



CHALLENGES AND PROSPECTS OF THE LEGAL DEVELOPMENT OF THE INHERITANCE RIGHTS OF WOMEN IN SOUTH-EAST NIGERIA

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ABSTRACT

The issue of women's inheritance rights in South-East Nigeria remains one of the most contentious areas of customary law and gender justice. Despite the developments in the inheritance rights of women in the South-East of Nigeria, several challenges continue to undermine the practical enjoyment of inheritance rights by women. These challenges include societal adherence to patriarchal traditions, ignorance of legal rights, family pressure, costly litigation, and the reluctance of local institutions to enforce judicial decisions against entrenched customary practices. This study examines the challenges and prospects of women's inheritance rights in South-East Nigeria. The study adopts a doctrinal research methodology relying on primary sources such as legislation and judicial authorities. The findings revealed weak enforcement mechanisms, lack of legal awareness, deeply entrenched patriarchal customs and resistance to judicial pronouncements. Although landmark judicial decisions have invalidated discriminatory customary practices that deny women the right to inherit property, implementation remains inadequate due to societal attitudes and the persistence of customary norms. The study concludes that meaningful protection of women's inheritance rights requires a holistic approach that combines legal reform, effective enforcement of court decisions, public sensitisation, and cultural reorientation. The study recommends the need for the enactment of a comprehensive and gender-sensitive inheritance law with a strong enforcement mechanism, periodic review of the inheritance laws and community-based legal awareness programmes should be introduced, particularly in rural areas, to educate women on available legal protections and avenues for redress.

Keywords: Legal, Development, Inheritance, Rights, Women.

1. INTRODUCTION

The development of the inheritance rights of women, as earlier stated, emanated in the South-East Nigeria with the Court of Appeal,¹ and the Supreme Court,² decided cases. The Supreme Court, over the years, has given landmark judgments on the issue of the inheritance rights of women. This research will be looking at the laws, challenges and prospects of the development of the inheritance rights of women. Despite the Nigerian Constitution and the various decisions of Courts regarding the inheritance rights of women in the South-East and in the entire Nigeria, many women, especially in the rural areas and villages, are still ignorant of their basic rights. The degrading and discriminatory treatment suffered by women cut across all cultures and societies.³ The difficult situation suffered by the women in the South-East of Nigeria with respect to their inheritance rights

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¹ *Mojekwu v Mojekwu* (1997) 7 NWLR (Pt 512) at 283.

² *Ukeje v Ukeje* (2014) 11 NWLR (Pt 1418) 384.

³ K Adeybite, 'Inheritance of Women: Practices and Laws in Africa' <<http://www.academia.edu>> accessed 23 September 2025.



is similar in most other communities. When it comes to inheritance rights among the Igbos in South-East Nigeria, only the men were accorded the inheritance rights of landed properties, while the women were denied their inheritance rights to own a property.⁴ Women in our contemporary times are far more fortunate (because of the recent developments and judicial pronouncements) than their predecessors who lived up till the early part of the nineteenth century with the degrading and second-class citizen treatment meted out to them.

In the 19th Century and up till the early part of the 21st Century, some of the decisions of the Court of Appeal and the Supreme Court supported the violation of the inheritance rights of women. Thus, in *Mojekwu v Mojekwu*,⁵ the Supreme Court upheld the *Ori-ekpe* custom, which states that while a daughter cannot inherit, she has a right to be maintained by the person who inherits her father's estate until she marries, becomes financially independent or dies. In *Nwanga v Ubani*,⁶ The Court held that a woman whose marriage was dissolved lacked certain rights. Similar decisions on the denial of the inheritance rights of women were held in cases like *Nezianya v Okabue*,⁷ *Onwuchekwe v Onwuchekwe*,⁸ *Nzekwu v Nzekwu*,⁹ where the courts upheld certain customs that ought to be declared repugnant to natural justice, equity and good conscience. The Ukeje's case¹⁰ It is a landmark decision, a celebrated case that liberated women from the bondage of barbaric customs and indeed a development on the inheritance rights of women in Southeast Nigeria.

Men and women are entitled to the full protection of their rights because they are human beings. At its most basic level, 'human rights' are safeguarded prerogatives granted to a person because the person is alive. This means that every human being has rights by virtue of human species membership. A right, therefore, is a claim to something (by the right holder) that can be exercised and enforced under a set of grounds or justifications without interference from others. Human rights are those rights that every human being possesses and is entitled to enjoy by virtue of being a human being.¹¹

2. CONCEPTUAL CLARIFICATIONS

2.1 Legal

Legal refers to anything created or permitted by law, about or connected with law, the legal mind. Legal means whatever is in conformity with the law, lawful, a legal rate of interest.¹² The word law

⁴ N Charles, 'The Married Women Property Act 1882: A Study of Victorian Reform' <<http://www.digitalcommons.wku.edu>> accessed 25 September 2024.

⁵ (1997) 7 NWLR (Pt 512) 283.

⁶ (1997) 10 NWLR (Pt 526) 559.

⁷ (1963) NLR 352.

⁸ (1991) 5 NWLR (Pt 197).

⁹ (1989) 2 NWLR (Pt 373).

¹⁰ Ukeje (n 2).

¹¹ P H Parker, 'Securing Women's Land and Property Rights: A Critical Step to Address HIV, Violence and Food Security' <<https://www.opensocietyfoundations.org>> accessed 20 April 2024.

¹² The New International Webster's Comprehensive Dictionary of the English Language, Encyclopaedic Edition, Typhoon Media Corporation 2010 Edition, United States of America.



can be referred to as a set of rules that people in a particular society or country must obey.¹³ It can also be defined as the body of official rules and regulations, which are generally found in the constitutions, judicial opinions, legislation, and so on, that govern a given society and control the behavioural pattern of people within that particular community.¹⁴ which further inclines that law is a formal mechanism of social control.

2.2 Development

The concept of development is not amenable to a single definition. It means different things to different people. Every writer might have their own definition of development, but two major views can be distinguished. A static view would define development as a state or a condition, and a dynamic view would consider development as a process or course of change, a progressive innovation, an evolution.¹⁵ Development is also seen as a gradual evolution or completion, and is also the result of such an evolution.¹⁶

It ensures active participation of members of the society, and for development to be beneficial to all, it needs to be a sustainable one.¹⁷ Development is not static; thus, it is a process which progressively moves from one stage to another. Inherent in the development process is change, which should be positively driven. It follows that the end product of every stage of development should be salubrious and sensual. Development is a process which will not have an end as long as man remains insatiable and change remains a permanent feature of our social system.

2.3 Inheritance

The concept of inheritance had been described and explained to mean property received or gotten from an ancestor under intestacy.¹⁸ To inherit means to come into possession by transmission from previous generations,¹⁹ or to receive, especially as a right. Inheritance, in legal parlance, is therefore the entry of a living person or living persons into possession of a dead person's property.²⁰ In the long run, the concept of inheritance has come to mean anything received from the estate of a person who has died, whether by the laws of descent or as a beneficiary of a will or trust, and it operates where private ownership of property exists as a basis of the social and economic environment.²¹ Inheritance can be seen as the entry of a living person or persons into possession of a deceased person's property,²² or simply the practice of passing on your belongings, assets and properties to your beneficiaries. It can also be defined as the passing on of property acquired by descent by a

¹³ D Summers, *Longman Dictionary of Contemporary English* (England: Harlow Essex Longman Publishers 1987) 347.

¹⁴ Ibid.

¹⁵ E J L Guedeng, <<https://www.linkedin.com>> accessed 20 June, 2025.

¹⁶ Webster (n 12).

¹⁷ L N O Princewill and P B Namene, 'An Evaluation of Human Rights and the Right to Development in Nigeria' [2019] 8 (2) *Port Harcourt Journal* 70.

¹⁸ J F Fekumo, *Principles of Nigerian Customary Land Law* (F&F Publishers 2002) 330.

¹⁹ R Mairi and D George, *Chambers 21st Century Dictionary* (Edinburgh Chambers Press 1996) 123.

²⁰ M G Yakubu, *Property Inheritance and Distribution of Estate under Customary Law* (Lagos: Parity Publishers) 136.

²¹ Ibid.

²² Ibid.



deceased to his heir,²³ and which further implies the coming into possession by transmission from past generations or to receive, especially as a right.

2.4 Right

Right is a significant one in any legal system; it forms a pivotal point in the structure of any legal regime. The starting point to appreciate the concept of human rights is the appreciation of the term rights²⁴ itself. They can also be referred to as power, privilege or immunity secured to a person by law.²⁵ It can also be defined as an advantage conferred on a person by the rule of law, which he can assert against others from whom he may have some expectations of duty or consideration.²⁶

The term right can be expounded to mean entitlements that accrue to a person based on our positions as members of the human family, and can be defined as demands or claims which an individual or group is expected to make on the society where he or she resides, some of which are backed up and protected by law.²⁷ The right that every redefined society must welcome as belonging to all humans, and mostly safeguarded in national laws and also in regional and international treaties and conventions.

3. DEVELOPMENT OF WOMEN'S INHERITANCE RIGHTS IN SOUTH-EAST NIGERIA

The development of female inheritance rights in South-East Nigeria proceeded unevenly, with different results in certain times, periods and geographical areas. Patriarchal communities generally limited female inheritance rights in favour of male descendants. The right of inheritance is inseparably connected with property and family relations.

Historically, the South-East Nigerian women's inheritance rights have evolved from pre-colonial patriarchal systems that largely excluded them, to modern legal frameworks that guarantee equal rights, though cultural barriers remain. This research has summarised the chronological account of the women's inheritance rights in South-East Nigeria and its development from the pre-colonial era, colonial era, and post-colonial era till to the present date.

3.1 Pre-Colonial Period

The inheritance rights of women before colonial rule in what is now Nigeria were governed mainly by local customary rules that varied by ethnic group. Pre-colonial practices were often patrilineal, favouring male heirs, but some communities had more liberal rules. Some systems (mainly patrilineal groups) prioritised male-line succession and often limited daughters' or widows' proprietary claims; women and female children were customarily disinherited as property was believed to be held in trust by the eldest son for the family. Some communities, like the Yoruba,

²³ A Emiola, *African Customary Law* (Ogbomosho: Emiola Publishers Limited 2011) 177.

²⁴ U Oji Umozurike, *The African Charter on Human and Peoples' Rights* (The Hague: Martinus Nijhoff Publishers 1994).

²⁵ Garner (n 24).

²⁶ C A J Chinwo, *Current Principles and Practice of Administrative Law in Nigeria* (Davi's Printing & Packaging Co Ltd 2008) 237.

²⁷ O W Igwe, 'International Protection of Human Rights' (Unpublished Course Note, Rivers State University, 2019) 1.



had more liberal practices, while others, like the Afikpo and Bende, had a bilinear system that gave women stronger rights, where women had a greater capacity to own and transmit property. These customs were social rules embedded in kinship and land access; it was not a uniform law.

The earlier precedents or customs which denied or limited women's rights under inheritance include: *Nezianya v Okagbue*,²⁸ where the Court held that a widow is a recognised member of her late husband's family, but is not permitted to dispose of the property by giving it out or selling it. Essentially, women's authority over inherited or matrimonial property was very restricted under customary law in this case. Customary law practices such as 'primogeniture,' 'Oli-Ekpe' were practised, where male heirs, especially eldest sons or more distant male relatives, have exclusive or primary rights to inherit family property, excluding female children or widows. For instance, the Awka people custom in *Anekwe v Nweke* restricted or denied the inheritance rights of a widow in certain circumstances. The "Oli-Ekpe" custom in parts of South-East Nigeria was recognised, where there is no direct male child, a nephew (male relative) takes inheritance rather than a daughter, even if the daughter may have performed certain customary rites.

These customs have often been upheld by lower courts under the 'repugnancy doctrine' threshold, though it was overturned later. The Courts, in some cases, held that widows only had possessory or usufructuary rights (use-rights) under customary law, rather than full ownership, and were often subject to good behaviour or goodwill of the deceased's relatives. In *Eze v Okwo*,²⁹ The husband was survived by three customary law wives without any children. Before his death, the deceased instructed his senior wife to administer his property and use the income therefrom to maintain herself and the other wives and to continue staying in his compound with the hope that they would have issues for him. The senior wife attempted to carry out the wishes of her late husband but was challenged by his nephew. It was held that a widow can neither inherit her husband intestate nor administer the estate.

However, another customary practice popularly known as 'Nrachi' in some parts of the South-East states, was very common in Southeast Nigeria, which is the only exception to the rule of female inheritance.³⁰ The *nrachi* ceremony is usually performed when a man has only daughters but no sons. To ensure the continuation of the family line, he persuades one of the daughters not to marry but to remain in the family with the hope of bearing a male heir.³¹

²⁸ (1963) 1 All NLR 352.

²⁹ (1970) SC /10/1970.

³⁰ A Kehinde and C Adimoha, The Female Child inheritance in Eastern Nigeria: An Appraisal Gender and Leadership Journal, June 2018 1, 1, 76.

³¹ Ibid.



3.2 The Colonial Era

This was before the independence of Nigeria and the early period after independence. At independence (1960), Nigeria inherited the colonial plural system, which was the statutory law (English-derived), customary law (various ethnic customs), and Islamic personal law (in many northern communities), which continued to operate alongside one another. Which system applied to a deceased person often depended on religion, place of domicile, and whether the deceased had a valid will. This created differing outcomes for women depending on region and personal law. The States developed their Administration of Estates / Probate rules, which were largely modelled on colonial practice, and these procedural laws govern probate/administration, but did not uniformly reform underlying substantive customary succession rules. In practice, many Nigerians still die intestate (without a will), so intestacy rules (customary or statutory, depending on the case) have an outsized impact. At the turn of the 20th century, most legal systems treated family and inheritance as male-centred: married women's property was frequently controlled by husbands or male kin; customary and religious rules often limited daughters' and wives' shares.

Colonial administrations sometimes enshrined existing customary laws in statutes, which perpetuated the exclusion of women from inheritance. Legislation like the Married Women's Property Act of 1882 granted married women the right to own, acquire and dispose of property as if they were single. However, this did not necessarily change discriminatory customary practices. British colonial administration created a plural legal order: customary law would continue to apply in native courts except where it was "repugnant to natural justice, equity and good conscience" or inconsistent with ordinance/statute. Native Courts and later Native Courts Ordinances (early 1900s and after) institutionalised customary rules in formal courts, freezing some discriminatory practices into formal adjudication even as local societies changed.

3.3 The Post-Colonial Era

Post-independence Nigeria, particularly from the 1990s onward, witnessed significant developments and reforms that transformed the inheritance landscape for women. Forces such as Constitutional guarantees, human rights advocacy, urbanisation, and judicial activism reshaped customary laws. This period saw the ratification of international instruments, activism, and breakthroughs in Court judgments. Nigeria ratified regional and international instruments that strengthen women's rights frameworks. For example, Nigeria signed and ratified the Maputo Protocol/Protocol to the African Charter on the Rights of Women in Africa in the 2000s. These instruments provide advocacy leverage against discriminatory customs. The Constitutional equality language emerges. Successive Constitutions introduced non-discrimination guarantees that would later be used to challenge discriminatory customs. This created a potential Constitutional tool to contest customary rules that excluded women, hence the 1999 Constitution, which is the *grundnorm* till date.



Customary exclusion of daughters and widows in Igbo inheritance persisted even after the independence of Nigeria. Many customary practices in South-East Nigeria excluded female children entirely from inheriting their father's estate under customary law. Such customary rules were applied in many High Court and Customary Court settings. Landmark cases overturning such restrictions, decisions recognising women's rights in inheritance, effectively disallowing the above discriminatory customs.

The *Iri-ekpe* custom received judicial acknowledgement until 1997 when the Nigerian Court of Appeal in *Muojekwu's* case, lambasted the '*Iri-ekpe*' customary law of the Igbos for being repugnant to natural justice, equity and good conscience and employed international instruments like The Convention on the Elimination of all forms of Discrimination Against Women to make a case against the Igbo culture in defence of women rights, based on discrimination on the ground of sex. The hard-line judicial attitude against this custom has been maintained in subsequent cases and pronouncements by the superior courts. In *Muojekwu v Muojekwu*,³² the appellant claimed ownership of the property of the deceased, who was his paternal uncle, against the daughters of the deceased, based on the '*Ili-ekpe*' custom of the Nnewi people of South-East Nigeria. Rejecting his claims, Niki Tobi JCA (as he then was) held as follows:

We need not travel all the way to Beijing to know that some of our customs, including the Nnewi *Oli-ekpe* custom...are not consistent with our civilised world, in which we all live today, including the appellant.... Accordingly, for a custom or customary law to discriminate against a particular sex is, to say the least, an affront on the Almighty God Himself. Let nobody do such a thing. On my part, I have no difficulty in holding that the *Oli-ekpe* custom of Nnewi is repugnant to natural justice, equity and good conscience.

While this decision was lauded in some quarters as a radical change of all customary practices relating to inheritance in Nigeria to ensure equality of all persons, it was not well-received in some others. Hence, in 2004, when there was a further appeal of the case to the Nigerian Supreme Court for clarification in *Muojekwu v Iwuchukwu*,³³ and Justice Uwaifo, criticised the earlier Court of Appeal pronouncement as follows:

I cannot see any justification for the court below to pronounce that the Nnewi native custom of *Oli-ekpe* was repugnant to natural justice, equity and good conscience ... the learned justice of appeal was no doubt concerned about the perceived discrimination directed against women by the said Nnewi *Oli-ekpe* custom, and that is quite understandable. But the language used made the pronouncement so general and far-reaching that it seems to cavil at, and is

³² (1997) 7 NWLR (Pt. 512)283.

³³ (2004) 11 NWLR (Pt. 883) 196 (SC).



capable of causing strong feelings against, all customs which fail to recognise a role for women.³⁴

For instance, the customs and traditions of some communities do not permit women to be natural rulers or family heads. The import is that those communities stand to be condemned without a hearing for such fundamental customs and traditions they practice by the system by which they run their native communities.

Subsequently, in *Ukeje v Ukeje*³⁵ The Nigerian Supreme Court deprecated all Nigerian native customs which disinherit females as discriminatory and therefore, unconstitutional. In the latter case, the Supreme Court, per Justice Rhodes-Vivour, held that:

The Igbo native law and custom, which disinherits a female from inheriting in her father's estate, is void.... No matter the circumstances of the birth of a female child, such a child is entitled to an inheritance from her late father's estate...the Igbo Customary Law, which disentitles a female child from partaking in the sharing of her deceased father's estate, is in breach of S 42(1) and (2) of the Constitution, a fundamental right provision guaranteed to every Nigerian.³⁶

In *Onyibor Anekwe & Anor v Mrs Maria Nweke*³⁷ the Supreme Court condemned customary law practices that deny widows' or women's inheritance, especially where customs give preference to male heirs, primogeniture. The decision reinforced gender equality in inheritance matters.

It must be noted that in most parts of South-East Nigeria, there used to be an exception to the rule that daughters do not inherit from their late fathers. In some parts of Idemili Local Government Area, and in Nnewi town, both of Anambra State, Nigeria, the tradition is popularly known as *nrachi*, and a daughter in respect of whom the *nrachi* ceremony has been performed inherits her father's compound and other lands and houses. The *nrachi* ceremony is usually performed when a man has only daughters but no sons. To ensure the continuation of the family line, he persuades one of his daughters not to marry but to remain in the family with the hope of bearing a male heir to the estate of the intestate.

However, in *Muojekwu v Ejikeme*,³⁸ the Nigerian courts have held that the *Nriachi* custom not only failed the repugnancy test because children born to a woman who had undergone this ceremony are denied the paternity of their natural father, but also offended section 42 (2) of the 1999 Constitution, and so is discriminatory. Hence, the following Superior courts' pronouncements have clearly

³⁴ *Muojekwu v Iwuchukwu* (2004) 11 NWLR (Pt 883) 196 (SC).

³⁵ (2014) 11 NWLR (Pt 1418) 384.

³⁶ *Ibid.*

³⁷ (2014) 9 NWLR (Pt 1412) 393.

³⁸ (2000) 5 NWLR 402.



addressed the issue of discrimination against the inheritance rights of women in South-East Nigeria: *Ordu v Elewa*,³⁹ where the Supreme Court held that the custom which disinherits children tracing through a female is discriminatory and in conflict with constitutional provisions guaranteeing equality. In *Chidaluo v Attansey*,⁴⁰ the Supreme Court also held that the Igbo native law and custom, which disentitles a female from inheriting her late father's estate, is in conflict with section 42 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). Such a practice is barbaric, the height of insensitivity, shameful, unacceptable and a custom that only belongs to the Stone Age. *Balanko v Balanko*,⁴¹ *Oko v Oko*,⁴² *Aduba v Aduba*,⁴³ and other recent superior courts' pronouncements have liberated women from discrimination against their inheritance rights. These cases reflect a significant shift towards recognising and enforcing women's inheritance rights in South-East Nigeria, aligning customary practices with Constitutional guarantees of equality and non-discrimination.

These cases and many others marked a judicial repudiation of discriminatory customs. The Court limited itself to striking down discriminatory aspects of particular customs. It did not wholly abolish customary law as a source of succession rules across the federation. That means other discriminatory customs outside the specific cases still require litigation or reform.

The trajectory of inheritance rights for women in Southeast Nigeria reveals significant historical developments. The pre-colonial era was characterised by a rigid patriarchal and patrilineal system that entirely excluded women from inheriting land or major property. The colonial era, despite introducing Western legal structures, paradoxically reinforced discriminatory customary laws through indirect and judicial endorsement of patriarchal norms. It was not until the post-colonial era, particularly from the late twentieth century onward, that meaningful reforms emerged. Constitutional provisions, judicial activism and evolving socio-cultural attitudes have now established women's legal rights to inherit on equal terms with men.

Nevertheless, the progress achieved in law has not been fully replicated in practice due to lingering cultural resistance, a major challenge to the development of the inheritance rights of women in Southeast Nigeria. The inheritance landscape in Southeast Nigeria, therefore, reflects an ongoing negotiation between customary traditions and modern principles of gender equality. Overall, the post-colonial period represents a decisive break from the historical exclusion of women, marking the transition toward an inclusive, rights-based inheritance system.

³⁹ (2018) 17 NWLR (Pt 1649) 515 (SC)

⁴⁰ (2020) 6 NWLR (Pt 1719) 102

⁴¹ (2021) LPELR-53459 (CA)

⁴² (2021) LPELR-55851 (CA)

⁴³ (2018) LPELR-46756 (CA)



4. CHALLENGES OF THE DEVELOPMENT OF THE INHERITANCE RIGHTS OF WOMEN IN SOUTHEAST NIGERIA

Notwithstanding the existence of several rights that accrue to women both under the statutes, customary law and the recent developments with the Courts' pronouncements on inheritance rights of women, there still exist challenges that constitute a hindrance to the realisation of these rights. The various challenges are as follows:

4.1 Inadequate Legal Protection and Enforcement

Legal enforcement is any system by which some members of society act in an organised manner to enforce the law by discovering, deterring, rehabilitating, or punishing people who violate the rules and norms governing that society.⁴⁴ This research reviews that States in the South-East Nigeria have adopted and enacted laws prohibiting the infringement of the inheritance rights of women decades before the celebrated Ukeje's case, yet it seems the laws did not exist in the states because of weak implementation and enforcement of state laws. Weak enforcement mechanisms in South-East Nigeria will fuel more infringement of the inheritance rights of women by the perpetrators. Effective implementation requires numerous factors, including an appropriate government mechanism, sufficient resources and political will.

Despite legal provisions safeguarding women's inheritance rights, enforcement mechanisms are often weak or inefficient.⁴⁵ Women may face obstacles in accessing justice and asserting their inheritance claims due to procedural complexities, corruption, and a lack of legal aid services. Inheritance rights are closely linked to economic empowerment, and women's exclusion from inheritance can perpetuate their economic dependence and vulnerability. Limited access to property and resources inhibits women's ability to achieve financial independence and social mobility.⁴⁶ The South-East states should make access to justice pro bono and speedy for the women whose inheritance rights are infringed upon. The government should collaborate with sectors of the non-governmental organisations and other agencies at the grassroots level to combat discrimination amongst women and the girl-child in rural areas.

4.2 Ignorance

Ignorance is not merely the absence of knowledge; it is the absence of awareness or understanding. It can be categorised into two forms: passive ignorance, which arises from lack of exposure, and active or wilful ignorance, where individuals choose to ignore facts or perspectives that challenge their beliefs. Both forms can be dangerous, but they manifest differently across societies. The

⁴⁴ A B Aigbikor, 'Violence and Discrimination against Women and Girl-Child and how to Combat it from the Nigerian Perspective' (Unpublished LLM Thesis, Rivers State University 2019) 95.

⁴⁵ A Chidinma, 'Understanding Women's Inheritance Rights in Nigeria: A Socio-Legal Perspective' [2017] 3 (1) *African Human Rights Law Journal* 33-48.

⁴⁶ Ibid.



causes of ignorance are multifaceted, as education, environment, culture, media, and personal biases all play significant roles in what people know or don't know.

As concerns the invalidation of the law against women's right of inheritance in South-East Nigeria, some people, including women themselves, are still living in ignorance. They are still not aware that this law has been abolished. The men, including those who are aware of the abolishment of the law, are still perpetrating this evil in different parts of South-East Nigeria. Part of the reason is that many women are still ignorant of the new development. Ignorance, therefore, becomes a major contributing factor to gender discrimination. Part of the ignorance is also because many of those concerned are not educated and exposed. Believing that 'Igwebuike' (that is, there is strength in numbers), those who are aware of this new law should help to create awareness among the ignorant. Igbo female lawyers and other female elites have a responsibility to this effect.⁴⁷

It is therefore pertinent to state that there is a need for radical sensitisation from the primary schools, an urgent need for increased awareness among the women, especially in the South-East rural areas of Nigeria. Sensitisation in the sense that women, both married and unmarried, and every girl-child need to know that both men and women have equal rights as enshrined in our laws and other international treaties and conventions. That women's rights are human rights which are recognised and protected by the law. Women should be sensitised on the laws protecting their rights and avenues to seek redress in a competent court of law in cases of infringement of their inheritance rights.

This research argues that it was awareness, education and exposure that led to the bold steps taken by Mrs Gladys Ada Ukeje, who was denied her inheritance rights in the family, in the landmark judgement delivered by the Supreme Court in *Ukeje v Ukeje*,⁴⁸ that is being celebrated in Nigeria today. Ignorance makes it impossible for some women to question the rationality of some discriminatory cultural practices. Limited access to education and information perpetuates ignorance about legal protections and avenues for challenging discriminatory inheritance practices.

4.3 Cultural Stigma

Stigma poses a significant challenge to women's inheritance rights under the laws in Nigeria and within Igbo culture.⁴⁹ This stigma is rooted in traditional beliefs, societal norms, and patriarchal customs that devalue women's entitlement to inherit property and assets. Women often face discrimination, shame, and exclusion when asserting their inheritance rights, perpetuating gender inequality. Cultural stigma stems from patriarchal beliefs that prioritise male heirs and assign lesser

⁴⁷ M W G Eche, 'Igwebuike and the Right of Inheritance of Igbo Women' [2019] 5 (7) *Igwebuike: An African Journal Of Arts And Humanities*, 42.

⁴⁸ (2014) 11 NWLR (Pt1418) 384.

⁴⁹ C Okoli, 'Challenges Faced by Women in Asserting Inheritance Rights in Nigeria' (2018) (7) (3) *International Journal of Gender Studies* 112-125.



value to women's roles within families and communities, including in matters of inheritance.⁵⁰ Women who approach the courts to enforce their rights often face strong backlash; like accusation of greed or betrayal, seen as disrupting the family and being ungrateful to their family or disrespecting male relatives.

Women who challenge discriminatory inheritance practices often face emotional trauma, moral manipulation, social pressure, and marginalisation from their families and communities, including accusations of disrupting cultural norms and traditions. Widows asserting inheritance rights may encounter stigma and ostracism due to prevailing beliefs that widows should relinquish claims to family property.⁵¹

Women fighting for inheritance rights in patriarchal societies in South-East Nigeria often face not just legal hurdles, but a web of cultural stigma designed to silence them. However, through acts of cultural resistance, through acts of cultural resistance, from legal battles to public defiance, they are gradually reshaping and changing the narratives around discriminatory inheritance rights of women.

5. PROSPECTS OF THE DEVELOPMENT OF THE INHERITANCE RIGHTS OF WOMEN IN SOUTHEAST NIGERIA

Culture plays a great role in the violation of the fundamental rights of women in Nigeria. This is done by undermining the rights of women, chiefly in the issue of inheritance.⁵² The legal and regulatory environments for women's rights to inheritance are not sufficient, and the legislation that exists shows a lack of commitment to gender equity in inheritance rights. The laws and practices governing inheritance and succession under customary law are very discriminatory and constitute a major obstacle to the achievement of equality of men and women. Furthermore, it is regrettable that the customary laws of inheritance, which deny women the right to the property of their husbands and fathers, have remained static despite the provisions of the 1999 Constitution and international instruments.⁵³

To eliminate the challenges posed by customary inheritance rights of women in South East Nigeria, it is necessary to adopt the following prospects. First, State Governments in South East Nigeria should organise massive public enlightenment programmes and campaigns that would lead to attitudinal change by both women and men, towards the inheritance rights of women for at least an initial five-year duration. Second, the South East state governments should fund legal literacy campaigns to create awareness of the existing laws and court decisions, and educate women on their rights and how to enforce them. Third, the South East State Governments and the Local

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.



Governments should take steps to empower women and girls educationally and economically. Fourth, the South East state governments should take steps to review and codify the customary laws/rules of inheritance, enhancing the rights of women.⁵⁴ Fifth, the Judges should become bolder and more proactive in determining issues concerning the inheritance rights of women, having regard to judicial precedent. They should also develop customary laws through their bold and pragmatic decisions to meet changes in global attitudes and standards as it relates to women's inheritance rights. They should also encourage women to bring inheritance matters to court by giving a speedy disposal action to such matters.⁵⁵

6.0 Conclusion

Majority of Igbo customary laws of Intestate Succession by nature is discriminatory to women when it comes to their inheritance rights but some customs like Ohafia, Arochukwu and Abiriba are favourable to their women when it comes to inheritance in the sense that they are expressly allowed to partake in inheritance from their fathers' house, and due to the principle of primogeniture that is practiced amongst the Igbos which majorly recognized the oldest male as being the head of the family and have granted him more rights in terms of inheritance and property acquisition.

The culture in which our ancestors lived has conditioned our minds to the extent that we see wrong ideas as being right. Our mentality needs to be changed. The mentality that a woman is less human than a man, that she is inferior to a man, and that she is weaker, needs to be overhauled. The woman who brought the man into the world through the collaboration of the man, who nurtures the man, cannot be either inferior, weaker or less human than the man. The woman possesses things in her nature which the man does not have, and vice versa. So, the two are meant to complement each other with what nature has bestowed us with; that way, we have a better life. For us to have a good life, we have to accept and accommodate one another without discrimination.⁵⁶

7.0 Recommendations

Notwithstanding the diverse groundbreaking reforms that have been accomplished, the fact remains that there is still more work to guarantee and aid the inheritance rights of women and their rights as human rights. In view of the findings of this study, the following recommendations are proposed to strengthen the legal protection and effective realisation of women's inheritance rights in South-East Nigeria:

6.1 There is a need for the enactment of a comprehensive and gender-sensitive inheritance law at both the federal and state levels to regulate inheritance matters and eliminate ambiguities arising from conflicting customary practices. Such legislation should expressly prohibit discriminatory inheritance customs that exclude women, widows, or female children from inheriting family

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Alimole (n 151).



property solely based on sex. The law should also provide clear remedies and sanctions for violations of women's inheritance rights.

Customary inheritance practices in South-East Nigeria should be harmonised with constitutional guarantees of equality, dignity of the human person, and non-discrimination. Traditional institutions and customary norms should evolve in conformity with constitutional values and contemporary human rights standards. Customary rules that undermine women's proprietary rights should be reviewed and reformed to reflect changing socio-legal realities.

6.2 Government agencies, civil society organisations, educational institutions, and religious bodies should intensify public enlightenment campaigns on women's inheritance rights. Many women remain unaware of their legal entitlements due to illiteracy and cultural conditioning. Community-based legal awareness programmes should be introduced, particularly in rural areas, to educate women on available legal protections and avenues for redress.

Traditional rulers, community leaders, and family heads should be actively involved in the process of reforming discriminatory inheritance practices. Since customary inheritance systems are deeply rooted in communal traditions, meaningful reform cannot be achieved without the participation of traditional institutions. Community leaders should be encouraged through public sensitisation to adopt gender-inclusive customary practices that protect women from exclusion and deprivation.

6.3 There should be a periodic review of inheritance laws, judicial practices, and customary systems to ensure continued relevance and responsiveness to evolving societal realities. Law reform commissions, academic institutions, and policymakers should collaborate to assess the effectiveness of existing legal protections and recommend necessary reforms where gaps persist. Nigeria, particularly the South-East region, should adopt context-appropriate best practices from jurisdictions like India and Kenya, which have successfully reformed discriminatory inheritance systems. Lessons from comparative legal systems may provide useful models for balancing respect for cultural traditions with the constitutional imperative of equality and justice.

Ultimately, the protection of women's inheritance rights in South-East Nigeria requires a multidimensional approach involving legal reform, judicial activism, institutional support, cultural reorientation, and sustained public education. Without addressing the socio-cultural foundations of discrimination alongside legal deficiencies, meaningful progress in achieving gender equality in inheritance matters may remain limited.