

Discriminatory Property Rights against Women in Igbo Nigeria: The Victorious Case of Ukeje V Ukeje

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Abstract

This paper analyzed the discriminatory property rights against women of Igbo- Nigeria extraction with particular emphasis on the Supreme Court judgment in the case of Ukeje V Ukeje. The paper explores the legal and policy framework upon which the protection of women's rights is anchored before its applications to human rights prisms. This work has demonstrated among other things that customary laws in Igbo- Nigeria disentitle women from property inheritance despite the legal and policy framework on the subject. The paper therefore applauded the Supreme Court decision in the above case and advocates for more judicial pronouncements in this regard.

1 INTRODUCTION

This work analyses the supreme court judgment in Ukeje v Ukeje in which the apex court in Nigeria ruled that the Igbo customary law in the south east Nigeria that disentitles a woman from benefiting in his late father's estate is not only repugnant to natural justice, equity and good conscience but discriminatory and contrary to S. 42(2) of the 1999 constitution and its implications for the protection of women's rights in Nigeria. Although customary law and practice is a major source of Nigerian law, its patriarchal nature has remained in conflict with the women's right to property in Igbo land and Nigeria in general. This is so, despite the constitutional provisions on non- discrimination, National policy on Gender Equality and Equity and the international human rights laws¹. Nigeria has over two hundred and fifty (250) ethnic groups and a huge number of customary laws². The distribution of a deceased estate under customary law is based on the customary doctrines of inheritance and succession of property anchored either paternal or maternal lines. When a deceased dies intestate, his personal customary governs the distribution of his property no matter where the property is situated or where the death happened³. This work aims at critically analyzing the problems generated as a result of discriminations on women's rights to property inheritance under customary laws of the Igbo in Nigeria with emphasis with the victorious judgment in Ukeje v Ukeje and its effects on the rights of women to property in Nigeria. The work explores the legal and policy framework upon which the protection of women's right is anchored. The nature of Igbo customary law in Nigeria, the progression of Ukeje's case from High Court, Appeal Court to Supreme Court and the impact of the case on judicial protection of women's right to property in Nigeria.

¹BabatundeOnu, "The Right of Women to Inheritance under Nigeria Law: An Evaluation" Nigerian journal of African Law(2008) 2 NJAL PG. 40

² Ibid.

³ T O G Animashaun and A B Oyenehin : Law of Succession, Wills and Probate in Nigeria (M J Publishers Ltd 2003)

2 LEGAL AND POLICY FRAMEWORK

Nigeria is known to be the giant of Africa and the most popular Black Country with huge population of about 180 million⁴. The country belongs to so many international organizations and has ratified most of these treaties. The United Nations Charter, the Universal Declaration of Human Rights and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW,1979), which came into force in 1981 formed the foundation upon which the protection of women's right as an international yardstick rest⁵. They set the standard for evaluation by which the status and rights of women in any given society can be compared. Nigeria has ratified these documents like most African countries. It has also formulated policies for its implementation⁶. In addition, at the regional and national level, the African Charter on Human Rights and Peoples Rights (1981) makes adequate provisions for the protection of women's rights in the state⁷. Indeed the Charter form part of the municipal law in Nigeria thus, providing a stronger normative standard for the protection of women's right in conjunction with the constitution and the CEDAW⁸. It hammers on the protection and equal treatment of men and women in the society. Worthy of note is the Protocol to the African Charter on Human and Peoples' Rights of Women in Africa (2003) that provides more ground for the protection of women in Nigeria⁹. The cardinal aim of the Protocol among other things is to provide a safeguard and a protection to the rights of women so as to resist any form of violation against women's right to property. Like the CEDAW, its objectives include to ensure that the right of women are promoted and secured in order to actualize their individual goals, aspirations and harness their great potential in life as well as enjoy all their human rights. The Protocol that came into force in 2004 has a quite number of rights which include right to inheritance among others¹⁰.

The 1999 constitution is full of provisions on gender equality and protection of women's rights. Section 17(1) states that, "The state social order is founded on ideals of social objectives freedom, equality and justice." Then subsection 2 states also that "in furtherance of social order (a) every citizen shall have equality of rights, obligation and opportunities before the law." Also S 17(3) maintains that "The state directs its policies towards ensuring that All citizens, without discrimination on any ground whatsoever, have the opportunity for securing adequate means of livelihood...". This provision provides the basis for the promotion of human rights and the direction of state policy on human right issues.

Furthermore, section 42(1)(a), (b) and (2) stipulate it clear that no citizen of the country shall be discriminated by virtue of sex, religion, ethnic group or subjected to any liability or deprivation merely by reasons of circumstances of birth. Also S. 43 of the constitution guarantees every citizen the right to acquire and own property in Nigeria irrespective of sex and circumstance of one's birth. These provisions are indeed justiciable and form the basis upon which women right to property in Igbo society and other form of discriminatory cultural practices could be

⁴ National Population Commissions (N PC) 2015 www.population.gov.ng

⁵ See Article 13 (3) and 55 (c) of UN Charter; and 2 and 7 of UNDHR. Similar provisions are contained also in The Convention on the Elimination of all Forms of Violence Against Women (CEVAW)

⁶ Nigeria ratified the CEDAW in 1985

⁷ See Articles 1 and 2 of the African Charter on Human Rights and People's Rights.

⁸ African Charter on Human and People's (Enforcement and Ratification) Act, 2004 Cap.

⁹ See Article 18 (3) of the African Charter. Parties shall ensure the elimination of discrimination against women and ensure women's rights are protected as contained in International Declaration and Conventions.

¹⁰ See also Articles 3 – 21 of the Protocol

challenged as such violation is targeted on human right abuses on women. Interestingly, Nigeria's bid to display commitment towards the protection of women's right formulated the National Policy on Women, 2000 and National Gender Policy 2006. The aim of the policy which was drawn from the international treaties was among other things to ensure the elimination of all forms discrimination among women.

Suffice it to say that the acceptance of any customary rules and practices within the legal system in Nigeria is on its agreement with the natural justice, equity and good conscience, public policy and that custom must not be in conflict with any written law for the time being in force. In addition the constitution is clear in S 21 that it is the responsibility of the state to protect, preserve and promote the Nigeria culture which enhance human dignity and are consistent with the fundamental objectives provided in it¹¹.

Interestingly, the fundamental right provisions in the constitution, the National Policy on Gender and the international human rights standards ratified by Nigeria form the pillar upon which judicial protection on the rights of women to property and other forms of discrimination against women is advocated¹². It is indeed worrisome that despite these provisions Nigeria women still suffer all manner of discriminatory rights to property and other forms of human right abuses. The need for Nigeria to ensure the elimination of discriminatory rights against women as signed under the international treaties which they have acceded calls for attention. It is within this context that the Supreme Court judgment in *Ukeje v Ukeje*¹³ and the impact on the protection of women right to property in Igbo Nigeria is analyzed.

Surprisingly, except where the deceased dead tasted, the way the courts have delivered judgments to guarantee the protection of property rights of women depends mainly on the customary law applicable in such community. This position has remained notwithstanding the constitutional provisions on non- discrimination, the national policy on gender equality and equity and the fact Nigeria has ratified the CEDAW, and other regional convention on human rights. It is against this background that the plaintiff/respondent being a woman in *Ukeje v Ukeje* went to court to enforce her right to benefit from the sharing of her late father's property.

The rule of customary law that governs women's right to property in Nigeria is varied according to the tribes or ethnic groups that make up the country¹⁴. Nigeria is made up of three major ethnic groups, namely; Igbo, Hausa and Yoruba¹⁵. Generally, in case of inheritance of property of a person who dies intestate, the personal customary law of the deceased governs the distribution of his property.

In Igbo customary law, the rules of customary law to women's rights to property is not uniform¹⁶. The cardinal principle of law of succession among the Igbos is the Primogeniture, which is succession by the first son¹⁷. On the death of the man the eldest son succeeds him and is entitled to occupy his father's dwelling house and is entitled to special property which he enjoys

¹¹ See section 21 of 1999 Constitution

¹² Published by the Federal Ministry of Women Affairs and Social Development, 2000, 2009 and Chapter 4 of the 1999 Constitution

¹³ (2014) SC LPELR - 22724

¹⁴ E I Nwogugu *Family Law in Nigeria* (Heinemann Educational Books 1974)

¹⁵ Nwakanma Okoro *The Customary Laws of Succession In Eastern Nigeria and The Judicial Rules Governing their Application* (Sweet and Maxwell, London 1966)

¹⁶ E I Nwogugu (Ibid)

¹⁷ Nnadilne "Son Preference – A violation of Women's Human Rights : A Case Study of Igbo Custom in Nigeria" in *Journal of Politics and Law* (Canadian Center of Science and Education 2013)

to the exclusion of other brothers. Other immovable properties are allocated to him apart from the dwelling house and compound land. He also inherits his father's ceremonial dresses, walking sticks, "ofo", and holds other family properties in trust for the family. The son preference syndrome is the hallmark of Igbo customary law¹⁸. In *Ejiamike v Ejiamike*¹⁹, the court held that eldest son has right to manage and administer the real estate of his deceased father for the benefit of himself and his brothers²⁰.

Under the Igbo Customary law, females do not possess the rights to inherit and, neither the wives, daughters, nor the widows of the deceased has right to inherit or partake in property sharing in the intestate estate of the deceased²¹. In *Ugboma v Ibeneme*²², it was held in accordance with Igbo general custom that women were not entitled to inherit land from their father. Daughters like wives, do not inherit under Igbo customary law. In *Mojekwu v Iwuchukwu*²³, the deceased had two female children, upon his death his male nephews claimed to be entitled to his estate. The Court of Appeal rejected the view that such discriminatory customs that violate women right is repugnant to natural justice, equity and good conscience and therefore not enforceable. However, the Supreme Court rejected the decision of Court of Appeal and upheld the "Iriekpe" custom²⁴. In some Igbo area, where the intestate died without a male child, his estate is inherited by his eldest nearest paternal male relation²⁵. In essence, the custom does not give women right to property inheritance. This practice is highly anachronic, barbaric and relegates women to the background. It does empower women to face the challenges of employability in this global competitive economy.

3 THE FACTS OF THE CASE IN UKEJE V UKEJE

One Mr Lazarus Ogbonnaya Ukeje a native of Umuahia in Abia state (then Imo State) who lived all his life in Lagos state died on 27th day of December, 1961 intestate. He acquired real property in Lagos. The deceased was married to the 1st appellant Mrs LiosChituru Ukeje and the marriage produced four children. The 2nd appellant Enyinnaya Lazarus and the respondent Mrs Gladys Ada Ukeje were among the children. Upon death of Lazarus Ogbonnaya Ukeje, the 1st and 2nd appellant (mother and son) obtained letters of administration for and over the deceased estate. Mrs Gladys Ada Ukeje the plaintiff / respondent on knowing of this development filed an action in Lagos High Court wherein she claimed among other things that as a daughter of the deceased that she is entitled to partake in the late father's estate. The trial court ruled in her favor and frowned at such Igbo discriminatory rules of customary law that denies women right to property as contrary to section 39 (1) and 39 (2) of the constitution²⁶. Unsatisfactory with the judgment of the High Court, an appeal was brought before the Appeal court. The Appeal court did not waste time in affirming with the decision of the trial judge in declaring the Igbo native law and custom that that dis entitles a female from sharing in her late father's estate as not only

¹⁸ Ibid

¹⁹ (1972)2, E.S.L.R 11; See also *Ngwo v Onyejana* (1963)1 ALL NLR 352 and *Nezianya v Okagbue* (1963)1 ALL, NLR

²⁰ Ibid

²¹ S N C Obi "Women's Property and Succession Thereto in Modern Ibo Law (Eastern Nigeria)" *Journal of African Law*

²² (1961) 1 ALL, NLR 352

²³ (2004) 11 NWLR , this was an appeal reported as *Mojekwu v Mojekwu* (1997) 7 NWLR

²⁴ Ibid

²⁵ Ibid

²⁶ 1999 Constitution of Federal Republic of Nigeria

being repugnant to natural justice, equity and good conscience but discriminatory and unconstitutional²⁷. Galadima, JCA, restated this when he said " I have held the opinion that the Igbo native law and custom which dis entitles a female from sharing from her deceased father's estate is void as it conflicts with section 39 (1)(a) and 39 (2) of the constitution of the Federal Republic of Nigeria"²⁸.

In other to keep the spirit going in the crusade to promote gender equality and non-discrimination to property rights to women, the court of Appeal in the same manner in *Uke v Iro*²⁹ declared unconstitutional a rule of customary law in Igbo land which denies women the right from given evidence in an action for title in landed property. The court argued that such assertion or argument is oblivious of constitutional provision which guarantee equal rights and protection under the law as it offends section 39(1) of the 1979 now repeated in section 41(1) of the 1999 constitution. The court maintained that any customary law which flies decency and is not consonant with notions, beliefs or practices of what is acceptable in the court of law where rule of law is the order of the day should not have its way in our jurisprudence and should be disregarded and dismissed as amounting to nothing³⁰. Any law or custom that seeks to relegate women to the status of a second class citizen thus depriving them of their individual and constitutionally guaranteed rights are laws and customs fit for the garbage and consigned to history³¹.

Furthermore, this position was held and made clear by Noki Tobi JCA (as he then was) in *Mojekwu v Mojekwu*³² when the court of Appeal law lord said, "... the Nrachi ceremony...is inconsistent with public policy, repugnant to natural justice, equity and good conscience... the latter condemned in Article 6 of the convention on Elimination of all Forms of Discrimination Against Women(CEDAW)...³³,"it is worthy to note the position of the court of Appeal since after the judgment and pronouncement of Noki Tobi as being consistent in handling repugnant issues and preserving the rights to women to property. The court will make no hesitation in declaring repugnant to any provisions of the customary law that impinge the enjoyment of women's rights to property as being unconstitutional, unreasonable and unjustifiable in a democratic society in which Nigeria is working hard to establish herself globally. Interestingly, the court of Appeal in these cases has not only carve an inch for itself in her role of interpreting the law but kept faith with the judiciary as being the last hope of the common woman³⁴.

However, the regrettable decision of the Supreme Court in *Mojekwu's* case on the women's right to property was indeed a draw back to the ongoing crusade by the court of Appeal on this subject. The cautious approach advocated by the Supreme Court underscores the rationality and compelling public policy advocated for the protection of women's right upon which Noki Tobi's pronouncement is anchored. The proactive judicial stance of the court of Appeal in *Mojekwu v*

²⁷ Per Noki Tobi, JCA (as he then was) p. 305 in *Mojekwu's* case

²⁸ *Ukeje v Ukeje* (2001) 27 WRN 142 at 160, per Galadima JCA

²⁹ (2001) 17 WRN 172

³⁰ *Ibid* per Pat Acholonu JCA (as he then was) pp. 176 – 177. His Lordship in this case also made reference to the pronouncement by Noki – Tobi JCA in *Mojekwu v Mojekwu* (1997) in arriving at this conclusion.

³¹ *Ibid*

³² *Ibid*

³³ *Ibid* per Niki – Tobi JCA (as he then was) p. 432

³⁴ This opinion was expressed by I N E Woruji and R O Ugbe in " Judicial Protection of Women's Rights in Nigeria : The Regrettable Decision in *Mojekwu v Iwuchukwu* (HeinOnline)

Mojekwu³⁵, mjekwu v Ejikeme³⁶, Uke v Iro³⁷, Ukeje v Ukeje³⁸, and Asika v Atuanya³⁹ cannot be swept away. The Nigeria court of Appeal has been making a clarion call in its trial for judicial protection of women's right to property and gender equality anchoring on the constitution and human rights standards. An approach worthy of commendation but lacks the anointing oil of the apex court over these years. The Supreme Court has always shown a cautious approach and always apply a high degree of uncertainty on issues of women's right to property inheritance under the customary law in Nigeria which Igbo society is not an exception. This practice has received wide criticism by legal scholars and NGO's within and outside Nigeria⁴⁰.

3 THE SUPREME COURT JUDGMENT IN UKEJE V UKEJE: A VICTORY FOR WOMEN

The appellant not yet satisfied with the court of Appeal judgment appealed to Supreme Court. This case afforded the Supreme Court an opportunity to revisit the age longed constitutional issue on women's right to freedom from discrimination to property. The matter came up again whether the Igbo native law and custom that disentitles female from sharing in her late father's estate is in conflict with section 42(1), (a), (2) of the 1999 constitution. The supreme court affirmed the decisions of both High court and Appeal court and ruled that the said Igbo native law and custom that disentitles female from sharing in their late father's property is discriminatory and is void as it conflicts section 42(1) and (2) of the constitution⁴¹. However, it is interesting to observe that there was no appeal on the repugnant issue on the Igbo custom that disentitles women right to property sharing before the Supreme Court in Ukeje's case. The issue on appeal was on the paternity of respondent. It does appear that the concurrent judgment of the High court and Appeal court seem to have put the agitation to rest as the counsel to the appellant never opposed the issue at the supreme court. The supreme court went further and upheld the paternity of the respondent as the daughter of the deceased and that paved the way for the respondent to partake in the sharing of her late father's estate. Although the appeal was on the paternity of the respondent, the crux of the matter was on the respondent's right to benefit in her late father's estate in accordance with Igbo customary law that forbids women from property inheritance. Of course, if the appellant had succeeded on the paternity of the respondent, invariably, the respondent would have lost her right to partake in the sharing of the property of deceased whom she claimed to be her father. But the issue the Supreme Court cleared in this matter is to make nonsense of the obnoxious rule of customary law in Nigeria that outlaws women from property inheritance by first establishing the paternity of the respondent knowing that the paternity challenges the *locus standi* of the respondent. The Supreme Court in affirming the decision of lower courts on the paternity of the respondent seized the opportunity to make pronouncement on the apex court's long expected judicial protection on the right of women to

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

³⁸ Ibid

³⁹ Ibid

⁴⁰ B U Onyerkuru Obnoxious Cultural Practices Associated With Bereavement among People of South – Geopolitical zone of Nigeria in (JETERAPS 2011)

⁴¹ Ibid per Bode Rhodes – Vivour JSC PP 33 - 34

property in Igbo Nigeria. The Supreme Court re-emphasized that the said Igbo customary law is discriminatory and void as it conflicts with section 42(1) and (2) of the 1999 constitution⁴².

The supreme court in its ruling declared that section 39(1),(a) (2) of the 1979 Constitution is now contained in the 1999 Constitution as section 42(1), (a), (2) and it states that; “ 42(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:- (a) be subjected either expressly by or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions are made subject: or... (2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of her birth.⁴³” The supreme court went further to emphasis on her ruling that” no matter the circumstances of the birth of the female child, such a child is entitling to inheritance from the late father’s estate. Consequently, the Igbo customary law that disentitles a female child from partaking, in the sharing of her late father’s estate is in breach of section 42 (1) and (2) of the constitution, a fundamental rights provision guaranteed to every Nigerian. The said discriminatory customary law is void as it conflicts with section 42(1) and (2) of the constitution.⁴⁴” The judgment of the Supreme Court is not far reaching and the language seems to be played down considering the overheated expectation on this subject. The language of the judgment appears to be naked and de- roped of the legal embellishments and thought provocative aphorisms that should characterized such a landmark victorious judgment to liberate women from such discriminatory property right in Igbo land. Furthermore, the Supreme Court’s refusal to draw inspiration either from the regional treaties or the international laws which Nigeria belong calls for attention. One had expected that the apex court would have made reference to both regional and international laws while delivering judgment in this case and not to rely only on our municipal law. This is on the premise that the fight to eliminate all forms of discrimination against women including right to property is a global crusade which Nigeria is masquerading as one of the actors. With all due respect to the learned Justices, the paper posits that the apex court should in further judgments in similar cases make reference to international laws since Nigeria has ratified and domesticated most of these laws in Nigeria and to make such landmark judgment to have both local and international legal aromas.

However, it is a welcome development in the struggle and crusade in support of the court of Appeal war against the eradication of all forms of discrimination against women’s right to property in Igbo society. It is a victory to the female folk in Igbo⁴⁵. The judgment has not only removed the clog on the judicial protection of women’s right in Igbo but has addressed it’s regrettable opinion expressed in Mojekwu’s case⁴⁶. The Supreme Court has added its voice that the discriminatory property rights in Igbo customary law in Nigeria is full of discrimination especially the female folk⁴⁷. This practice delimit the promotion and development of women more so these days there is global call for women empowerment. The call that these customary practice among the people of the South – East Geopolitical Zone of Nigeria where Igbo is Zoned as being “ obnoxious cultural practices “ that need reform has been answered by the supreme

⁴² Ibid

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ THIS DAY News paper (13 May 2014)

⁴⁶ Ibid

⁴⁷ Ibid per Clara Bata Ogunbiyi JSC PP 35

court landmark judgment in Ukeje's case⁴⁸. Ukhum condemned such discriminatory practice that disempowers women from property sharing and viewed such culture as "cultural authoritarianism"⁴⁹. In fact any human arrangement is authoritarian if it entails any person being made to do or suffer something against her will. This is central in Africa and Igbo Nigeria is not an exception⁵⁰. The Igbo culture that deprives women right to property sharing and inheritance is authoritarian because it involves the manipulation of individuals will through the process of individual's indoctrination⁵¹. In this case, the women are left with no room to make rational choices with regard to the evidence at their disposal. In other words, the authority of the culture holds sway against the independent and rational choices. This practice has left women unprotected and at risk of losing all they labored with their husband at the instance of the man's death including their daughters as they cannot partake in any form of property inheritance. The problem associated with discriminatory property rights to women could be akin to concept of "legal pluralism" that exist in Nigeria⁵². The Nigeria society operates with three different systems of law that operate simultaneously. The consequence of this legal pluralism is the interplay between common law, statutes and customary law, which in most instances had resulted in serious conflict of law issues domestically with regards to women's right to property in Nigeria. The Supreme Court judgment in Ukeje's case has put to rest these lingering conflicts of law issues on the subject and has joined forces to pronounce that any rule of Igbo customary law that conflicts with the constitution of Federal Republic of Nigeria shall be declared void. This judgment is in particular to Igbo customary law in Nigeria but by extension to other discriminatory rules of customary laws in Nigeria that deprive women right to property and has laid a foundation to other African countries in general where such practices are held.

4 RECOMMENDATIONS

It is strongly recommended that men should be encouraged to write Will before their death so as to state how their wives and children should benefit from their property since Will is a testamentary document that speaks from the grave⁵³. Also there is need for legislative intervention for the promotion and protection of female right to property. Programs geared towards creating awareness and sensitizing people on the rights of women to property at the local levels like villages should involve custodians of cultures. There should be a review and codifications of rules of customary law in Nigeria. Human rights courts should be established for quick dispensation of justice and legal aids should be given to women who suffer from such violations to assist them to overcome the high cost of litigation. Legal actions should be instituted against those who defiantly ignore or violate women's rights. Discriminatory religious doctrines and practices that do not promote and protect women right to property should be changed or expunged. The mass media and non- governmental organizations, religious groups and government should design means by which women could be trained, empowered and

⁴⁸ Ibid

⁴⁹ E C Ukhum " Cultural Authoritarianism, Women and Human Rights Issues among the Esan People of Nigeria" in African Human Rights Law Journal

⁵⁰ Ibid

⁵¹ Ibid

⁵² Ibid

⁵³ Ibid

enlightened to defend their rights against these obnoxious customary practices⁵⁴. When this is done, it will go a long way to enhance women employability status in this present competitive global economy.

5 CONCLUSION

The Supreme Court has taken a bold step in Ukeje's case to remove the impediments on the judicial protection of women's right to property in Igbo land. This is a commendable development since the Supreme Court plays the role of a watchdog and an apex court in Nigeria, and the last hope of the common woman. There is the need for the Supreme Court to make more pronouncements in subsequent cases that are of similar subject and to be consistent in its decisions on this subject just like the court of Appeal has posited. This will go a long way to consolidate the fight against women's discriminatory right to property in Igbo society and the crusade against the elimination of all forms discrimination against women which is a global campaign⁵⁵. Indeed there is no doubt that the Supreme Court has joined the war against violations of women rights and has responded to the full interpretation and implementation of the law which is the primary function of the judiciary⁵⁶.

Hopefully, Ukeje's case was a victory to women's right to property in Igbo society and has provided a fertile ground for favorable legal environment for effective judicial protection of women's right to property and gender equality in Nigeria⁵⁷. It has cleared the uncertainty view of the Supreme Court to a large extent, on her position on discriminatory customary laws on women, thus granting judicial protection to women's right to property and gender equality and a reference point to other African countries. The supreme court like the appeal court should make inspiration from the regional, national and international laws since the subject matter is of global crusade and Nigeria has not only ratified these laws but has translated most of them into her municipal laws⁵⁸.

It is hoped that the victory in this case will bring succor to the plight of women in this aspect of life, a victory that will transcend beyond the court room, a victory that will last and be sustainable and stand the taste of time as a big boost to women employability in the global economy.

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⁵⁵ C A C Johnson, Inheritance Laws and Women's Property Rights How Just? (ECOWAS Centre Abuja, 2008)

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid

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