

Securing property rights for the widow: Lessons from Nigeria

Popoola, Naomi Ijadunola¹ and Adama, Unekwu Jonathan²

^{1,2} Department of Estate Management and Valuation, School of Environmental Technology, Federal University of Technology Minna. Nigeria

Corresponding Author: Dr. Popoola, Naomi Ijadunola

E-mail: naomipopoola@futminna.edu.ng
Minna, Nigeria.

Co Author: Dr. Adama, Unekwu Jonathan

E-mail: jonathan.adama@futminna.edu.ng
Minna, Nigeria

ABSTRACT

A growing consensus is emerging around the world regarding the role that secure land tenure for women plays in alleviating poverty, boost economic growth, and advance national development. Multiple international policy documents advocate for women's and men's equal access to, ownership of, control over, and inheritance of land, housing, and other property. However, widows' legal rights are rarely addressed in these documents; it is common for these widows to have their inheritance and property rights violated. This report is a case study based research; it contains documentation of authors personal experiences in assisting an elderly widow secure property rights and exercising rights of ownership over the property left behind by her deceased husband who died intestate in Nigeria. Narrative analysis technique was employed in the methodology, while data were obtained basically from personal discussions, observation, pictures, videos and documents. challenges encountered include; lack of documented written will, financial constraints, lack of formal education by the widow, legal obstacles and sense of insecurity experienced by the widow from both external and internal sources due to fear of imposition of customary law as it relates to inheritance among her people. The interventions of experienced real estate valuers and a legal practitioner helped in securing an appropriate legal instrument that helped her overcome the cultural and legal challenges encountered and to secure her property right. To combat the challenges faced by women and widows in securing property rights in Nigeria, the study suggests group and community support for women and widows. It also recommends the establishment of a legal and policy framework by the Nigerian government that will educate women and widows on how to secure and enforce property rights. This will help in promoting gender equality, protects women/widows' property rights and empower them economically for the attainment of sustainable development in Nigeria.

Keywords: 1.Customary Law, 2.Inheritance, 3. Intestate, 4.Nigeria, 5.Property Rights and 6.Widow

1. INTRODUCTION.

Land is a very important natural resource that supports human existence across the world; as the continual survival of man is directly linked to land (Njieassam, 2019). Real property according to Jibril (2021) is any interest in land, buildings economic trees or any other improvements on land. It requires reliable tenure security for the holder to effectively exercise rights of ownership. UN-Habitat (2008) defined land tenure security as the “rights individuals and groups have to effective protection by the state against forced eviction”. Every land holder requires adequate tenure security in order to exercise rights of ownership and to profit withal. Access to land does not equate tenure security. Access is basically the social and political relations that creates opportunities to use, own, possess, manage, and enjoy rights and privileges that accrue from land (UN-Habitat, 2008; Njieassam, 2019); it is tenure security that helps secure the rights and the privileges that land confers on the owner.

Securing land rights is an important tool for increasing empowerment and economic welfare for women in developing (Khushbu and Abdoul. (2016). However, women across the world still encounters gender-based discrimination in relation to the control and ownership of land, on the basis of their gender, their ethnicity and their economic class (Njieassam, 2019). Most vulnerable among the women when it comes to discrimination in land tenure security are the widows. Challenges facing widows in many African countries and Asia are enormous (GCWA, 2006). Widowhood could means forfeiting land, houses, other properties and economic security (Cooper 2012). Securing property rights for the widows helps in promoting emotional and economic security for them and their children (Evans, 2015). It also helps in breaking the cycle of poverty transmission from one generation to another (Cooper 2012). It is very evident that there is an increasing awareness of the importance of Women’s land rights and tenure security in the promotion of the nation’s economic growth and development and also in the alleviation of poverty amongst women (Doss and Meinzen-Dick, 2020; Peterman and Peterman, 2021).

The Global Coalition on Women and Aids (GCWA, 2006) reported that many international human rights agreements and national constitutions embraced gender equality when it comes to women and men having equal rights to access, own, control,

and inherit real property and other property. One of such international agreement is The UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW, 1979), which states that all signatories to the agreement should:

“take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular to ensure, on a basis of equality of men and women. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property, whether free of charge or for a valuable consideration” (Article 16: Section 1h).

However, despite the existence of such provisions; ignorance of the existing legal means through which such right can be claimed and the complexity of customary laws in most African countries has left many women deprived; as women can only gain access to land and housing through a male relatives. Han, Zhang and Zhang (2019) in a research on land tenure security in rural China suggested promotion of policies which promotes formal registration of land title certificates, prevents discrimination, provides education and employment opportunities as a means of curbing the menace of gender discrimination in land and inheritance matter.

Historically in Nigeria, cultural practices, religious beliefs, and customary laws have always been great obstacles to women's inheritance rights. Such challenges are in the recent times being addressed by legal reforms and advocacy efforts (Abu, 2023). However, Izzi and Fab-eme (2020) rightly observed that the existing laws alone are insufficient in addressing the issue of securing land rights for widows; as not all widows have the means to pursue legal action. There is therefore the need for community-level initiatives, Non-governmental Organisation Interventions, family and individual supports in assisting women; and most especially widows in securing property rights in Nigeria. It is against this background that this study sets to examine and to present in practical term the roles of individuals and groups in securing inheritance rights; especially as it relates to real property (land and building) for the widows in Nigeria using relevant legal instruments. This paper presents a narrative documentation of the authors' supports in securing property rights for an aged widow in Nigeria using the relevant legal instrument admissible in the country.

2.0 LITERATURE REVIEW

2.1 Widow's Property Rights

The plights of widows as it relates to inheritance and property rights have been documented in researches from different countries across the world. Findings from these related studies revealed that widows across the world experiences discriminations when it comes to exercising rights of ownership over the property left behind by their deceased husband. This challenge occurred basically where the deceased husband died intestate.

In a comparative study on widow's right in Italy and Latin America; Buțureanu (2021) observed that widows' inheritance rights are not as well protected in Latin America as they are in Italy. This, the study attributed to cultural factors, such as patriarchy, which have had a greater influence on the development of legal frameworks in Latin America. The study suggested further research is needed to assess the cultural foundations behind this difference and to identify best practices for protecting widows' inheritance rights in Latin America.

A comparative study on the rights of widows to inheritance was examined by Muhammad and Baharuddin (2023). The research focused on the position of childless widows as heirs to their husband's inheritance under Islamic and Civil Law. The study observed that under Islamic law, widows are considered heirs of priority, while under civil law, they are considered heirs of group. This difference in status is likely due to the different legal sources that each system draws on. Islamic law draws on the Quran and the Sunnah, while civil law draws on Roman law. The study maintained that the Quran and the Sunnah emphasize the importance of protecting widows, while Roman law does not. The study concludes that widows have stronger inheritance rights under Islamic law than under civil law and this difference in inheritance rights according to the research can have a significant impact on the lives of widows.

Similar study by Peterman and Peterman (2012) focused on widowhood and asset inheritance in Sub-Saharan Africa using empirical evidence from 15 Countries. The analysis reveals that widows in many countries face challenges in inheriting assets, with

the majority going to the spouse's families or other children. The finding revealed that older, wealthier, and more educated women have a better chance of protecting their inheritance and therefore recommended policies and programs that would help in integrating property rights and provide legal aid for women in order to help in protecting inheritance rights and alleviate poverty among women.

On widows and inheritance rights in Nigeria; Izzi and Fab-Eme (2020) observed that, despite the existence of constitutional provisions, international and regional instruments, landmark court judgments, and legal frameworks protecting the inheritance rights of women, including widows, in Nigeria, discriminatory customary practices are still in operation. This customary practices constitute a major obstacle in securing inheritance rights for widows. The study observed that most of these widows lacks required financial backings and supports to pursue legal action. The study recommends the supports of government, religious bodies and social organization in promoting equality, respect for human rights and in assisting widow's to secure their inheritance rights in the Nigeria.

Findings from these studies reveals that challenges that widows faced in relation to securing their inheritance rights are basically hinged on, customs and traditions, religious belief and customary laws in operation among their people. As rightly observed by Abu (2023); the problems of women and inheritance rights in Nigeria is more of cultural than legal. For instance, The Nigerian Constitution prohibits in clear terms any discriminatory customary practices. The existing challenge for widows now is securing the required supports and legal assistance to pursue their claims where customs and traditions holds them sway; and most especially where such widow lack financial backings.

2.2 Customary law and widow's Inheritance rights in Nigeria

Nigeria as a country is reported to have about 500 ethnic groups with each having distinctive native law and custom or personal law that regulates inheritance and succession to property (Otu and Nabiebu, 2021). Every community draw up laws and regulations that is patterned along their line of norms and beliefs which is refers to as

customary law. There is therefore no single customary law in Nigeria. These customary laws are basically indigenous law which emanated from tradition and practices of the people in response to their peculiar circumstances and challenges (Jibril, 2021).

The three major ethnic groups in Nigeria are the Yoruba's from the west, Hausa/Fulani in the north and Igbo in the eastern part of the country. Each of this ethnic groups have different traditional and cultural practices that governs inheritance among their people. The position of the customary law as it relates to widows inheritance right is as follows:

a. Widow's inheritance rights among the Yorubas

Amongst the Yoruba ethnic group, the oldest surviving son of the deceased is traditionally recognize as the head of the family. Where a person dies intestate leaving children surviving him, his real property will devolve on all his surviving children without gender discrimination; to the exclusion of all other blood relations (see case of *Okelola v Adeleke* (2004) 13 NWLR (pt 890)307.). The Yoruba law of Succession and Inheritance makes no distinction between male and female children, they are both entitled to share in the estate of their deceased father; however, a wife or widow not being regarded as a blood relation has no claim to any share of the inheritance.

Such discriminating judgement is repugnant to natural justice, equity and good conscience and contradicts the position of the Nigerian constitution of 1999 (Izzi & Fab-Eme,2020; Ovrawah, 2020, Otu and Nabiebu, 2021).

b. Widow's inheritance rights among the Hausas

From time immemorial, the custom of Hausas in Northern Nigeria do not allow younger children and widows to inherit properties from the deceased family head. Nevertheless, with the advent of Islam, culture has paved way to religious laws and injunctions. As such, most parts of northern Nigeria which are majorly of Hausas ethnic group are presently guided by Islamic laws in many aspects of life including issues relating to property rights and inheritance (Izzi and Fab-Eme, 2020).

The Qur'an provided that a widow can inherit only $\frac{1}{4}$ of the estate of the deceased husband if there are no other heirs (The rules governing inheritance under Islamic Law

are based on the principle that the property of the deceased should be used primarily to support persons who were entitled to be supported by the deceased in his life time). In the case where the deceased had more than one wife at death; the wives will share the $\frac{1}{4}$ equally. Infact Udoh, Folarin & Isumonah, (2020) reported that a widow from Kano state in the Northern part of Nigeria inherits $\frac{1}{8}$ of the deceased husband's property in accordance with Sharia law of the state. Female children inherits $\frac{1}{4}$ of their father's estate which is shared equally amongst the daughters while the sons get $\frac{1}{2}$ of the share of the estate ((Quran Chapter 4 Verse 7; Izzi and Fab-Eme, 2020; Mohammed et al. 2023). The only exception to the rule is where the children of the deceased do not practice Islam as a religion or commit patricide (murder his/her own father); such person(s) loses their inheritance rights (Yahaya, 1993).

Despite the provisions of civil laws and international treaties in Nigeria; culture, religion, societal beliefs and norms has continued to influence inheritance rights among the Hausas. This practices has greatly impacted on the lives of female gender (Udoh, Folarin & Isumonah, 2020; Mohammed et al. 2023).

c. Widow's inheritance rights among the Igbos

The rules of inheritance and succession amongst the Igbo ethnic group of Nigeria is govern by the principle of primogeniture which is basically succession by the first male child. The first surviving male child known as the *Okpala* or *Diokpala* in Igbo culture steps into the position of his father as the head of the family after the death of his father (Otu and Nabiebu, 2021; Ifemeje and Umejiaku, 2014). When a man dies, his eldest surviving son holds the deceased property in trust for other male Children; however, where the deceased father was polygamous, the oldest son of each wife takes part in the sharing of the estate. Daughters have no right to inherit from their deceased father in Igbo culture (Izzi & Fab-Eme, 2020). This tradition according to Abu (2023) has been in practice for many years among the Igbo culture and is central to what defines the Igbo society as a patriarchy. Land and landed property of the deceased under this system are inherited by the male children while daughters and wives are excluded. The widow according to the Igbo customary law is a property that can be inherited by the deceased brother as the death of the husband does not automatically terminate the original

marriage under our customary law; the widow belongs to the deceased family by virtue of the bride price paid to her family (Ifemeje and Umejiaku, 2014).

Despite the diversity in culture among all the identified ethnic groups; one thing characterised the principles governing inheritance rights amongst them, and that is discrimination against women in property sharing (Abara, 2012, Ekhaton, 2018; Udoh *et al*, 2020). Challenging the provisions of this discriminatory customary practices remains a major challenge for female gender and the Supreme law of the country in this 21st Century

2.3 Customary law vs Civil law and widow's Inheritance rights in Nigeria

The Nigerian Constitution (1999) is the highest supreme law of the country. Section 1 (1) of the constitution states that:

"This Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria".

Next in the hierarchy to the constitution are Laws enacted by the Federal Legislature (National Assembly), then the laws made by the State Houses of Assembly of the 36 States of the Nigerian Federation, and finally By-laws of Local Government Councils and subordinate legislations (Malemi, 2012). Ovwah, (2020) noted that customary law is not stated anywhere among the hierarchy of laws in Nigeria listed in Malemi (2012). Customary laws are recognised by law in Nigeria as long as it is contained in a written document and not only in the mind of the people and remained uncodified till date (Jibril, 2021). Therefore before a norm of customary law is applied, its existence must be proved. This means that the party relying on it has to plead it and lead credible evidence in proof of the applicable customary law (Ovwah, 2020). For example Section 18 of the "Evidence Act" provides that:

"In any judicial proceeding where any custom is relied upon it shall not be enforced as law if it is contrary to public policy or is not in accordance with natural justice, equity and good conscience".

While Section (3) of the Nigerian constitution of 1999 provides that:

“If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void”.

Unfortunately, this customary laws still constitute the basic instrument used in disenfranchising women when it comes to property rights in Nigeria. Some communities in Nigeria sees women as property to be owned and therefore cannot own property themselves.

The validity of customary rules within the legal system is depended on whether those rules are consistent with the Constitution of the Federal Republic of Nigeria and such rules must not be found to be repugnant to natural justice, equity and good conscience. Aside the Evidence Act and the 1999 Constitution of Nigeria; Ovwah, (2020) reported that Nigeria is a party to several other international treaties on human rights protection which include women and girl child rights. The country has gone ahead to ratified a large majority of these human rights instruments and also domesticated some of these instruments. This implies that the country has agreed to be bound by the obligations in these international instruments, except where reservations are made as stated section 12 (1) of the Nigerian Constitution of 1999 which provided that:

“No treaty between the Federation and any other country shall have the force of law except to the extent to which such treaty has been enacted into law by the National Assembly”

Therefore the civil rules takes precedence above any custom or tradition in Nigeria, most especial when it has to do with human rights protection. Under Civil law in Nigeria, the management and administration of a deceased’s property is regulated by the Administration of Estates Law of various States in the country and the High Court Rules (Civil Procedure) of each State of the Federation. This is to ensure that the property of a deceased pass on to the correct beneficiaries.

As rightly observed by Izzi & Fab-eme (2020), there are sufficient constitutional provisions, international and regional instruments with clear provision on human rights protections, especially that of women. There are also documented landmark court judgments and legal frameworks on the protection of women and widows inheritance rights. However, Peterman & Peterman (2012) maintained that there is the likelihood of older, wealthier, and more educated women having better chances of protecting assets

because of their education background and financial independence. It is therefore advisable that girl child education and women economic empowerment programmes be encouraged in order to properly equip women and widows to face the future with confidence and hope.

2.4 Challenges to Securing Property Rights for Widows in Nigeria

Despite universal commitment to eradicate gender discrimination in all aspect of life and most especially as it affects women's rights; a lot of widows are still in the battle of securing property inheritance rights (Stichter and Parpart, 2019, Udoh *et al*, 2020). These widow's rights to property inheritance are suppressed by cultures, customs and traditions that celebrates the birth of a male child and discriminate against female gender in Nigeria (Ajayi and Olotuah, 2005; Aluko, 2015)

Findings from researches on women and widows property rights in Nigeria (Izzi and Fab-Eme, 2020; Udoh *et al*, 2020; Abu, 2023) revealed that there are no legal challenges to the right of women/widows to inherit or own property in Nigeria. The challenges encountered by these women are more cultural, societal and religious in nature, and takes the forms of; traditions and cultural barriers, religious belief, Ignorance of constitutional and legal instruments on women's property rights, High litigation cost and slow judicial process, Type of Marriages contracted and absence of Statutory Will (Sagay , 2016; Izzi and Fab-Eme, 2020; Diala, 2018; Ezumah-Onwuchekwa, 2022, Abu, 2023).

Overcoming these challenges would take the combined and determinant efforts of the female gender, traditional and religious leaders, the custodian of the Nations law, Government, Non-governmental organisations and individuals.

2.5 Selected Court Cases on Widows Property Rights in Nigeria

Case 1: Neziانيا v Okagbue (1963)

A widow who was denied exclusive rights over the estate of her deceased husband bequeathed the disputed land to her granddaughter who sued her deceased grandfather's family seeking for exclusive possession of the land on the ground that her grandmother had enjoyed long possession of the land. The trial court ruled that a

widow cannot possess an absolute right over the estate of her deceased husband against his family. According to the Supreme Court as relating to this case; the essence of possession of the wife in such a case is that she occupies the property or deals with it as a recognized member of her husband's family and not as a stranger; nor does she need express consent or permission of the family to occupy the property so long as the family makes no objection (Attah & Otunta, 2021). The concept of consent as it relate to this case was declared thus;

"... The consent, it would appear, may be actual or implied from the circumstances of the case, but she cannot assume ownership of the property or alienate it. She cannot, by the effluxion of time, claim the property as her own. If the family does not give their consent, she cannot, it would appear, deal with the property. She has, however, a right to occupy the building or part of it, but this is subject to good behaviour. (Nezianya v Okagbue, 1963).

The judgement appears to favour the custom and tradition of the people by denying a widow an absolute rights of possession thereby limiting her exercising of ownership rights.

Nezianya v Okagbue 1963) 1 All NLR 352.

Case 2: Nzekwu v Nzekwu (1989).

The same principles applied to the case of *Nezianya v Okagbue, (1963)* was applied to *Nzekwu v Nzekwu (1989)*. The deceased family sold his land leaving his widow and her two daughters without an inheritance. In deciding the case, Nnamani JSC of the Supreme Court affirmed the scope of a widow's rights and pronounced that;

The rights of a widow in her husband's property in customary law have been settled. A widow who chooses to remain in the husband's house and in his name is entitled, in her own right and notwithstanding that she has no children to go on occupying the matrimonial home and to be given some share of the farmland for her cultivation and generally to maintenance by her husband's family. Should her husband's family fail to maintain her, it seems that she can let part of the house to tenants and use the rent obtained thereby to maintain herself. Her interest in the house and farmland is merely possessory and not proprietary, so that she cannot dispose of it out-and-out.

Although the court restrained members of the deceased family from disposing the property at least while his widow was alive; still the widow has no absolute rights of ownership over the property (Attah & Otunta, 2021).

Nzekwu v Nzekwu [1989] NWLR (Pt 104) 373.

Case 3: Mojekwu v Mojekwu, (1997)

In an appeal against the provision of the 'oli-ekpe' custom which prohibits inheritance rights of widows and female child, Justice Niki Tobi, J.C.A ruled that;

"We need not travel all the way to Beijing to know that some of our customs, including the Nnewi 'oli-ekpe' custom relied upon by the appellant, are not consistent with our civilised world in which we all live today, 'including the appellant. In my humble view, it is the monopoly of God to determine the sex of a baby and not the parents. Although the scientific world disagrees with this divine truth, I believe that God, the creator of human being, is also the final authority of who should be male and female. Accordingly, for a custom or customary law to discriminate against a particular sex is to say the least an affront on the Almighty God Himself. Let 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."

The decision of the Courts in this case serve as a turning point in the Judiciary in Nigeria. It was a landmark court case that was widely celebrated and of which ruling encouraged attitudinal change in securing gender equality in Nigeria (Ovrawah, 2020)

Mojekwu v Mojekwu [1997] 7 NWLR (Pt. 512) 425.

Case 4: Anekwe v. Nweke (2014)

Following the death of her husband, Mrs. Maria Nweke was asked to vacate her house after the death of her husband by her father-in-law and brother-in-law on the ground that she had no male child for her deceased husband. The basis for their action was hinged the native law and custom of Awka people of Igbo ethnic group which identifies male primogeniture and as such, without a male heir, the property goes to the deceased's father and eldest brother.

The Supreme Court on the 11th of April 2014 ruled and condemned the custom and practices of the Awka people, finding the custom of disinheriting a woman from property to be repugnant to natural justice, equity and good conscience. The judgment emphasized that;

"a custom of this nature in the 21st century societal setting will only tend to depict the absence of the realities of human civilization. It is punitive, uncivilized and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the womenfolk in the given society..... For a widow of a man to be thrown out of her matrimonial home, where she had lived all her life with her late husband and children, by her late husband's brothers on the ground that she had no male child, is indeed very barbaric, worrying and flesh skinning. It is indeed much more disturbing especially where

the counsel representing such perpetrating clients, though learned, appear comfortable in identifying, endorsing and also approving of such a demeaning custom.”

Using the provisions in the Nigeria constitution of 1999, the court ruled in favour of the widow. It is worthy to note that one thing is common in all these cases. The deceased died intestate without a written documented Will. Probably, life would be much easier for widows if Nigerians embrace the culture of Written and documenting Will.

Anekwe v Nweke [2014] 9 NWLR (Pt. 1412) 393.

3.0 METHODOLOGY

The aim of the study was to document personal and practical experiences of the authors on how property right was secured for an aged widow in Nigeria. Information retrieved from the widow, the authors (Estate Agents and lecturers), a legal practitioner, and a developer (a relation of the deceased) were collated for the purpose of the study. Narrative Technique was adopted as methodology using both inductive and deductive approaches in interpreting spoken word, documents and gestures. Interactional analysis approach was employed in retrieving information about the widow and the inherited property from the threads of conversations, observations, pictures, videos and documents. Findings were presented in themes identified during the content analysis, namely; the beginning, the bargain, the obstacles, project initiated and mission accomplished. Conclusion and recommendations were drawn from the themes accordingly.

4.0 RESULTS OF FINDINGS

4.1 The Case Study:

Findings and discussions were presented in themes and presented as follows;

4.1.1. The beginning:

It all began during the lockdown period due to corona virus pandemic. It was a time to check on the welfare of family and friends; it was on one of such occasion that the conversion on the earnest heart desire of the widow ensued. Her heart desire was to see that the house project which the husband commenced nineteen (19 years) back; shortly before his demise be completed.

The idea was to sell off another property of the deceased and then use the proceeds to complete the abandoned housing project and to develop an additional building as a means of generating income for the widow.

4.1.2 The bargain:

Following the agreement of majority of the widow's children, an Estate Agent was commissioned on the 1st of September, 2020. His term of reference was to carry out all transactions relating to sales of the property in question, perfect the sale and remit the proceeds to a specified account other than the widow's account.

4.1.3 The obstacles:

Before the search for a buyer, the author had to verify the status of the certificate to the land to ensure there were no encumbrances. It was in the process that it was discovered that the ground rents which is a statutory fee to be paid to the government had not been paid from 2007. Money raised through the children to settle the outstanding ground rent. Discount was given by the government in charge of collecting ground rents to encourage total debt settlement. The Payment was made on the 15th August, 2020 and receipt documented.

Another challenge that came up was lack of written and documented Will to show that the property in question was actually bequeathed to the widow or to specify the executor(s) of the right to the property in question prior to the demise of the husband. The authors therefore relied on the nuncupative Will which are oral directives given by a person in anticipation of death. To be valid, it must have been made voluntarily in the presence of at least two (2) credible witnesses and must adequately describes the properties and the beneficiaries of same (Baker & Gilding, 2011; Oyedele , O. A. 2022). The lead author was present on two or more occasions where the deceased uttered in words that:

" no child have the right of inheritance to any of my properties after my demise from the earth. All that belongs to me belongs to my wife; children can share in the inheritance ONLY after the death of my wife."

The lead author testify to the fact that, the above attestation was made while the deceased was alive, in good health and sound mind. To affirm his words, he gave all

documents relating to his assets to his wife for safe keeping even though she could not read or write; as she never had the opportunity of attending a formal school.

When a buyer was eventually gotten in February 2021 his Lawyer observed that the widow needed to have secured a Letter of Administration (Without Will) in order to perfect the transaction. Marriage certificate indicating that the widow was legally married to the deceased and a Death certificate was required to process this legal document. The widow had no financial backings to secure a legal assistance in this respect, and so, the authors solicited with the buyer and his lawyer to assist in this respect. At this point, the widow was very reluctant to deal with a lawyer because of the fear of appearing before the court (she is over 80 years). Also, at this point, some of the children (specifically the male gender) started developing interest in sharing in the proceeds. There was the initial fear of imposition of the customary law principles which among the Yorubas is based on blood and not on marriage. However, the widow was not married under custom and tradition but in a court and so the issue of custom and tradition cannot prevail here.

The buyer agreed to pay the agreed sum so that the legal instrument required to perfect the sales can be processed since the widows does not have other means of settling the bill. Death Certificate secured on the 8th of January, 2021 while the sales was made on the 1st of March, 2021; the buyers lawyer was immediately commissioned to process the Letter of Administration (without Will) from the sales proceeds. Public documentation of the property and application of the grant requested by the widow was published in a national newspaper on the 17th of March, 2021 and letter of administration (without will) was issued in the name of the widow on the 12th of November, 2021.

4.1.4 Project initiated

With the perfection of the sale of the property in question; the lead author had to help the widow in actualising her life log dream; which was to complete the project abandoned after the demise of her husband. A cost reduction strategy was employed in executing the project. This involves getting individuals who will render necessary

assistance to assist the widow who would not be able to adequately pay them for their services.

Architects, town planners and builders worked tirelessly with little mobilisation fee to get the project completed in record time due to the increasing inflation recorded in the country at the time. Work commenced on site on the 22nd of April, 2021 for a new building alongside the refurbishment of the abandoned building project whose foundation was initially laid by the deceased on 11th of June 2002 (19 years ago). The project was supervised by a close family relation who is a private developer

4.1.5 Mission accomplished:

With availability of sufficient fund, the whole project was completed on the 21st of March, 2022. For proper accountability, the co-author submitted a report of stewardship through the major author to the widow on the 28th of March, 2022.

First income from the letting of part of the building was received on 4th of April, 2023. With this development, the widow had been able to exercise absolute rights over the property inherited from her deceased husband; the right to own, the right to dispose, the right to use and the right to generate income.

5.0 CONCLUSION AND RECOMMENDATION

Securing property rights for widows require good legal framework, community and group support; whose goal is not primarily for profit making, but rather sacrificial service to humanity. The success achieved in securing property right for the widow in Nigeria and making her dream a reality is attributed to team work that involved; the major author, the co-author(an estate agent), a legal practitioner, a private developer (close relation of the deceased) and co-operation of the widow's children. Transparency and accountability helped to secure the funds. With funds readily available, the dream of the widow was attained in eleven (11) months.

To combat the challenges faced by women and widows in securing property rights in Nigeria, this study suggests; girl child education and older women literacy classes should be encouraged, group and community support for women and widows on issues

relating to property rights, encourage the habits of writing and documentation of Will by property holder so as to ease the plight of widows who are mostly disenfranchise using customary law principles, establishment of a legal and policy framework by the Nigerian Government that will educate widows on how to secure and enforce property rights.

All these recommendations will help to protect widows' property rights and empower them economically for the attainment of sustainable development in Nigeria.

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Popoola Naomi: contributed in documentations of events and compilations of materials for the research

Adama Jonathan: contributed in the aspects of transactions and perfection of sales of the property. Also contributes in developing the methodology for the study.

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KEY TERMS AND DEFINITIONS

For proper understanding of the focus of the study; it is necessary to define some term in the context of which they have been used in this study.

Customary law: common practice which is not written but accepted as code of conduct among people of similar ethnic background. This unwritten codes shapes their ways of life and beliefs.

Inheritance: devolution of property rights on another person (usually spouse and children) upon the death of the original holder of the property.

Property rights: Property rights is an absolute rights which a holder of a property (real property, that is, land and buildings) has over the estate. This rights includes, the right to the right to use, the right to dispose, the right to alienate, the right to mortgage and the right to derive income from it.

Intestate: this is a situation where a person dies without leaving behind a valid Will.

Widow: A living woman who has been permanently separated from her husband due to the death of the husband.

