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THE IMPACT OF DOMESTIC AND INTERNATIONAL INSTRUMENTS ON CUSTOMARY LAW WIDOWHOOD PRACTICES IN NIGERIA

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ABSTRACT

The widowhood practice in Nigeria is characterized by discrimination against women. This is a common phenomenon in the country especially among the rural dwellers that constitute the majority of the Nigerian women in spite of the various international and national instruments on elimination of all forms of discrimination against women. This is mainly due to the existence of customary laws that encourage application of harmful and obnoxious cultural practices and archaic laws on the one hand, and the lack of commitment by government to domesticate and/or implement these instruments on the other hand. Nigeria is a multifarious, multi ethnic and multi cultural nation where gender equality between men and women is honored more in breach than in observance. The discrimination is perpetuated conspicuously by the males against the females whereby the former which claims superiority treat the latter with levity and disdain in all spheres of human endeavors. The hardships occasioned on women by men through the instrumentality of unwholesome cultural practices are better imagined than witnessed. This paper attempts to examine those discriminatory cultural practices under our laws with particular reference to succession and inheritance. It argues that some of those laws particularly the customary laws that are repugnant to natural justice, equity and good conscience should be declared invalid, and those found to be incompatible with both local legislation and international convention, or contrary to public policy should, ipso facto, be abolished. The paper concludes that with domestication and implementation of the international instruments, together with relevant national legislation on elimination of all forms of discrimination against women, the hardships and inhuman treatment suffered by some Nigerian women occasioned by the application of archaic and barbaric native law and custom, particularly in the area of succession and inheritance would be reduced drastically if not totally eliminated. It is further submitted that restatement of customary law through codification, unification and harmonization of the various native law and customs of ethnic groups especially those of the major tribes (Hausa, Igbo and Yoruba) in Nigeria would go a long way in bringing about that much needed uniformity, certainty and predictability in customary law. These would sharpen the customary law and raise its status from being an instrument of male chauvinism to that of a civilized law that respects gender equality and the rule of law.

Keywords: Customary Law, Women Rights, Social Justice, Nigeria.