

THE BINI CUSTOMARY LAW OF INHERITANCE AND SUCCESSION: THE INTESTATE PRACTICE OF IGIOTBE*

Abstract

This work examined the intestate practice of igiogbe and inheritance under the Bini customary law. An Igiogbe is the house where a Bini man lived, died and usually in most cases is buried. It devolves absolutely without any contradiction on his eldest surviving son as soon as the burial rites are performed and completed by him (in rare instances supported by family members) in accordance with the Bini Customary burial rites. The work critically examined hereditary traditional title holders and non-traditional title holders, the urho – system (per stripes), burial ceremony. This work found that Igiogbe practice is still relevant in modern Benin kingdom and that the discriminatory practice against the women folk in relation to this concept is alarming and ridiculous. The work is concluded with some recommendations. Amongst which includes mass enlightenment campaigns being mounted by the Ministry of Women Affairs at both the Federal and State levels to enlighten the people about the hardship and injustice which discriminatory customary laws impose on women and that any customary law that is discriminatory against women should be declared invalid on the grounds that it is unconstitutional and repugnant to natural justice, equity and good conscience.

Keywords: Hereditary, Inheritance, Custom, Igiogbe, Funeral

1. Introduction

This work will analyze inheritance and succession specifically under the Bini Customary Law. Succession under customary law in Africa is basically of two systems; the patrilineal and the matrilineal systems of inheritance. In Nigeria it is the patrilineal system of inheritance that is mostly practiced. The system of primogeniture in which the eldest surviving son succeeds his deceased father and also inherits his properties absolutely governs inheritance in Bini kingdom.¹ Under the Bini native laws and customs the system of primogeniture is rigidly adhered to.² In the circumstance that the eldest surviving son is indisposed to managing the *Igiogbe* maybe on grounds of insanity or infancy, he is still entitled to inherit it but the management would vest on his younger brother or uncle depending however on the circumstance of each case.³ The primogeniture rule was modeled to that of the monarchy who from the reign of Oba Ewuare (1440-1473 CE), laid down customary rule that it is the Oba's surviving eldest child that will succeed him to the throne and also inherits his estate exclusively provided he had performed alone the customary funeral rites of his father. It therefore became the custom of the Binis till date. Under this custom, the heir apparent to the Benin throne is the *Edaiken N'Uselu* being the next of kin of the Oba. The property (which can also mean his *Igiogbe*) of the demised Oba is never shared; they vest in the *Edaiken N'Uselu*, the heir apparent to the throne. A reigning Oba can devise any gift or property to any of his children in his life time.⁴

2. Hereditary Traditional Title Holders and Non-Traditional Title Holders

Upon the death of a holder of a hereditary title, the principal actor in the burial ceremony is the eldest surviving son, though the other children may make contribution to help their eldest brother. It is the eldest son who performs all the ceremonies.⁵ After the eldest son has performed the final burial ceremony, which of course will end with

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¹ Interviews with Barr. Kola S. Okeaya-Inneh, SAN, Chairman; Nigeria Bar Association, South-South Chapter and Principal Partner; Kola S. Okeaya-Inneh SAN & Co., (No. 66 Mission Road, Benin-City, Edo-State, Nigeria, 08th May, 2015), Chief Harrison Okao JP., The Ohen Osa of Benin Kingdom, (No. 27 Akpapava Road, Benin-City, Edo-State, Nigeria, 03rd June, 2015), Barr. Rex. E. Oriuwa; Principal Partner R. E. Oriuwa & Co., (No. 13 Imoisili Street, Off Borehole Road, Ekpoma, Edo-State, Nigeria, 30th June, 2015), Pa. Aimuanmwemosa Samson Emovon-Osagie; the Edoinwere of Lawani Quarters, Benin-City (No. 1 Okundaye Street, Off Upper Lawani Street, New-Benin, Benin-City, Edo-State, Nigeria, 02nd July, 2015), Mr. Ulfhifun Reuben I.; the Chairman, Landlord Association Omomo Street, Benin-City, Edo-State. (No. 22 Omomo Street, Off Stadium Road, Benin-City, Edo-State, 02nd July, 2015), Barr. Raphael Iyamu Edugie; Senior Counsel, Eghobamien & Co. (No. 30 Ekewan Road, Benin-City, Edo-State, 04th September, 2015) and Nosa Musoe; Chief Magistrate, (High Court of Justice, Benin-City, Edo-State, 07th September, 2015).

² *Ibid*, Egharevba J.U., *A Short History of Benin*, (Fifth Edition, Fortune and Temperance Publishing Co. Benin-City, 2005) and Osemwowa U. I., *The Customary Law of the Binis*, (Myke Commercial Press, Benin-City, 2000), p. 36.

³ Okeaya-Inneh K. S., *Benin Native Law and Custom at a Glance*, (Gift-prints Associate, Benin, Nigeria, 2007), pp. 28-29.

⁴ Okeaya-Inneh K. S., *Benin Native Law and Custom at a Glance*, (Gift-prints Associate, Benin, Nigeria, 2007), pp. 28-29.

⁵ The Ohen Osa of Benin Kingdom, (No. 27 Akpapava Road, Benin-City, Edo-State, Nigeria, 03rd June, 2015), Barr. Rex. E. Oriuwa; Principal Partner R. E. Oriuwa & Co., (No. 13 Imoisili Street, Off Borehole Road, Ekpoma, Edo-State, Nigeria, 30th

ukomwen, he succeeds to all his father's titles and he inherits the entire estate exclusively.⁶ According to Benin traditional council⁷, 'Bini Customary Law is not an ass', hence custom expects the eldest son, morally, to make gifts out of the estate to some of his brothers and sisters next to him in seniority. Again, custom expects the eldest surviving son to accommodate his other brothers and sisters.⁸ This accommodation of the other siblings by the eldest surviving son is however subject to the good behavior of the other siblings to him.⁹ Where there is no male child to succeed to the hereditary title, a brother or any other male paternal relation of the deceased succeeds the title after due confirmation by the Oba, but the deceased properties are shared among his female children.¹⁰ If a person whether a title holder or not made a grant of a gift to any of his children or other person while alive, such property ceases to be part of the estate of the person upon his death, and is excluded from those to be shared.¹¹ There are traditional offices and institutions that are hereditary in Benin. The uppermost is the position of Oba. Apart from the Obaship title, there are other hereditary titles in Benin. These titles are categorized into two. Namely: the kingmakers and non-kingmakers.¹² The kingmakers are; *Oliha, Ezomo, Ero, Edohen, Oloton, Eholonire* and *Edaikin*- called the *Uzamas*. The non- kingmakers are; *Arala, Aihioba* and recently the *Obaseki*.¹³ It is pertinent to note that the Oba and the Benin kingmakers all have their separate palaces while the hereditary chiefs are not entitled to palaces.¹⁴ As regards inheritance outside the Obaship, after the eldest son has performed the final burial ceremony, which of course, will end with the establishment of an altar for his deceased father, he succeeds to his fathers' title and inherits the entire estate exclusively.¹⁵ As noted earlier, inheritance in Benin Kingdom is based on primogeniture system.¹⁶ Soon after the death of a Benin man, the inventory of the deceased properties is taken by the *Okaegbe* or his representative in the presence of the deceased eldest son and any of the other children who may be present.¹⁷ This inventory is kept by the *Okaegbe* who has responsibility to ensure their safe keeping pending the completion of the burial ceremonies by the children. In the olden days all the movable properties were kept physically in the *Okaegbe's* possession while all immovable properties were noted and identified.¹⁸ On completion of the final burial ceremonies by the eldest son, this means in Benin custom '*Orere-Okoe*', the *Okaegbe* who presided over the burial ceremonies, with other senior members of the extended family, if considered necessary, meet with the children of the deceased and share the deceased person properties among the children.¹⁹ In sharing the deceased properties, the house in which the deceased lived and died which is otherwise referred to as his *Igiogbe* automatically devolves on the eldest surviving son.²⁰ However, custom enjoins the eldest son to accommodate his brothers and sisters (subject to their good behavior) until they are able to build their own houses and move out (if women) until they get married.²¹ Benin custom stipulates where the deceased has other landed properties apart from his *Igiogbe* these properties are distributed to the other children according

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⁶ Okeaya-Inneh K. S., *Benin Native Law and Custom at a Glance*, (Gift-prints Associate, Benin, Nigeria, 2007), p. 48.

⁷ *Ibid* and Benin Traditional Council, *A Handbook On Some Benin Customs and Usages*, (First Edition, Soben Printers Limited, Benin-City, 1996), p. 15.

⁸ *Ibid*.

⁹ *Ibid*.

¹⁰ *Ibid*.

¹¹ Egharevba J.U., *A Short History of Benin*, (Fifth Edition, Fortune and Temperance Publishing Co. Benin-City, 2005), p. 13 and Osemwowa U. I., *The Customary Law of the Binis*, (Myke Commercial Press, Benin-City, 2000), p. 28.

¹² *Ibid*.

¹³ Chief Harrison Okao JP., The Ohen Osa of Benin Kingdom, (No. 27 Akpapava Road, Benin-City, Edo-State, Nigeria, 03rd June, 2015), Barr. Rex. E. Oriuwa; Principal Partner R. E. Oriuwa & Co., (No. 13 Imoisili Street, Off Borehole Road, Ekpoma, Edo-State, Nigeria, 30th June, 2015),

¹⁴ *Ibid*.

¹⁵ *Ibid*

¹⁶ *Ibid* and Ogbobine R. A. I., *Materials and Cases on Benin Land Law*, (Bendel Newspaper Corporation, Benin-City, 1978) available

on <https://books.google.com.ng/books?id=AEBYDrvj3qkC&dq=Justice+R+A+I+Ogbobine+Materials++and+cases+on+Benin+Land+Law&q=Justice+R+A+I+Ogbobine+Materials++and+cases+on+Benin+Land+Law#v=snippet&q=Justice%20R%20A%20I%20Ogbobine%20Materials%20and%20cases%20on%20Benin%20Land%20Law&f=false> accessed on 28th August, 2015.

¹⁷ *Ibid*.

¹⁸ The Ohen Osa of Benin Kingdom, (No. 27 Akpapava Road, Benin-City, Edo-State, Nigeria, 03rd June, 2015), Barr. Rex. E. Oriuwa; Principal Partner R. E. Oriuwa & Co., (No. 13 Imoisili Street, Off Borehole Road, Ekpoma, Edo-State, Nigeria, 30th June, 2015),15.

¹⁹ *Ibid*.

²⁰ *Ibid*.

²¹ Benin Traditional Council, *A Handbook On Some Benin Customs and Usages*, (First Edition, Soben Printers Limited, Benin-City, 1996), p. 13.

to 'Urho' and all other movable properties are similarly distributed among all the children starting with the eldest son.²²

3. The Urho System (Per Stripes)

As in most parts of Africa at large and indeed Nigeria, a Bini man who wants to be polygamous is not forbidden or precluded from indulging in it.²³ This practice somehow has been posing problems especially after the demise of the head of the family, as regards the distribution of his estate, occasioned more specifically if the deceased had more than his dwelling house which is the *Igiogbe*. In order to remedy the problem caused by polygamous practice, the *urho* system of property distribution among the deceased children is evolved.²⁴ *Urho* system under the Benin customary law of inheritance is recognising another child by a different woman for the deceased Benin man. *Urho* simply means the sharing of the deceased properties according to the numbers of wives. This principle is aimed at correcting any wrong done in the course of distributing a Bini man's estate especially if he dies intestate.²⁵ If a man had more than one wife, the wives are called *urho* and the children are identified by the various *urho* for the purpose of the funeral. So, at a meeting of the elders to discuss the burial ceremony of the deceased, each *urho* must have a representative, preferably the oldest sons. If the oldest overall son is present, the other children can attend irrespective of gender unless the *Okaegbe* ask for the males from each *urho* to be present. Otherwise, the sisters can always relate the message to their brother(s). The predominant system of distribution is *per stripes*. The *per capita* system of distribution will only be used if using the *per stripes* would occasion injustice especially to a legitimated child.

4. Burial Ceremony

Burial ceremony (or Rites of Passage as it is often referred to) in this sense includes the death of a person, the pre-burial planning, the interment proper, mourning period, post- interment ceremonies and the devolution of property (if any). Upon the death of a Bini man, the children notify the family through the instrumentality of the *Okaegbe*. Once the death of a person is announced, the immediate and extended family swings into action to accord the deceased a befitting funeral in line with the custom and tradition of the Binis in general and some particular to the family. The most important persons in a summoned meeting after death are the *Okaegbe* and the *Omo-Odion*.²⁶ Other members of the extended family, such as cousins may be allowed to participate at the meeting. There is, however, a distinction between an *Ovbi-Okhuo* and those that are not. They can be seen but not heard.²⁷ If the eldest son cannot be present for any reason, he can either delegate his function to his younger brother (if the family is monogamous) or his younger brother of the same mother (if the family is polygamous) or postpone the meeting entirely until such a time that he will be available.²⁸ If there is an adult female and the first male is a minor, both the adult female and the first male who is a minor become and act as one with the older female actually carrying out the burden and bearing the responsibilities.²⁹ It should however be noted that the adult female carries out these responsibilities in the name and stead of the minor first son.³⁰ If all the children are minors, a small version of a funeral could still be done with the whole family on both sides in support. Also, there could be just a burial but the traditional funeral ceremony will take place when they grow up.³¹

The most important questions asked at a meeting of the bereaved and the *Okaegbe* would be if the children are ready to bury their deceased and when. The eldest son has the customary discretion after due consultation with his brothers and sisters to determine what date to commence the performance of the funeral rites of his deceased father.³² If the answer is in the affirmative and a time proposed is fixed, the *Okaegbe* relying on family tradition

²² *Ibid.*

²³ *Ibid* and Okeya-Inneh K. S., *Benin Native Law and Custom At a Glance*, (Gift-prints Associate, Benin, Nigeria, 2007), pp. 49-50.

²⁴ *Ibid.*

²⁵ *Olowu v. Olowu* (1985) 3 N.W.L.R. (pt. 12) 372.

²⁶ *Ibid*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ The Ohen Osa of Benin Kingdom, (No. 27 Akpapava Road, Benin-City, Edo-State, Nigeria, 03rd June, 2015), Barr. Rex. E. Oriuwa; Principal Partner R. E. Oriuwa & Co., (No. 13 Imoisili Street, Off Borehole Road, Ekpoma, Edo-State, Nigeria, 30th June, 2015), Pa. Aimuanmwenosa Samson Emovon-Osagie; the Edoinwere of Lawani Quarters, Benin-City (No. 1 Okundaye Street, Off Upper Lawani Street, New-Benin, Benin-City, Edo-State, Nigeria, 02nd July, 2015), Mr. Ulhifun Reuben I.; the Chairman, Landlord Association Omomo Street, Benin-City, Edo-State.

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

informs the family of what such a funeral entails and the portion and expectations due each person.³³ A normal Bini funeral lasts for seven days. Every other so called burial (Christian and cult) are abnormal and alien to Bini custom. The Eldest son takes the lion share of responsibilities and in descending order till the last child or the children of the last wife. Some children might feel that their deceased father was not really supportive of them while he was alive so they should not be tasked by the *Okaegbe* to do more than they intend or think is sufficient in the circumstance. In some families, all the children come together and carry out the *okaegbe's* wishes. This may not be so expected in some other instances especially were the wives have barely tolerated each other.³⁴ Under Bini tradition and custom, a child that did not partake in a burial cannot inherit. Participation does not mean physical presence.³⁵ The implication of this is that while some children may be physically present, they may for reasons best known to them not participate while some children who have genuine reasons to be absent can also participate fully either by giving financial and/or moral support.³⁶ On the death of Benin man, it is the eldest surviving son with his brothers and sisters, who performs the funeral rites of the deceased parent for the family.³⁷ However, it should be noted that the responsibility to bury the deceased rests on the eldest surviving son of the deceased.³⁸ The funeral rites are in two parts: first and second burial ceremonies. The first ceremony includes all rituals performed that end with the actual interment of the deceased. The second ceremony may follow immediately after the first ceremony or at a later date depending on the preparedness of the eldest surviving son. The second ceremony includes all rituals performed that ends with *Ukomwen*. The *Okaegbe n'okhua* normally delegates *Okaegbe irorinmwini* to officiate and guide the children to conclude all the funeral rites. At the end of the burial, the *Okaegbe irorinmwini* with the children presents his report with all items used to the *Okaegbe n'okhua*.³⁹ Custom imposes all the responsibility on the eldest son, including carrying his brothers and sisters along with him and the customary responsibility of the family elders especially the *Okaegbe* if they are honest and sincere, is to guide the eldest son.⁴⁰ The funeral rites most especially the second ceremony is a condition precedent to inheritance in Benin kingdom.⁴¹

Among the Edo speaking people, burial customs depended primarily on whether or not the deceased had children. It was very uncommon for childless corpses to be buried by brothers or sisters with the same degree of fanfare as occurred with those with children. Usually, heirless corpses were buried in the same way as children. That is, simply thrown into the bush. Burial ceremonies also depended on how wealthy the deceased was or his/her rank in society. The richer or more important the family of the deceased is, the longer the burial ceremony. Graves were typically dug in the deceased's room. The actual burial was sometimes attended only by the deceased relatives but at other times, his wives would also attend. Sons-in-law had to contribute cloth, yams, coconuts, other objects as well as a goat.⁴² This aspect was considered so sacred that if ever there was a dispute about whether a woman had been properly married to a given man the key question was always whether the alleged husband brought contributions to the funeral expenses of her late father.⁴³ During burial, traditional burial songs were sung. After the grave had been filled a sacrifice was offered and the grave-diggers would purify themselves with water or a chicken. Subsequently, night and morning sacrifices would continue for a varying number of days

³³Barr. Rex. E. Oriuwa; Principal Partner R. E. Oriuwa & Co., (No. 13 Imoisili Street, Off Borehole Road, Ekpoma, Edo-State, Nigeria, 30th June, 2015), Pa. Aimuanmwena Samson Emovon-Osagie; the Edoinwere of Lawani Quarters, Benin-City (No. 1 Okundaye Street, Off Upper Lawani Street, New-Benin, Benin-City, Edo-State, Nigeria, 02nd July, 2015),

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ Okeaya-Inneh K. S., *Benin Native Law and Custom at a Glance*, (Gift-prints Associate, Benin, Nigeria, 2007), 36–39.

³⁸ *Ibid.*

³⁹ Okeaya-Inneh K. S., *Benin Native Law and Custom at a Glance*, (Gift-prints Associate, Benin, Nigeria, 2007), pp. 36–39 and Interviews with Barr. Kola S. Okeaya-Inneh, SAN, Chairman; Nigeria Bar Association, South–South Chapter and Principal Partner; Kola S. Okeaya-Inneh SAN & Co., (No. 66 Mission Road, Benin-City, Edo-State, Nigeria, 08th May, 2015), Chief Harrison Okao JP., The Ohen Osa of Benin Kingdom, (No. 27 Akpapava Road, Benin-City, Edo-State, Nigeria, 03rd June, 2015), Barr. Rex. E. Oriuwa; Principal Partner R. E. Oriuwa & Co., (No. 13 Imoisili Street, Off Borehole Road, Ekpoma, Edo-State, Nigeria, 30th June, 2015), Pa. Aimuanmwena Samson Emovon-Osagie; the Edoinwere of Lawani Quarters, Benin-City (No. 1 Okundaye Street, Off Upper Lawani Street, New-Benin, Benin-City, Edo-State, Nigeria, 02nd July, 2015), Mr. Ulhifun Reuben I.; the Chairman, Landlord Association Omomo Street, Benin-City, Edo-State. (No. 22 Omomo Street, Off Stadium Road, Benin-City, Edo-State, 02nd July, 2015), Barr. Raphael Iyamu Edugie; Senior Counsel, Eghobamien & Co. (No. 30 Ekewan Road, Benin-City, Edo-State, 04th September, 2015) and Nosa Musoe; Chief Magistrate, (High Court of Justice, Benin-City, Edo-State, 07th September, 2015).

⁴⁰ Benin Traditional Council, *A Hand Book On Some Benin Customs and Usages*, (First Edition, Soben Printers Limited, Benin–City, 1996), pp. 11-15.

⁴¹ *Ibid.*

⁴² Benin Traditional Council, *A Hand Book On Some Benin Customs and Usages*, (First Edition, Soben Printers Limited, Benin–City, 1996), pp. 11-15.

⁴³ *Ibid.*

(3, 7 or 14 or more). On the last night a family member, usually the eldest surviving son is dressed up to represent the dead man and is made to occupy his seat.⁴⁴

5. Conclusion and Recommendations

From the above analysis, it is clear that the decision of the Nigeria Supreme Court in *Idehen v. Idehen* created a lot of anxiety as to whether the Supreme Court has expanded the scope and definition of *Igiogbe* under Bini Customary Law of inheritance and succession. The Oba of Benin quickly responded to correct this impression and restore the age long traditions of the Bini people. With the reform he introduced in his book⁴⁵ affecting succession to the *Igiogbe*, the eldest surviving son of the deceased now has a choice as to which property he would prefer as *Igiogbe* in a situation where the deceased had more than one house provided the deceased had lived in that house during his lifetime, died in the house, may be buried in it and the first son had performed the second burial rites of his father according to the burial rites of the Bini custom. These reforms which are documented and widely circulated in the state has to a large extent reduced the efficacy of the Supreme Court's decision in *Idehen v. Idehen* concerning the concept of two *Igiogbe* under Bini native law and custom. Consequently, inheritance to the *Igiogbe* is now done on the bases of the Oba's proclamation rather than in accordance with the principles in *Idehen v. Idehen* thereby reducing if not eliminating completely the conflict introduced by the concept of two *Igiogbes*. In the *Igiogbe* concept under the Bini Customary Law of Inheritance and Succession, the provision of Section 42(1) of the Constitution of the Federal Republic of Nigeria 1999, Cap. C23, LFN, 2004 (as amended 2011) is not strictly followed, in that the *Igiogbe* concept forbids discrimination on grounds of circumstances of birth being that a legitimated first son can inherit an *Igiogbe* but a child is forbidden from inheriting an *Igiogbe* simply because she is a female. A daughter who is the eldest surviving child of a deceased is not accorded a special status or treatment under the customary laws of inheritance but a son who is the eldest surviving child is generally accorded a special status and treatment as the head of the immediate family of the deceased man. It observed that the problems of discrimination against women are both international and national and not peculiar to the Bini's alone.

In view of the foregoing, this work recommends the following suggestions as the way forward in achieving a reasonable advancement of women's rights in the contemporary Nigerian society.

- a) Customary laws of inheritance that are discriminatory against women on the basis of sex needs to be reformed, so that wives and daughters can be given the right to inherit the property of their deceased husbands and fathers. The enlightenment campaign should be a collective duty of traditional rulers, religious leaders/bodies, community leaders and heads of family who are regarded as the custodians of the culture of their people considering the fact that customary laws are deeply rooted in the culture of the people. It is necessary to involve these categories of people because it is under their auspices that these customary laws which cause a lot of hardships to women operate. Their support is therefore necessary for the reform to be effective.
- b) Mass enlightenment campaign should be mounted by the Ministry of Women Affairs at both the Federal and State levels to enlighten the people first about the hardship and injustice which the discriminatory customary laws impose on women. Secondly, to make people appreciate that the basis for which custom denied women the right to inherit property in the past is no longer sustainable in contemporary times. Therefore, there is need to reform the laws. The campaign should be through jingles on electronic media, discussions over the radio, advertisements on bill boards, in newspapers in both English and local languages so as to reach the literate and illiterate members of the public. These enlightenment programmes are necessary to change the social attitudes of the people particularly the men. This will aid change the popular misconception that women are inferior to men and eventually facilitate a reform of the customary laws. This is because many women, owing to illiteracy or ignorance are not aware of the existing laws on inheritance which provide the rights of inheritance for them. Even the educated ones who have some knowledge of the laws do not bother to know the contents of such laws and how they can access the laws to protect their rights of inheritance. In this connection, women social groups/organisations, religious leaders in rural communities, non-governmental organisations, mass media, Ministries of Women Affairs and Justice at both Federal and State levels should embark on educational and enlightenment programmes to educate women of their rights of inheritance under the existing laws. It is hoped that such concerted efforts will help to promote women's rights of inheritance.
- c) Reform of States' Laws on Inheritance starting from the grassroots should be followed by legislation. Such legislation should abolish the indigenous customary laws of inheritance that are discriminatory against women. Also, it is the recommendation of this work that new Wills Laws should be enacted.

⁴⁴ Ibid

⁴⁵ Benin Traditional Council, A Hand Book On Some Benin Customs and Usages (First Edition, Soben Printers Limited, Benin – City, 1996).

States that have not enacted Wills Laws should enact such laws to replace the English Wills Acts of 1837 and 1852 that are still applicable in those states.

- d) Free legal aid for matters relating to the rights of inheritance should be provided by the Legal Aid Council for poor women to seek redress in courts in cases of the violation of their rights of inheritance. It is pertinent to state that the Legal Aid Council Act presently empowers the Legal Aid Council to render free legal assistance in respect of civil claims to cover breach of fundamental human rights as guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria 1999, Cap. C23, LFN, 2004 (as amended 2011). This will make women have better access to legal representation when their rights of inheritance are violated or about to be violated.
- e) The role of the Judiciary should not be under-emphasized. Our courts should be bold and imaginative in their determination of issues on customary laws affecting inheritance rights of women. Any customary law that is discriminatory against women should be declared invalid on the grounds that it is unconstitutional and repugnant to natural justice, equity and good conscience. In this way, the judiciary will help to develop our customary laws to meet changes in global trends to women's rights and uphold the fundamental human rights of women as guaranteed under our Constitution.