainty of the new law on women's right to inherit immovable property in *Igboland* and elsewhere in the country.

12. In the light of Nigeria's federal structure of government whereby the obligation to legislate on certain matters lie variously with the individual state governments on the one hand, and the federal government on the other hand, the unification of customary laws is also a viable option for ensuring the certainty of the applicable customary laws on women's right to inherit immovable in that part of Nigeria. This will entail the application of a single set of gender-neutral inheritance law across *Igboland*, thereby eliminating issues of inconsistent and uncertain customary law in a given community or state.

The Traditional Rulers and village heads are the natural chief custodian of the people's customs traditions. They are highly revered as the link between the community and their ancestors from whom those traditions/customs (patriarchy and male primogeniture inclusive) are believed to have originated from time immemorial and passed unto successive generations. As such, the importance of traditional leadership in *Igboland* and across Nigeria cannot be overemphasized. Therefore, given their overwhelming authority in matters of land and inheritance in the community, it will be smart legal practice to join them in suits wherein women seek redress for denial of their right to inheritance of immovable property under customary law. It is expected that in a bid to extricate himself from collision with the principles in *Ukeje* and section 42 (1) (a) and (2) of the Nigerian Constitution, the evidence of such traditional ruler/defendants will certainly tilt towards the new law per *Ukeje v. Ukeje* thereby enabling the plaintiff to obtain seamless substantial justice. This will accordingly create high level awareness, acceptance and less denial of the new law, especially at the grassroots where customary law is unrepentantly considered a sacred, divine and unchangeable ancestral heritage from time immemorial.⁴¹

5. Conclusion

The long time marginalization, discrimination and even domination of fundamental human rights of women in *Igboland* and across patriarchal Nigeria is not a secret.⁴² However, the 2014 judgement of the Supreme Court of Nigeria in *Ukeje v. Ukeje*⁴³ revolutionized women's inheritance rights under *Igbo* customary law by upsetting and reversing the old order which excluded women and girls from sharing or inheriting land and other immovable intestate property because the predominant traditional beliefs in patriarchy and male primogeniture ranked them among the 'property' to be inherited by the male heirs. Regrettably, aside inherent technical hiccups, most folks, especially in rural *Igboland* see the *Ukeje* revolution as inconsequential, and rather share the unrepentantly belief that customary law is sacred, divine and handed down from immemorial ancestry, and therefore cannot be reversed by mortal man, legislation or judicial fiat. Recommendations have therefore been made in this paper for particularly changing the public psyche across *Igboland* into fully and permanently accepting the new reality of women's right to inherit immovable property under customary law. These recommendations are in sync with contemporary approaches for raising the bar on women's rights in Nigeria⁴⁴ and for ensuring sustainable right to equal dignity and property inheritance rights of women beyond the limits of *Ukeje v. Ukeje* which is the core objective of this paper.

⁴¹ Aloy Ojilere (2004). "The Situs of Customary Law in the Historical School of Jurisprudence: The Imo State Customary Court System in Critical Perspective." In Chapter 10 of O. E. Nwebo (Ed.), *The Political Economy of Administration of Justice in a Developing Society* (pp. 228-246).

⁴² Mohammed, U. F., Kazaure, S. I., & AdamuArgungu, A. (2019). "Fundamental Human Rights and Dehumanizing Cultural Acts against Nigeria's Women." *Journal of the Gujarat Research Society*, 21(11), 472-477.

⁴³ *Supra*.

⁴⁴ Enyia, J. O., & Out, S. U. (2019). "A Pragmatic Approach to Raising the Bar on Women's Rights in Nigeria." *Journal of Legal, Ethical and Regulatory Issues*. Available at: <https://www.abacademies.org/articles/a-pragmatic-approach-to-raising-the-bar-on-womens-rights-in-nigeria-8704.html> (14/4/2020).