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GENDER DISCRIMINATION IN LAND AND PROPERTY RIGHTS AND ITS IMPLICATION FOR SOCIAL WORK PRACTICE IN BENIN CITY, NIGERIA

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WITWATERSRAND,
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A thesis submitted to the

Department of Social Work

School of Human and Community Development Faculty of Humanities

University of the Witwatersrand

In fulfillment of the requirements for the Degree of Doctor of Philosophy

DECLARATION OF ORIGINALITY

I hereby declare that this thesis is my original work. I have given full acknowledgement in the form of citation of the sources referred to. No part of this thesis has been submitted in the past or is to be submitted for a degree at any other University.

Sumaina Yesufu

University of the Witwatersrand

Johannesburg

Sumaina Yesufu **Date**

DEDICATION

To**: A**lmighty Allah (God) for his Mercies; my father, Alhaji Yaya Yesufu (of blessed memory); my former supervisor, Professor Edwell Kaseke (of blessed memory); my mother, Princess Muni Yesufu; my sister, Ebun; my brothers, Mohammed; Musa; Abubakar; Ibrahim; Issa; and Shaka; my wife, Odion; and my children, Maryam and Muniratu.

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LIST OFABBREVIATIONS

CEDAW	UN Convention on the Elimination of All forms of Discrimination against Women
COHRE	UN Centre of Housing Rights and Eviction
FAO	UN Food and Agricultural Organization
IASSW	International Association of Schools of Social Work
IFSW	International Federation of Social Workers
NASWE	Nigerian Association of Social Work Educators
PFA	Beijing Platform for Action
UN-HABITAT	United Nations Human Settlements Programme

CHAPTER ONE

INTRODUCTION

1.1 Introduction

This chapter discusses the background of this study; statement of the problem and rationale of study. The aims and objectives of the study plus the research questions are presented here. The theoretical framework underpinning this study is thoroughly explored. Also briefly discussed in this chapter are research design and methodology, the relevance of the study to social work as well as the limitations of the study. Finally, the originality of the research and organisation of the thesis are discussed.

1.2 Background of the study

This study explores gender discrimination in land and property rights in Benin City, Nigeria. The UN Centre on Housing, Rights and Evictions (COHRE) (2004, p.7) maintains "women's rights to land and property are systematically denied and over one billion women worldwide have been affected".

Also, under both statutory law and customary law, a greater percentage of women in Sub-Saharan Africa irrespective of their marital status cannot own or inherit land or other property in their own right. This is because there is a constitutional and cultural basis for gender discrimination in land and property rights in Nigeria.

For instance, section 6(6) paragraph (c) of the 1999 Constitution of the Federal Republic of Nigeria ousted the Jurisdiction of the law courts in adjudicating any matter pertaining to discrimination with land and property rights. Aluko and Amidu (2006) argue most ethnic groups in Nigeria place a higher premium on male children than girls, based on cultural grounds.

Among the Benin people of Edo state of South Western Nigeria, inheritance is by male primogeniture. The first surviving son inherits all the property of the deceased father. Inheritable properties include land, houses, economic trees and domestic animals. Inheritance is of great economic benefit and when received by a child, it boosts his/her economic wellbeing.

Usually, women do have equal shares with men in the transference of family properties because after marriage, women leave their natal families to settle with their marital families. It is generally believed female children will take their inheritance to their marital families, which is disadvantageous for their natal families (Ehiakhamen, 2011).

Among the Yoruba people of South Western Nigeria, a female child has the same rights as a male child in relation to movable properties such as clothing, jewelry, cars, cash or money in the bank. However, this does not apply when immovable properties such as land and housing are involved.

In Nigeria, the tripartite system of marriage laws (customary, religious and statutory) has made it difficult to guarantee women's land and property rights. The reason is these laws contradict one another. The Married Women's Property Act gives women in statutory marriage the right to acquire, hold or dispose of property in their own right. Women married under the native law and customary law do not have the same privilege. They do not have the right to acquire, hold or dispose of property.

Irounagbe (2009) cited in Folarin and Udoh (2014, p. 244) argues "the subservient role of statutory laws to customary laws of land tenure is responsible for the discrimination women experience vis-a-vis their rights to property". For instance,

under the customary law of Edo State, laws governing inheritance are highly discriminatory against women and girl-children.

1.3 Statement of the problem and rationale for study

There is power inequality between men and women in relation to land and property rights in Nigeria. Nigerian women who suffer this form of discrimination must be informed and empowered to realise they have the power to liberate themselves from the discrimination.

In Nigeria, among the Benin people of Edo state, land and property rights are determined by the principle of male primogeniture. The eldest surviving son takes over his deceased father's land and property exclusively. This is especially true of his Igiogbe, which is the main house where the deceased lived and died - to the exclusion of all female children (Okeaya-Inneh, 2007).

Section 42(1) of the 1999 Constitution of the Federal Republic of Nigeria prohibits discrimination against a citizen on the basis of sex. Section 21 provides that any custom or tradition discriminatory against women should not be preserved.

Ukhu and Inegbedion (2005) argue that although the Nigerian Constitution, the African Charter on Human and Peoples' Rights, and the UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW), prohibit of all forms of discrimination against women. However, the reality is quite different. In Nigeria, women are still discriminated against when it comes to land and property rights.

The Nigerian government signed and ratified the UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 1985

(Women Aid Collective (WACOL) 2008). According to WACOL (2008, p. 19), "although CEDAW has been signed and ratified by Nigeria, it has not been transformed into a domestic law capable of enforcement".

The reason is Section 12 of the 1999 constitution of the Federal Republic of Nigeria restricts implementation of international treaties signed by Nigeria except when the treaty has been enacted into law by the National Assembly. However since rulings of the CEDAW are virtually unenforceable, women in Nigeria become homeless and destitute. This, in turn, increases their vulnerability to HIV/AIDS infection.

This study therefore sought to explore the discrimination Nigerian women have been subjected to when it comes to land and property rights. The intent of this study is to explore and enhance understanding these experiences. This is done to illustrate the effects of discrimination in land and property rights upon the social development of Nigerian women.

Potentially, this study will contribute to the advancement of critical social work, and conventional human rights discourses in Nigeria. Specifically, the researcher will look into the impacts of gender discrimination in land and property rights upon women and their households. Fook (2011, p. 45) argues "an understanding of power inequalities and a commitment to the empowerment of powerless people has been a cornerstone of a more modernist critical social work practice".

According to Fook (2011, p. 53), "every person, despite her or his social status and location has the potential to create some form of power…the key to understanding power in any one context is therefore to appreciate how it is expressed, experienced and created by different people at different levels". Therefore, both

less and more powerful people can work together or collaborate to create situations where both Nigerian men and women are equally empowered in relation to land and property rights.

In addition, feed into the advocacy work undertaken by social workers in their efforts to fight against the marginalisation and discrimination of women in Nigeria. Thus the study might potentially contribute to moving towards creating a more inclusive society, as well as to inform policy and law reforms in the scope of land and property rights in Nigeria.

1.4 Aim and Objectives of the Study

Aim

The overall aims of this study were to explore gender discrimination in land and property rights in Benin City, Nigeria. The intention was to provide appropriate alternative social work interventions to address and rectify the gender discrimination in land and property rights in Benin City, Nigeria.

Objectives

The specific objectives of the study were:

1. To explore women's experiences of gender discrimination in land and property rights;
2. To explore the perceived consequences of gender discrimination in land and property rights upon women and their households;
3. To make recommendations on how social workers can intervene to address the consequences of gender discrimination related land and property rights.

1.5 Research questions

The research questions for the study were:

1.5.1 What are the experiences of women in relation to discrimination in land and property rights?

1.5.2 What have been the perceived consequences of gender discrimination in land and property rights on women and their households?

1.5.3 How can social workers help women and their households address the perceived consequences of gender discrimination in land and property rights?

1.6 Theoretical frameworks for the study

This study is anchored in feminist theory, post-colonial theory and black feminist theory. Black feminist theory and post-colonial theory are derived from feminist theory. These theories emphasise that historical legacies, politics, economics and culture have in one way or the other, affected women's lives around the world (Ampofo & Beoku-Betts, 2008).

Feminist theory seeks to determine why men appear to have more power and privilege than women in the society. The theory also seeks to comprehend why women are discriminated against, and how this can be addressed. The term 'feminist' refers to any theory viewing the relationship between men and women in society as one of inequality and subordination (Bryson, 2003). Feminist movements around the world such as the liberal feminists and radical feminists agree they must join forces to defeat the patriarchal super-structure in the society.

Patriarchy is re-enforced in the capitalist mode of production. This has led to the exploitation of the working class, and women in particular have been adversely

affected. In order for patriarchy to continue, female marginalisation by men must be sustained. Women have been dehumanised and reduced into mere objects of procreation. Added to this, men perceive themselves as superior to women, and therefore they must continue to "lord it" over women in the society (Thobejane, 2014).

Postcolonial theory recognizes the common struggle of African men and women to end foreign domination. This implies that it is the duty of every man and woman in former colonial territories to end all forms of discrimination against women. Therefore, every woman and every man should accept feminism. African productive resources, especially land is for the benefit of all Africans (Mekgwe, 2006).

Black feminist theory recognises the interlocking and interdependent nature of oppressions, and constitutes a paradigm shift in feminist understanding. African-American women and women from other races should not be excluded in the analysis of female subordination and oppression.

Women as a group are affected by power and powerlessness wherever they may be (Bryson, 2003). Black feminist theory explores how women in the hitherto colonised territories have been affected by colonialism and neo-colonialism. This theory is mainly identified with the struggles of the feminists in the former colonies (Mishra, 2013).

Culture determines who can be permanent family members and non-permanent family members. Normally, females are regarded as temporary members of their family of birth or orientation. It is generally believed a woman will eventually marry, and begin to raise a new family with her husband. The role and function

assigned to women in Nigeria reveals both patriarchy and gender inequality is culturally and politically enshrined in the social structure. These theories remind us that in Nigeria, injustices in land and property rights were perpetrated against women during colonial era, and these injustices have continued into the present.

Family or communal land rights benefitted men and women equally in relation to farmland for cultivation purposes. In colonial Nigeria, the family or communal land rights were seen as a threat to colonial domination and expansion. Additionally, the colonial government needed as much land as possible to cultivate cash crops to meet increasing demand for agricultural produce in Britain, and for global markets.

These theories also help to explain why Nigerian women currently have secondary status compared to men in relation to land and property rights. Most Nigerian women have accepted their subordinate or second class position relating to the dispersal of family property. As well, they erroneously believed men are the superior sex. They believed and that customs and tradition demands women should be perpetually subservient to men in all circumstances.

Finally, these theories emphasise the need for privileged women in Nigeria to join forces to free all women from all forms of discrimination. A woman is a woman regardless of her ethnic group or religious leaning. Discrimination in whatever form is a violation of all women's fundamental human rights, which must be discouraged by all means. And finally, it must be acknowledged that historical legacies, politics, economics, customs and traditions have, in one way or another negatively affected the Nigerian woman.

The researcher utilised feminist theory in the analysis of the findings of this study by taking the following steps:

1. collected the data from research participants in relation to how they have experienced the problem under investigation;
2. took a critical approach to study power and influence within family relationships of those involved;
3. looked at the ways in which ideas about masculinity were constructed in opposition to ideas about femininity;
4. looked critically at ideas that families, and particularly men, are to blame for the problem women experience in Nigerian society.

1.7 Research design and Methodology: an Overview

A qualitative approach was adopted in this study to explore and describe the lived experiences of the participants within the context of Benin City, Nigeria. The qualitative approach was more economical because the sampling size is not overly large (Matthew and Ross, 2010).

The study population consisted of members of the Widows Group of Saint Mathews Catholic Church, First East Circular Road, Benin City. Matthew and Ross (2010 p.142) say "qualitative research methods are primarily concerned with stories and accounts including subjective understandings, feelings, opinions, and beliefs". From the social work perspective, this study was exploratory because little is known about this phenomenon in Nigeria.

This study was divided into two phases with a separate sample for each phase. According to Matthews and Ross (2010 p. 167) purposive sampling is "a non-

probability sample associated with small and in-depth studies". For the first phase, (face-to-face interviews), twenty women were interviewed. Participants for the first phase were selected based upon the judgment of the researcher regarding the characteristics of participants who would best provide the data needed to answer the study's research questions.

The sample for the second phase, the focus group discussions, consisted of two groups of five women each, for a total of ten. They were chosen from the first sample because they spoke with confidence during the face-to-face interview sessions. Focus group discussions were conducted to supplement data acquired through interviews.

Data saturation was reached in the face-to-face interview sessions. After the 15th interview, no new data or themes emerged. Therefore, the researcher concluded data collection had reached a saturation point. Researchers agree data saturation is reached if it is no longer possible to generate new data or themes from the study sample (Fusch and Ness, 2015). The researcher continued data collection for five more interviews to confirm no further new themes or data were emerging.

Key informants, a total of five social workers, were also selected from social welfare agencies involved in women's rights issues in Benin City, Nigeria. They were selected because they are well versed in women's rights matters, and have worked in their various agencies for at least three years.

1.8 Relevance of the study in relation to social work

The International Federation of Social Workers, IFSW and International Association of Schools of Social Work, IASSW (2014, p. 1) define social work as "a practice-based profession…that promotes social change and development… and

the empowerment and liberation of people…Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing".

The above definition tells us social work is both a profession and an academic discipline. This implies social work like, other professions, has its own code of ethics to guide practitioners and protect their clients. As an academic discipline, social work has academics in universities, teaching students both at the undergraduate and postgraduate levels. As well, they conduct research into various fields of social work in order to expand existing frontiers of knowledge.

The above definition also emphasises social work engages people and structures in order to help them perform life tasks or social roles. This is what is referred to as *social functioning* in social work. Therefore, social work can help identify and tackle the root causes of gender discrimination in land and property rights in Edo State, Southern Nigeria. Social workers are expected to look beyond their traditional practice (micro-practice) with a view to engaging with emergent issues (macro-practice) facing humanity today - such as discrimination against women in whatever form.

The relevance of this study is that it is a wake-up call to all social workers in Nigeria to engage in critical social work practice which is almost non-existent in the country. The fight against marginalisation and oppression within a society is critical social work or critical practice. It involves empowering women and girl-children to learn to always stand up for their rights.

Concepts of power and empowerment have been reformulated in critical practice to include an understanding of the contextual and changing nature of power. How

power operates in a range of levels and how power is experienced by women and girl-children require further investigation (Fook, 2011).

Perceptions of Nigerian women and those of other players regarding how power is exercised and how it affects them in relation to land and property rights, is fundamental in the fight against the marginalisation of Nigerian women. Fook (2011, p.103) argues women must understand, "how they exercise and create their own power. This includes an understanding of how they might participate in their powerlessness as well as their own powerfulness". For the first time in any study of social work in Nigeria, this study links addressing gender discrimination in land and property rights to critical practice.

Critical practice emphasizes that social and organisational structures change. Individuals imbue situations with meaning and these meanings have consequences. Interpersonal relationships create power imbalances which can be challenged. Finally, alternative strategies to solving problems can be envisioned and acted upon (Fraser and Matthews, 2008).

Against this backdrop, this study would create the awareness in women to understand that the way they perceive and experience themselves in relation to land and property rights in Nigeria is actually being defined and determined by men. Added to this, the study would prompt Nigerian women to become aware (conscious) of how their experiences are shaped by social and economic structures.

This is one sure way they can free themselves of oppression by men in society or patriarchy. Howe (2009, p. 40) sums it up: "the personal really is the political. So many social, economic, occupational and moral arrangements suit the interests of men…women are devalued and disempowered. All such arrangements and

assumptions have to be challenged". In any society, the relationship between men and women is highly political. Therefore, to empower women, a political solution is imperative, and cannot be over emphasised.

1.9 Limitations of this study

The following are limitations of this study:

1.8.1. In qualitative research, the researcher's bias cannot be ruled out. To address this problem, the researcher cross-checked comments from participants in the semi-structured interviews, focus group discussions and key-informants' interviews;

1.8.2. The participants could have provided socially desirable responses or withheld important information from the researcher they might have regarded as sensitive. To minimise this from happening, the researcher assured the participants that their information would be kept as confidential.

1.10 The novelty of the research

The novelty of the research is as follows:

For the first time in Nigeria, this study documented the factors contributing to gender discrimination in land and property rights from a social work perspective. Gender discrimination in land and property rights has been outlawed - internationally. Additionally, Nigeria is a signatory to various international conventions guaranteeing equal socio-economic rights for women and men. However, women are still being discriminated against in almost all facets of life. This study therefore explored the root causes of gender discrimination in land and property and, established how this has affected women and their households.

The study filled a gap relating to our understanding of experiences and perceptions of Nigerian women concerning discrimination in land and property rights. Again, for the first time in Nigeria, these experiences and perceptions were documented systematically from a social work perspective.

The study contributed to the advancement of critical social work, and conventional human rights discourse in Nigeria. Social workers in Nigeria do not see themselves as agents of change in the society. This study therefore contributed to influencing the shift towards critical social work.

The study fed into advocacy work undertaken by social workers as they try to combat marginalisation and discrimination of women in Nigeria. Social work practice demands that social workers be actively involved in both micro-practice and macro-practice. The study therefore made suggestions on how social workers can intervene to address problems associated with gender discrimination in land and property rights.

This study has the potential to inform the National Universities Commission of Nigeria (NUC), (the regulatory agency charged with the responsibility of delivering quality university education) on the importance of incorporating human rights in the curricula of Nigerian Schools of Social Work.

1.10 Organisation of the thesis

The thesis comprises 8 chapters. The first chapter provides an introductory background to the study with emphasis on how the study was conceptualised. The chapter also briefly discusses the theoretical framework of the study; relevance of the study to social work; limitations of the study and the novelty of the research.

Chapter two focuses on the literature review on women, land and property rights.

Chapter three discusses the literature on social work and the problem of marginality within the context of human rights. The chapter also discusses the emergence of social work in Nigeria. Finally, this chapter delves into the role of social work in advancing women's land and property rights in Nigeria. And finally, the challenges social work professionals must face in Nigeria are also discussed.

Chapter four discusses the methodology adopted by the researcher. Chapters five, six and seven focus on presenting and discussing findings of the study. Lastly, chapter eight is a summary of the study findings as well as conclusions and recommendations.

CHAPTER TWO

WOMEN, LAND AND PROPERTY RIGHTS

2.1 Introduction

In this chapter, the researcher conceptualises land and property rights and discusses these from a global perspective. The chapter provides theoretical explanations for the discrimination of women in ownership of land and property. The historical perspective of women's land and property rights is also discussed in this chapter.

Further, the chapter discusses customary laws of inheritance among the Benin, Igbo and Yoruba Peoples, the Beijing Platform for Action (PFA) and the impacts of discrimination against women in the ownership of land and property rights in Nigeria. Additionally, a conclusion for the chapter is provided.

2.2 Land and Property Rights in the United States, United Kingdom, Latin America, Middle East and Africa

From a human rights perspective, housing, land and property rights (HLP) can be used interchangeably. The UN ensures housing, land and property rights are considered as human rights issues. Land rights are rules regulating people's relationship to land. Property rights are the rights one has over physical objects such as a house or arable land (UN Human Settlements Programme, UN-HABITAT, 2012).

Land rights include rights to occupy and use land resources, restrict or exclude others from land, transfer, purchase, inherit and bequeath (UN-HABITAT, 2012). Human rights mean the inherent dignity of all members of the human family as provided for by the UN Charter, the Universal Declaration and the International Covenants of 1996 (European Training and Research Centre for Human Rights and

Democracy, ETC, 2012). Therefore, housing, land and property rights are designed to ensure vulnerable members of the society, especially women and children are protected in the existing laws in any UN member country.

Globally, about 1.5 billion persons are without access to land and property rights (COHRE, 2004). In sub-Saharan Africa, the majority of people who have no access to land and property rights are women and girls (COHRE, 2004). Gender discrimination in land and property rights deprives women of economic autonomy, physical safety and personal dignity. Land and property, especially housing remain a critical resource in a developing country like Nigeria.

The marginalisation of women has persisted despite the various international human rights instruments reaffirming women's social and cultural rights. An example of such an international human rights instrument is the United Nations Convention on the Elimination of All Forms of Discrimination against Women, CEDAW (1979), (COHRE, 2004). The UN Convention on the Elimination of All Forms of Discrimination against Women defines gender discrimination as:

…any distinction, exclusion or restriction made on the basis of sex which as the effect of impairing or nullifying the recognition, enjoyment or exercise by women and men, of human rights and fundamental freedoms in the political, economic, social, cultural, civic or any or any other field.

(UN, 1979, p. 1)

In the United States of America, the Married Women Property Acts of the 1840s and 1850s enabled married women to have access to family land and property. Currently, married women can legally inherit, own, and dispose of their property at

will. Added to this, they can also own businesses, and enter into all forms of contracts and suits (Deere & Doss, 2006).

A study by the World Bank in five Latin America countries in the 1990s, revealed women constituted 11% of owners of the farms in Brazil; while 12.7% of all farm owners in Peru were women. Women account for 15.5% of farm owners in Nicaragua; 22.4% of women have land rights in Mexico; and 27% of farm owners in Paraguay are women (Deere & Leon, 2003). The available data on land ownership by gender for Latin America demonstrates that marital regime defines married women's property rights.

In Latin America, assets acquired before and after marriage constitute the individual property of each spouse (Deere and Leon, 2003). Further, there are other factors which determine women's land or property rights such as inheritance norms and practices, state land distribution policies, and the degree of development of the land market.

Also in Latin America in the 1990s, inheritance was a major means through which women acquired wealth. For instance, 84% of women landowners in Chile acquired their land via inheritance; 81% in Mexico; 75% in Peru; 57% in Nicaragua; 54% in Brazil; and 43% in Ecuador (Deere & Leon, 2003) cited in (Deere & Doss, 2006).

In Britain, the Married Women's Property Act of 1882 enabled married women access to family land and property (Nicolas, Price & Rubin, 1986) cited in (Deere & Doss, 2006). Currently in Britain, husband and wife are entitled to equal shares of the family estate or property during marriage. This occurs should the marriage

come to an end by dissolution or death (Keiter, 2000) cited in (Deere & Doss, 2006).

The social position of women in the Middle East and North Africa (the MENA region) is very similar to other regions, particularly the northern region of Nigeria. For instance, most women in the MENA region can only access land and housing through their male relatives - father, brother or husband.

This has created a dependency culture as women are compelled to maintain subservient relations with male family members. Generally, women have low status within their families. Therefore, they cannot afford to lose their land and housing rights. In addition, within the existing legal and social systems women rarely find assistance or support in times of hardship or distress (COHRE, 2006).

The denial of women's inheritance rights is not derived from Islam as a religion. It evolved over time through the application of socio-cultural traditions. The Quran clearly grants women property and inheritance rights. For instance, it is written females should receive half the share received by male relatives in the devolution of family property. In practice, however many women and girls are not accorded this privilege.

Women's inheritance rights are directly connected to their housing rights. The housing insecurity experienced by women in the MENA region is due to the systematic denial of their inheritance rights. According to COHRE (2006, p. 2), in this region, "customs and traditions; social systems of kinship, patrilineality and primogeniture; politics…create a complex system of inheritance practice which is generally biased against women". In addition, housing, land and economic insecurity may necessarily follow after the demise of a husband or father.

Land and housing rights in the MENA region are thus seen as the exclusive preserve of the eldest son. A woman is brought up to believe she is unworthy to participate or benefit from the transference of family property, particularly land and housing. COHRE (2006, p. 2) concludes that a woman is sometimes given, "token property, such as household items or pieces of furniture (movable property)…land and housing (immovable property) inevitably passes to a son or other male relative".

Doss et al (2013) observe the mean percentage of women landholders in eight countries in Africa is 23.8% as the table below represents:

Table1: Women landholders across eight countries in Africa as at 2002

	Country (Year)	Percentage of landholders who are women
1.	Botswana (2004)	43.7%
2.	Cape Verde (2004)	50.2%
3.	Comoros (2004)	32.6%
4.	Ethiopia (2001-2002)	18.7%
5.	Gambia (2001-2002)	8.3%
6.	Madagascar (2004-2005)	15.3%
7.	Mali (2004-2005)	3.1%
8.	Tanzania (2007-2008)	27.0%
	Mean	**23.8%**

Source: FAO (2010) Gender and Land Rights Database

From the table above, it can be deduced across all eight countries, women own less than one-quarter of available lands. This implies women are discriminated against in the context of ownership of land. However, in Cape Verde the high percentage of women land-holders results from the fact the country has policies favourable to women in relation with land and housing rights (Doss et al, 2013).

In many sub-Saharan African countries such as Botswana, Lesotho, Ethiopia, Mozambique, Namibia, and Nigeria, issues pertaining to inheritance are determined by customary law (Cooper, 2010). Additionally, inheritance, marriage, and family law matters are excluded from non-discriminatory clauses in the national constitutions of the six countries mentioned above (Cooper, 2010). The implication of exclusion of inheritance - related issues from non-discriminatory clauses in national constitutions is: **no citizen** can go to a law court to successfully seek redress in inheritance related issues.

According to the Huairou Commission, (2013, p. 3) in sub-Saharan Africa:

> "…traditionally, land was communally owned. Although decisions about land was largely made by male leaders such as chiefs, and both women and men benefitted equally. The colonial era introduced the commodification of land. Land became an asset to buy and sell and individual ownership over land replaced communal ownership…the colonial powers helped to concretise the concept land should be in the hands of men. Of course, this was a concept completely in line with the patrilineal view of land held by most traditional communities".

Unequal access to land has implications for both men and women. For instance, the titling and registering of land by colonial governments affected the secondary rights of women to own land while increasing men's control over land. The patterns of land use and occupancy changed, enabling men to grow cash crops and

diminished women's subsistence production. This made it more difficult for women to own land (Tripp, 2004).

Throughout Africa, the vast majority of women who depend on land for their livelihood are either landless or have limited rights to land (Odeny, 2013). The inability of most women to have secured access to land is an obstacle to sustainable socio-economic development. Women should have secured land rights in order to achieve food security, and overcome poverty.

The plight of women in relation to land ownership can be attributed to numerous factors. These includes expropriation of land by colonial masters; the introduction of tenure systems alien to Africa; mining activities; introduction of land markets; large-scale agriculture and bio-fuel plantations (Odeny, 2013).

In Africa, denying women access to land and property rights is most noticeable in the area of inheritance. The high level of poverty and housing insecurity among African women can be attributed to discriminatory inheritance rights.

According to COHRE (2004, p. 9) inheritance issues in Africa are:

> "inextricably intertwined with women's ownership of both land and housing, and therefore with their economic autonomy. Because inheritance rights play such a fundamental role in the transfer of wealth in society, they are also directly related to the protection of women's rights to adequate housing".

The import of this is that if women are allowed to access family land and property, like the male gender, they will be empowered economically in society. As well, transfer of family wealth will ultimately go to both sexes.

In India, the Hindu Marriage Act of 1955 was formalised into traditional Hindu law. This law recognises the property a woman brings into the marriage is her own

separate property. The Act is however, silent concerning property which might be jointly acquired by a man and his wife during the marriage. Currently in India, married women's property rights have been revolutionised as widows and divorced women are now legally entitled to own half of all jointly acquired family property (Deere & Doss, 2006).

Married women in most African countries do not have joint land and property rights with their husbands. Furthermore, once a woman is married, she does not have independent rights to any family property. Also, a woman cannot protect or retain land, house or any other immovable property when her marriage comes to an end either by the death of her husband or by divorce. Customary laws, registration of land in the husband's name, discriminatory laws, lack of implementation of existing laws and lack of human rights awareness are factors affecting women's land and property rights in much of sub-Saharan Africa (Udoh, 2012).

Customary laws are unwritten and based on the traditional beliefs of the people in the society. The most common feature of African customary law is the authority older males have over the lives of women and property. Under the customary laws of most African societies, women, whether married or not cannot own or inherit land (Udoh, 2012). Added to this, women's access to land depends on their relationship with their husbands or male relatives.

Another aspect of land ownership in Africa is the registration of title to land in the husband's name. The implication of this is many times, women have no legal title to the land. After the death of the husband, the family property is normally divided among the deceased husband's children (Udoh, 2012). In communal land tenure systems, women once had direct access and rights to use communal resources.

However, they were excluded when land was individualised and commercialized (Benschop, 2004).

In compliance with international human rights standards, most countries in sub-Saharan Africa have recognised the right of women to own land and property in their national constitutions. But countries like Kenya, Lesotho, Zambia and Zimbabwe still allow discrimination against women in land and property rights. The reason is patriarchal customs and traditions are still permitted through customary and statutory laws. In Swaziland, married women are excluded from registration of title to land in their names (Benschop, 2004).

Lack of implementation of existing laws and policies guaranteeing women's access to land and property rights is another characteristic of land ownership in sub-Saharan Africa. For instance, in Nigeria, women are not given any special consideration under the 1978 Land Use Act. However, in sub-Saharan Africa, most women are not familiar with their rights as women in relation to the ownership of land and property. For instance, most women do not know there is a connection between their land rights and their fundamental human rights. Even when they do, prevailing customary law prevents them from inheriting family land and other fixed property.

National and international policy makers in sub-Saharan Africa are getting increasingly concerned about women's land access problems, and how best to address them. Throughout All over the continent, there have been changes in land tenure systems without necessarily altering land distribution (Whitehead and Tsikata, 2003).

International donors like the World Bank have been involved in the design of land reform policies in Tanzania, Uganda, Malawi, Cote d' Ivoire, Niger, Ghana and Zimbabwe. Civil societies in these countries have been concerned with the implications of these land reform policies upon vulnerable groups, especially women. The reason for this is land reforms or liberalisation is analogous to the fragmentation and co-modification of communal lands. This implies less land became available to women as men have the economic advantage to invest in land.

African feminists, women's advocates, international gender and development experts have been clamouring for better and more secure land access for women in Africa. Although most rural African women are directly involved in primary agricultural production, local norms, and customary practices have affected their interests in land by making more lands available to men. Women have continued to depend on their male relatives to access land, and this trend has affected agricultural production (Whitehead & Tsikata, 2003).

On the need to encourage the evolution of customary practices to address conflict and disputes over land access, gender specialists in sub-Saharan African are divided on the way forward. According to Whitehead and Tskikata (2003, p.3), scholars argue, "a reformed and strengthened customary law is in women's interests, but the majority reject this and instead argue for women's land and property rights to be enshrined in Statutory law".

2.3 A gendered discussion of African land access and use

Anthropologists and historians have argued perspectives, concepts and meanings in African land tenure systems are derived from the framework of colonial history and the nature of land holding itself (Whitehead & Tsikata, 2003). Oral accounts,

research, and written records regarding land and property rights in Africa have also been affected by colonialism.

For instance, the British colonial government believed all societies have progressed from communal to individual forms of land holding. Added to this, in British colonial discourses, indigenous African land holding was regarded as 'communal' and barbaric. Individual forms of land holding in Britain were regarded as a more developed form of land tenure suitable for all societies.

It was also believed the type of land tenure of particular colonial societies indicated the level reached within their evolutionary progression. Basset (1993) cited in Whitehead and Tsikata (2003, p. 4) observes early British colonialists used the idea of the "communal nature of African land tenure to gain ultimate control over land, establishing the legal right to alienate land by creating crown land and by declaring that vacant lands belonged to the state".

In sub-Saharan Africa, women's access to land is becoming precarious as the area is experiencing severe land shortage due to land liberalisation. Added to this, registration and titling of land did not favour women. Instead, it encouraged men to acquire more control over land (Whitehead and Tsikata , 2003).

In Kenya for instance, it is remarkable to note land is registered in the name of the husband. Thus men there now have exclusive rights over land matters. The claim to land wives once had through marriage, has diminished. This is, especially true when they try to purchase land in their own names. MacKenzie (1993) cited in Whitehead and Tsikata (2003, p. 6) states land reforms enabled men to, "manipulate the historical precedents of 'custom' to exercise greater control over land to the detriment of women".

In pre-colonial Africa, men and women had nearly the same rights to land. Whitehead and Tsikata (2003, p. 8) corroborate, "within kinship groups and households, claims to use were made by men and women for land inherited within these social groups". For instance, men and women could pledge their lands should they want to borrow money for whatever reasons. Also claims to use and dispose of lands were largely determined by one's relationship with members of the immediate family and community.

In sub-Saharan Africa, women always had lesser access to land, than men because both genders occupy different positions within the kinship systems. Marriage is an important status for women to access land, as husbands devolve land to their wives through their children (Whitehead & Tsikata, 2003). Land allocation is basically determined by customary practices denying women control over land. According to Whitehead and Tsikata (2003, p. 14), these customary practices are, "colonial constructs and not fixed". Against this background, the implementation of customary laws has been highly discriminatory against women.

2.4 African feminist legal discourses

African feminist lawyers such as Okoth-Ogendo and Shivji have argued customary law cannot guarantee secured land tenure for women. They also argued tenure policy reforms continue to discriminate against women. Therefore, legal pluralism is affecting women's claims to land Whitehead and Tsikata, 2003).

Legal pluralism in Africa has benefitted men over women. For instance, all sorts of women's claims to land under both customary and statutory law have been resisted by men. Additionally, land reforms have not favoured women because of the persistence of patriarchal values.

In much of sub-Saharan Africa, case laws or Judge-enacted laws have tended to affirm discriminatory land tenure systems. Women's land rights are basically determined by customary laws. Much depends on their relationships with male relatives. Women's dependence on male relatives to access lands has been criticised because it is capable of eroding women's interests in land. Widowhood and divorce are two events affecting women access to land and property rights in Africa. As a matter of fact, customary and statutory laws reinforced the patriarchal order even before colonialism began (Whitehead and Tsikata 2003).

In Botswana, immovable property such as land and housing cannot be transferred to a married woman. Added to this, a woman is assisted by her husband in executing a deed or any other legal document. The Deeds Registry Act of Botswana provides that a husband is permitted to sell, mortgage or deal with family estate in whatever way he deems fit, without his wife's consent. Therefore, in relation to land and property rights, women are treated like children under the law (COHRE, 2004).

In Ethiopia, both lineage and property are traced through the male line (COHRE, 2004). Land in Ethiopia is transferred, "from father to son…only and other male relatives assume control of housing and land. Wives and daughters almost always never inherit land allocated to households" (COHRE, 2004, p. 53).

In Ghana, women continue to suffer various discriminatory practices. For instance 'property grabbing' following the death of a woman's father or spouse persists. It is remarkable to note women in Ghana cultivate over 50% of all arable land. According to COHRE (2004, p. 57) women, "are far less likely than men to exercise independent control over their land…they do not control proceeds from,

and are unable to dispose of the same through sale or inheritance". This is contrary to the provisions of the UN Convention on the Eradication of all forms of Discrimination Against Women, CEDAW.

In Malawi, the 2002 National Land Policy intended to guarantee equal rights to land for men and women has not been very successful. This is the result of persistent patriarchal norms and values. According to Kachika (2009, p. 11), under the National Land Policy of Malawi, it is erroneously assumed, "men and women stand on equal footing in the first instance". The reality is very different as women face considerable hurdles like discriminatory land and property rights whenever they try to access land in their own right.

In Zimbabwe, the Fast Track Land Reform Program (FTLR), launched in year 2000, has not brought about improved land rights for women (Kashika, 2009). The reason is the patriarchal nature of established institutions put women in a disadvantaged position. According to Kachika (2009, p. 12) in Zimbabwe, under the FTLR, women are prevented from, "being selected for land allocation, or once selected, from actually being allocated the land".

In Mozambique, the 2004 Family Law intended to guarantee men and women equal rights with regards to ownership of property and control of land has been less than effective. The reason is men and women occupy vastly different positions in the family (Kashika, 2009).

In South Africa, the 1996 Constitution provides the State should foster conditions enabling men and women to access land and property in an equitable basis. However, the Constitution does not impose any obligation on the State to guarantee gender equality in both public and private spheres. According to

Kachika (2009, p.14), the provision of the Constitution has made it possible for, "conservative interpreters of culture to have significant influence in deciding the extent to which women should be allowed to access, control or own land".

Classens (2013), Ntsebeza (2006) cited in Hendricks, Ntsebeza and Helliker (2013, p. 59) argue that in South Africa, "women's rights to land under colonial and apartheid were vulnerable". For example, permission to occupy lands was issued in the name of husbands. This has exposed women to loss of land, particularly after the demise of their spouses. This situation changed in the 1980s with the rise of households led by women, urbanisation, and the spread of political activism to rural areas. Presently, South African women may now acquire land in their own right, especially if they have the required resources or finance.

2.5 Women and transnational land deals in Africa

Transnational land deals or land rush is another factor affecting the realisation of women's land and housing rights in contemporary African societies. Countries where transnational land deals have negatively impacted the socio-economic life of women and their households are: Nigeria, Ghana, Sierra Leone, South Africa, Mali, Southern Sudan and Tanzania.

Wisbourg (2014, p. 24) argues rich countries and multinational corporations pursue, "economic, political and environmental goals by appropriating land in poorer, land-rich countries, affecting the land tenure and livelihood practices of women and men". The majority of women in the affected countries are being pushed further into the margins of their societies due to transactional land deals. Specifically, women are exposed to poverty, insecure land rights, and weak negotiating power both within their households and in the larger society.

In 2009, Norwegian investors entered into a fifty-year land lease agreement with the Agogo Traditional Council and paramount Chief of Southern Ghana. Approximately 13, 000 hectares of land was acquired for the production of biofuel and food crops (Wisborg, 2014). Although Ghana is a matrilineal society, women are not usually consulted in these land deals. The implication of this is women cannot bequeath their land and housing to their daughters and granddaughters.

Transnational land deals affect men and women differently. Daley (2011) cited in Wisborg (2014, p. 28) maintains gender discrimination in transnational land deals prevents women from having "access to and control over land; having legal rights to land; having a voice and choice in decision making... and causes gender-based violence".

2.6 Women and land liberalisation policies in Africa

Land liberalization or reform is the state-led or neoliberal redistributive agrarian reforms implemented at the national and global level from the 1910s to the 1970s. These reforms were based on the assumption lands allocated to households, especially male 'head', would benefit all members. The reforms were gender-blind and ignored the wellbeing of women and their households.

Land liberalisation policies are also affecting women's land and property rights throughout Africa. According to Razavi (2007) land liberalisation or reform has negatively impacted women's land and housing rights, especially in developing countries such as South Africa, Nigeria, and Tanzania.

Agrarian reforms between the 1910s and the 1970s were not only gender-blind, but also ignored, "the well-being of women and their dependents in the event of household dissolution (separation, divorce or widowhood), these reforms were also

blind to women's different relationships to property…ownership of land" (Razavi, 2007, p. 1479).

In the 1990s, the interests of women were given more serious attention by land reform tenure institutions. For instance, it was discovered equitable land reforms between the sexes had the potential for poverty eradication, employment generation, and wealth accumulation in developing countries. One of the main achievements of the women's movement in Latin America is the elimination of the provision of the husband as the head of household. The concept 'head of household' has been replaced by 'the concept of the dual-headed household'. The importance of this is both husband and wife - now jointly own and manage family (Razavi, 2007).

Lastarria-Cornhiel (1997) cited in Razavi (2007) observes women are the largest group in sub-Saharan Africa affected by the privatisation of land tenure systems. The transformation of African tenure systems into a commodity to be bought and sold further made it difficult for women to access their land and housing rights. It is remarkable to note under the privatisation of land tenure systems, community leaders and male household heads were able to strengthen their control over land to the disadvantage of women.

The conclusion drawn by Whitehead and Tsikata (2003) is current available evidence does not suggest women in Africa are any better off economically than they were prior to the 1980s. As a matter of fact, "women tend to lose the rights they once had…either because their opportunities to buy land are very limited, or because local - levels authorities practice gender discrimination" (Whitehead & Tsikata, 2003).

2.7 Theoretical explanations for discrimination of women in the ownership of land and property

Discrimination against women in the ownership of land and property can be explained by recourse to feminist theory, post-colonial theory and black feminist theory.

2.7.1 Feminist theory

According to Bryson (2003, p. 1) feminist theory seeks to find out why in every society, ‘‘men appear to have more power and privilege than women”. Feminist theory also seeks to understand the discrimination experienced by women and how this can be addressed. The term ‘feminist’ refers to any theory viewing the relationship between the sexes in the society as one of inequality and subordination (Bryson, 2003).

Feminist theory emerged as a result the activities of the anti-slavery Movements in the United States of America. The outcry for the abolition of slavery as well as the growth and development of feminist theory are connected. The struggle to free women and the struggle to free slaves commenced started about the same time. White anti-slavery campaigners urged women to stand up for themselves as a means to secure political, legal, and economic freedom (Bryson, 2003, p. 32).

In order for patriarchy to continue, female marginalisation by men must be sustained. Women have been dehumanised and reduced to mere objects of procreation. Added to this, men see themselves as superior to women, and they must continue to lord it over women in the society (Thobejane, 2014).

Patriarchy tells us, men and women are not the same, and they should be treated differently. Masculinity and femininity is a political issue, and often determines

who is free and who should remain perpetually subservient in the society. Patriarchy cuts across political, economic, social, religious, cultural, industrial and financial spheres.

Basically, men occupy all primary positions in such societies. Therefore, any system according men advantage over women is patriarchal. The patriarchal family was the basic unit of organization in the society. The basic features of patriarchy are heterosexual marriage, women carrying the burden of child rearing, and economic dependence of women upon men (Makama, 2013).

In Akwa-Ibom State, Nigeria, patriarchy and its sustaining factors derive from Christian religion as well as the culture and traditions of the people. Religion has the potential to marginalise women, and can provide the platform for male domination in the society.

Patriarchy and gender inequality persist in Akwa-Ibom State despite various national and international laws prohibiting it. Patriarchy and gender inequality have persisted because there is an overwhelming religious and cultural prejudice against women. Added to this, the notion men are superior to women is still very much present in the minds of the people (Essien and Ukpong, 2012).

Lawanson (2010) cited in Adekola et al (2013, p. 50) argues Nigeria is a typical, "patriarchal society where male superiority and dominance originated…from culture and religion". Although females were accorded lower social status in pre-colonial Nigeria, the colonial government re-enforced this anomaly.

Situating gender discrimination in land and property rights in Nigeria within the feminist theoretical framework, it is obvious culture defines what is 'masculine' and what is 'feminine'. It also establishes who can inherit land and housing and

who cannot. In addition, culture determines who can be permanent family members and non-permanent family members.

Normally, females are regarded as temporary members of their family of birth or orientation. It is generally believed a woman will eventually marry, and raise a new family with her husband. The role and function assigned to women in Nigeria reveals both patriarchy and gender inequality are culturally and politically enshrined within the social structure.

Some biblical passages in the New Testament have been used to reinforce patriarchy and gender inequality. Essien and Ukpon (2012, p. 288) contend St. Paul handed down some discriminatory messages in the scripture which served as the, "oil and grease of patriarchal theology and the fulcrum of discrimination against women". In the 'First Letter of St. Paul to the Corinthians', Paul said:

> As in all Churches of God's holy people, women are remaining quiet in the assemblies, since they have no permission to speak: theirs is a subordinate part, as the Law itself says. If there is anything they want to know, they should ask their husbands at home: it is shameful for a woman to speak in the assembly.

(The New Jerusalem Bible, Ch. 3, verses 26-29, pp. 1928) cited in (Essien and Ukpong, 2012)

Essien and Ukpong (2012, p. 289) say, "to dethrone patriarchy…men and women need to question traditional practices that discriminate against women". In Nigeria, women have contributed their own quota to nation building. Justice and equity demands they be given the same opportunity with men in order to be able to develop their full potential in the society.

Ukpong and Essien (2012, p. 289) conclude the persistence of patriarchy in Nigeria is, "due mainly to archaic biblism and unproductive traditionalism championed by

some religious and traditional bigots". From a careful study of the Christian scriptures, it could be deduced Christianity does not stand for full emancipation of every member of society.

In the Shona culture in Zimbabwe, patriarchal practices perpetuate gender inequality in land and property rights. Customs and traditions in Africa are stronger than statutory laws and both Christianity and Islam. Patriarchal attitudes are developed in the family through the process of socialisation. Males are socialised to regard themselves as bread winners, and females are taught to be obedient and submissive. Further, most women sought grants from the Government because their husbands had died, and nobody else supported them financially (Kambarami, 2006).

Human Rights Monitor (2001), cited in Kambarami (2006, p. 3) reports in the family, "the male child is preferred over the female child". The male child is brought up to see himself as superior to females. For instance, a male child takes a greater share of his father's estate, even though he may not be the first child born.

2.7.2 Post-colonial theory

Postcolonial theorists argue intellectuals in the former colonial states often do a disservice to marginalised and oppressed groups because they - the (intellectuals) - claim they can always speak for or represent them. Intellectuals do not live the experiences of marginalised or oppressed groups and consequently, may distort reality. Therefore, all stake-holders in former colonial states should work toward institutionalising avenues allowing marginalised and oppressed groups to stand up and speak for themselves (Appelrouth & Edles, 2007).

Postcolonial theory also emphasises there is need for a common struggle to end foreign domination. This implies it is the duty of every man and woman in Africa to strive to end all forms of discrimination (Mekgwe, 2006).

In Nigeria, productive resources, especially land should be for the benefit of everyone. Post-colonial theorists argue colonised people's culture, language and tradition never receive any serious attention or respect from their former colonial masters. Nigerians experienced cruelty and brutality during colonial era (Mishra, 2013). Therefore, post-colonial theory seeks to counter all forms of oppression and injustices perpetrated during colonialism and neo-colonialism in Nigeria.

One typical example of injustice perpetrated during colonialism in Nigeria is in the area of land rights. For example, in pre-colonial Nigeria, family or communal land rights took precedence over and above individual land rights. Family or communal land rights benefitted men and women equally in relation to farmland for cultivation purposes.

In colonial Nigeria, family or communal land rights were viewed as a threat to colonial domination and expansion. The colonial government needed as much land as possible to cultivate cash crops to meet increased in demand for agricultural produce in Britain as well as other, global markets.

Against this background, the British colonial government declared the entire land-scape of Nigeria an extension of British Empire. Individual or private ownership of land was emphasised over and above family or communal ownership. Land became a commodity to be bought and sold.

British companies and Nigerians who could afford large expanses of land took advantage of this development. Most women did not have the means or the

political connection to acquire as much land as they would have preferred to acquire. This development placed Nigerian women in a disadvantaged position. Even in the present, women have little or no access to land, - a privilege they once enjoyed prior to British colonisation of Nigeria.

Postcolonial theory is the struggle against colonial economic, social, cultural and psychological domination (Mishra, 2013). It disapproves any imbalances in power structures and relationships of any form in former colonial territories. The theory emphasises social justice and emancipation of all people (Nayar, 2008) cited in (Mishra, 2013).

Boehmer (2006) cited in Mishra (2013, p. 130) concludes, "postcolonial writers sought to undercut thematically and formally the discourses which supported colonization". For example, how power and powerlessness; subordination etc. were created in both colonial and post-colonial Africa. Therefore, postcolonial theory represents a strong message from the peoples of the hitherto colonised territories to their former colonial masters: they too have historical antecedents, which must be taken into consideration in all matters.

2.7.3 Black feminist theory

Black feminist theory recognises the interlocking and interdependent nature of oppressions, and constitutes a paradigm shift in feminist understanding. African-American women and women from other races should not be excluded in the analysis of female subordination and oppression. Women as a group are affected by power imbalances all over the world (Collins, 1990) cited in (Bryson, 2003).

Although black women have contributed to the development of feminist theory since the early 19th century, their experiences and peculiarities have not been well

documented by white feminist scholars (Bryson, 2003). A key aspect of white women's way of interpreting reality is they assume when they talk about themselves they are talking about all women.

White feminist have always viewed the experiences of women from their own perspective. They tend to regard the experiences of Black women as un-important. However, black women's experiences should be part of feminist thought. The exclusion of black women's perspectives from feminist thought would be tantamount to not fully appreciating the plight of all women irrespective of race (Bryson, 2003).

Black feminist theory helps to explain gender discrimination in land and property rights because it reminds the Nigerian women they have not done enough to ensure they are at par with the Nigerian men in relation to land and property rights. As a matter of fact, most Nigerian women have accepted their subordinate or second class position in the devolution of family property. They erroneously believe men are the superior sex, and customs and tradition demands women should be perpetually subservient to men in all circumstances.

Black feminist theory is about how to work together to end the colonial after-effect. Women in Nigeria have been affected by colonialism and neo-colonialism. This theory identifies with the struggles of feminists in Nigeria to end all forms of domination and oppression.

Black feminist theorists argue privileged women or feminists in the former colonial territories as well as the feminists in western societies have a duty to join forces to free all women from all forms of discrimination. Black feminists conclude a woman is a woman regardless of the colour of her skin, and the discrimination of

women in whatever form is a violation of their fundamental human rights. This must be discouraged around the world.

Western feminist theorists have been criticised by scholars such as Mohanty on the grounds they are ethnocentric and do not consider the unique experiences of women residing in postcolonial territories. Western feminists did not know third world women have their own experiences. For instance, colonialism turned third world women into a different monolithic subject for exploitative purposes (Mishra, 2013).

Black feminist theory and post-colonial theory derive from feminist theory. These theories emphasise historical legacies, politics, economics and culture have affected women's lives all over the world (Ampofo and Beoku-Betts, 2008).

2.8 Customary laws of inheritance among the Benin, Igbo and Yoruba Peoples of Nigeria

In this section, the customary laws of inheritance of the Benin people in South-western Nigeria, the Yoruba people in South-western Nigeria; and the Igbo people in South-eastern Nigeria are discussed. As well, the rights of women to inherit the land and property of their deceased husbands and relevant judicial decisions are examined.

2.8.1 The Benin Customary Law of Inheritance

Benin customary law of inheritance is based on the principle of male primogeniture in which the eldest son of a deceased Benin man inherits all his property. This is to the exclusion of all other children, especially female children. This principle has been affirmed by the Supreme Court of Nigeria. Moreover, other

courts in the country have taken judicial notice of it in accordance with the provision of section 14 of the Evidence Act (Bolaji, 2011).

The Customary Law of inheritance of the Benin people can be found in "A Handbook on Some Benin Customs and Usages" – published by the Eweka Court, Oba Palace, Benin City in 1996. This handbook was written by the Benin Traditional Council with the permission of the Oba of Benin.

The handbook is accepted by the courts in line with the provision of section 59 of the Evidence Act. According to Bolaji (2011, p. 174). Section 59 of the Evidence Act, "allows the Courts to rely on any book or manuscripts recognised by a community in deciding issues relating to customary law of such community".

It has been observed the eldest son may fail to take care of other children in the family after inheriting the property of his deceased father. This has led to conflicts among the eldest son and other male children, especially those born of other wives of the deceased father (Handbook on some Benin Customs and Usages, 1996).

2.8.2 The rules of Inheritance

According to the 'Handbook on some Benin Customs and Usages' (1996), the estate of a non-hereditary traditional title holder or ordinary person particularly his *igiogbe*, is exclusively inherited by the eldest surviving son (Bolaji, 2011). This includes the principal home where the deceased Benin man lived and died and sometimes includes the place where he is buried.

Benin customs and traditions demand other landed properties of the deceased man to be shared among the other children according to the *Urho* system in order of seniority. This means providing for all the wives of the deceased according to

when they became his wife. The first wife has the most seniority. According to Bolaji (2011, p.177), "each wife with children forms an *Urho* where the property is distributed according to *Urho*, the male children take precedence over the female children".

2.8.3 The Concept of Igiogbe

The *Igiogbe* is the primary dwelling where a deceased Benin man lived and died. It is inherited by the eldest surviving son after performing all the burial rites of his deceased father. A parcel of land cannot be regarded as *Igiogbe***.** The Supreme Court in Imade versus Otabor held that Igiogbe is a principal dwelling, and not a parcel of land. Therefore, it must be bequeathed to the eldest surviving son. Bolaji (2011, p. 187) observes, "under Benin customary law, the prerequisite for its inheritance is that the owner must have died before the question of who is to inherit it will arise".

2.8.4 Igbo Customary Law of Inheritance

The Igbo people live in South-eastern Nigeria, and are found in five states - Abia, Anambra, Ebonyi, Enugu and Imo (Constitution of the Federal Republic of Nigeria, 1999). Under Igbo Customary law of inheritance, the eldest son exclusively inherits his deceased father's land and housing. He may or may not decide to give part of the land to other male siblings for building purposes. When a man is not survived by male children, the daughters do not have rights to their deceased father's land or home (Obi, 1997). The implication of this is that the deceased man's estate will devolve among his surviving siblings.

The Igbo customary law of inheritance favours male children above female children in the devolution of family land and property. According to Bolaji (2011,

p. 17), “many Igbo communities favour male children and male relations like fathers and brothers more than daughters and other female relations like wives, mothers and sisters”.

This is contrary to the provision of section 41 (1) and (2) of the 1999 constitution of the Federal Republic of Nigeria. In the sharing of a deceased Igbo man’s estate, the quantum of inheritance going to the eldest son is usually larger than that of any of his younger male siblings. Much depends on what portion family members feel is reasonable considering the volume of the estate and the number of heirs (Obi, 1997).

The eldest son and other male relatives of a deceased Igbo man are normally given priority in inheritance over and above his wife/wives and female children. The reason is by custom, male heirs are under obligation to take the welfare of the wife/wives and female children very seriously. In the past, Igbo male heirs were responsible for the up keep of all the members of the extended family. But today, many Igbo male heirs, because of the deteriorating socio-economic environment, prefer to focus maintaining their nuclear family members beyond all other consideration.

However, there are Supreme Court judgments on women’s rights of inheritance under Igbo customary law. For instance, in Nzianya v. Okagbue and Nzekwu v. Nzekwu, the Supreme Court held under the Onitsha people’s customary laws of inheritance, a wife has no right to inherit the property of her deceased husband. Added to this, a widow only has the right to occupy, but not to own or alienate her late husband’s land and housing (Bolaji, 2011).

2.8.5 Yoruba Customary Law of Inheritance

The Yoruba people are found in South-western Nigeria. They occupy seven States, including, Lagos, Ogun, Oyo, Osun, Ondo, Ekiti and part of Kwara State (Bolaji, 2011). The majority of Yorubas people are Muslims, and the law of inheritance in relation to women is uniform across all Yoruba States. Surviving wives of a deceased Yoruba man are not entitled to inherit or to partake in the devolution of their late husband's estate, especially landed property.

There are also Supreme Court judgments on women's rights of inheritance under Yoruba customary law. For instance, in Osilaja v. Osilaja, the Supreme Court held a widow cannot inherit her deceased husband's estate. Bolaji (2011, p. 204) observes in Akinubi v. Akinnubi, the Supreme Court declared, "it is a well settled rule of native law and custom of the Yoruba that a wife could not inherit her husband's property". In summary, customary laws of the Igbo, Benin and Yoruba people are utterly discriminatory against widows. They are not allowed to partake in the allocation of their deceased husband's land and property.

2.9 Gender discrimination in land and property rights in Nigeria

In Ondo State, South-western Nigeria, women constitute the bulk of farm labour and agricultural workers, and they own little or no farmland. The import of this is farm productivity is seriously affected (Adekola et al., 2013, p. 49). Feminist theorists argue male domination is present in all aspects of life – political, cultural, social and economic. This is the primary cause of injustice experienced by women in relation to land and property rights in Nigeria (Udoh, 2012).

Tong (1989) cited in Udoh (2012, p.46) argues feminist theorising is based on the premise "female subordination is rooted in a set of customary and legal

constraints". This is the true situation of women in Nigeria, as gender discrimination in land and property rights can be attributed to discriminatory native law and customs. This bias is clearly visible in religion, customary and statutory law, decided Nigerian court cases, and colonial/neocolonial influences.

For example, in virtually all Nigerian ethnic groups, access to family land and property is strictly by male primogeniture rule, in which male children are given preferential or special treatment. This most often occurs to the disadvantage of female children. This trend has led to the feminisation of poverty, as women are denied access to their economic and socio-cultural rights, especially land and property rights.

Customary law and statutory law in Nigeria in relation to land and property rights were the prescriptions of Britain, Nigeria's former colonial master. Consequently, they were handed down to Nigeria after political independence in 1960. Before Nigeria was colonised, the principle of land ownership was built upon the assumption the entire family had proprietary rights. This included land, and all transactions, the interests of the family or the community took precedence over individual interests.

Colonialism introduced Nigeria to the Wills Act of 1837; the English Real Property Act of 1845; the Conveyancing Act of 1881; and the Land Transfer Act of 1887. Added to this, English common law rulings relating to tenures, disposition of real property, estates, inheritance related matters became applicable in Nigeria. According to Aluko and Amidu (2006, p. 13) colonial rule in Nigeria brought about, "the substitution of ownership of land with such concepts as rights, interest, possession and occupation".

Land therefore became a commodity to be bought and sold by those interests who have the means. As a matter of fact the entire landscape of Nigeria under colonial rule became an extension of Britain. Also, upon attainment of political independence from Britain, the subsequent Nigerian Governments retained ultimate ownership and control over all land in Nigeria, concept they inherited from Britain.

Against this background, the family, and communal title to land or interests in land which hitherto benefitted every member of the family, including women were grossly affected. Neo-colonial interests in post-independence Nigeria manifested in the form of land reforms, land liberalisation policies, and transnational land deals. All were hostile to the critical mass of the Nigerian populace, especially women.

Feminism has been misunderstood by Nigerian men for too long. They view it as a threat to their supremacy. But feminism is about inclusion and not alienation. African feminism emphasises men should be aware of women's subjugation in the society, and be part of the solution to the problem (Ifechelobi, 2014).

The fundamental tenets of monotheistic religions are not in agreement with human rights in relation to land and property. The reason is: human rights provides for the authority of the state, and the prevention of abuse of the state's power, especially over the individual. Monotheistic religions subject the individual and the community to the will of God. The difference between monotheistic religions and human rights is the concept of religious duty and what should be regarded as human rights (Raday, 2003).

The systematic domination of women in the name of culture and religion excludes them from public domain, and subjects them to patriarchal order within the family.

In the 21st century, culture and religion are still being used to perpetrate patriarchal values and practices. This is unfavourable for the establishment of equal rights between the sexes (Raday, 2003).

In Nigeria, religious practices, whether indigenous, Christianity or Islam, have re-enforced gender discrimination in land and property rights. For instance all three forms of religion emphasise the need for women to be submissive, and perpetually subservient to men in all facets of life. They are required to do so - as a mark of respect for the male gender - and in obedience to the injunctions of God.

As an example, the Holy Bible in 1 Timothy Chapter 2 Verse 11-12 proclaims, "let a woman learn in quietness, in entire submissiveness. I allow no woman to teach or have authority over men; she is to remain in quietness and keep silence in religious assemblies".

Correspondingly, women in Islam are also discriminated against. They are expected to hide their identities with their hijabs. According to Ifechelobi (2014, p. 22) the hijab serves as a, "physical, psychological and social covering" for women, especially among Muslims in Northern Nigeria. Feminism creates the platform for women to speak for themselves, and say no to subservience. African women have been voiceless for too long. They have not been actively involved in the fight against slavery, colonialism and gender discrimination in land and property rights (Ifechelobi, 2014).

In contemporary society, men can no longer lord it over women in all aspects of life. The person who occupies a particular position in the society may not necessarily be the strongest person. These days, the deciding factors for who gets what, when and how - is based on intelligence, knowledge, creativity and

innovativeness. Sadly, the Nigerian social construct of what it takes to be a man or a woman has not changed (Adichie, 2014).

Feminism is about human rights; specific and particular setbacks of gender; centuries of exclusion of women; women as targets in the issue of gender; and the predicament of about being a human female. Feminism also reminds us that for many centuries, the world was divided into two groups, - with the exclusion and oppression of one group. Therefore any meaningful solution to the problem of gender must acknowledge this fact (Adichie, 2014).

According to Adichie (2014, p. 45), in Nigeria, some people are of the opinion, "a woman is subordinate to men because it's our culture. But culture is constantly changing". For example, Adichie (2014) says, the Igbo people once considered the birth of twins as portending evil, and encouraged killing the twins. Today, this practice is unacceptable to all Igbo people. The essence of culture is to ensure preservation and continuity of people.

Adichie (2014) argues that although she is interested in learning about the Igbo people in relation to her family's ancestral lands, she is not allowed to attend family meetings, where she would have the privilege to ask questions about her family ancestral lands. The reason she could not attend family meetings was, because she is a female.

Adichie (2014, p. 46) concludes, "culture does not make people. People make culture". Humanity must strive to make the world a better place for women. Gender discrimination does not benefit the society in any way. We must all join forces together to end it (Adichie, 2014). This is what feminism is all about.

In pre-colonial Nigeria, women were regarded as subordinates to males in all facets of life. Women's primary responsibility was to bear children. A childless woman was an object of ridicule to her husband, other women as well as the society as a whole. However, according to Abdulraheem (2010) women in pre-colonial Nigeria did have 'personal rights' entitling them to own immovable property such as farm lands.

Women could inherit family property in pre-colonial Nigeria, however, much depended upon specific circumstances. Since land was often given to daughters as bride wealth, a woman's kinship, birth and class determined whether or not she could own land outright. Added to this, single women and widows received landed properties from their immediate families Umeh (2005) cited in Udoh (2012).

The European colonisers placed restrictions on the rights of women in relation to land ownership. European patriarchal order was introduced into Nigerian society. Men were encouraged to leave their homes, to cultivate cash crops. Conversely, women were regarded as home keepers, and encouraged to grow food crops for subsistence.

Colonial administration reinforced the social inequality system in pre-colonial Africa. Women could not own land and houses. They could merely plant crops and harvest crop yields from farmlands (Abdulraheem (2010). Udoh (2012, p.77) concludes, "colonial administration did not improve the economic condition of women in anyway. It only reinforced the subordination of women and perpetuated gender inequality with its male-oriented polices".

In 1978, the Land Use Act (LUA) was enacted in Nigeria. The main objective of the Act was to unify land tenure systems in the country, and make land easily

accessible to both men and women. The LUA was intended to usher in gender equity in land administration throughout the country. However, the LUA has not been able to ensure gender equity in land allocation and management in Nigeria. Aluko and Amidu (2006, p. 7) argue it is an, "open secret that land still continues to change hands, outside government regulatory mechanism, in accordance to native law and customs of the people".

Section 48 of the LUA provides that customary right of occupancy is to be administered in accordance to the native law and customs. The limitations of the LUA (1978) are that customary overlords continue to control and manage land. It fails to state whether it is the government or traditional rulers who own the land. It has not empowered women to attain equal access as men to lands. Actually, it has further weakened women's rights to land.

In Nigeria, marriage plays a key role in the determination of women's land and property rights. Adekile (2010, p. 10) maintains, "under statutory marriage, the rights of parties to the marriage, during the marriage, upon divorce or on death are determined by law…where a person marries under customary or Islamic law, the customary law or Islamic law applies to devolution of the estate on intestacy"

In Nigeria, under customary law, property purchased by a husband or jointly with his wife confers no beneficial interest to the wife. Despite the 1970 Matrimonial Causes Act and the 1959 Married Women's Property law, divorced women still find it difficult to lay claim to any of her deceased husband's estate.

A woman who is financially dependent on her husband may not be able to ask the court for maintenance from her husband after divorce. The reason is the law does not recognise monetary or non-monetary contributions made by the wife to the

marriage as legal or equitable interest. Therefore, homelessness and destitution may result (Udoh, 2012).

Section 42(1) of the 1999 Constitution of the Federal Republic of Nigeria prohibits discrimination against a citizen on the basis of gender. Section 21 provides that any custom or tradition discriminatory to women should not be preserved.

Ukhu and Inegbedion (2005) point out the Nigerian Constitution, the African Charter on Human and Peoples' Rights, and the UN Convention on the Elimination of All forms of Discrimination against Women (CEDAW) prohibit of all manner of discrimination against women. However, they maintain the reality is entirely different, as Nigerian women are still discriminated against in land and property rights.

In Nigeria, land and property rights differ from one ethnic group to another. Among the Igbo speaking people, in south eastern Nigeria, male children have the right to family property. The Supreme Court of Nigeria has also held any Igbo customary law discriminating against women in land and property rights is repugnant to natural justice and is unconstitutional.

However, there is a constitutional and cultural basis for gender discrimination in land and property rights in Nigeria. For example, section 6, sub-section 6 paragraph (c) of the 1999 constitution of the Federal Republic of Nigeria ousted the jurisdiction of the law courts in relation to land and property rights.

In addition, the Nigerian Wills Act provides that wills are made subject to the prevailing customary law. For instance, among the Benin people of Edo State, any will contrary to male primogeniture rule of inheritance is liable to be set aside by the law courts.

Among the Edo speaking people, and the Urhobo and Itsekiri speaking people of Delta State, in Southern Nigeria, the right to family property inheritance is primogeniture. Therefore, the people here practice the rule of inheritance where the right of succession belongs to the firstborn male child (Itua, 2012).

Most ethnic groups in Nigeria place a high premium on male children. The reason is women are not viewed as permanent members of their natal families. When they marry, they leave their natal families to settle in their husbands' families (Aluko and Amidu, 2006)

Factors contributing to gender discrimination in Nigeria are patriarchy; male and female gender perception; religion; and customary law. Patriarchy conceptualised by Kameri-Mbote (2005) as: all forms of male dominance in society. Men are perceived as a superior class having power over women as a caste. Hence, men generally determine access to - and control over - productive resources in the society.

According to Izugbara (2004) sexual discourses in Nigeria are basically hetero-patriarchal ideologies and norms. Through the process of socialisation, male and female children are taught to take on certain personalities and identities. In the process of socialisation in Nigeria, male children are taught to be domineering, and regard themselves as superior to female children. Conversely, female children are taught to be submissive and view themselves as inferior to male children.

Relating to the role of culture and religion in encouraging gender discrimination in land and property rights, Raday (2003) argues culture is a macro concept and religion is an aspect of culture. In most monotheistic religions, women are not entitled to equality in inheritance or division of matrimonial property.

Unfortunately, under International human rights regime and national constitutions, there seems to be no solution whenever equality rights are in conflict with cultural practices or religious norms. Cultural practices or religious norms are invoked in international and constitutional law contexts to oppose gender equality claims. This situation is no less so in Nigeria in relation to land and property rights.

Surprisingly, there are Supreme Court Judgments in Nigeria in support of discrimination against women in land and property rights. A typical example is the case of Lawal - Osula and Others versus Lawal - Osula and Others. In this case, the Testator's Will favoured his spouse more than the eldest surviving male child. The eldest son was dissatisfied with his late father's Will and went to the Law Courts to contest it because it was in violation of Bini Customary Law. The Supreme Court held that the Will was a departure from Bini Custom and the bequeathment was set aside (Ukhu and Inegbedion, 2005).

In Nigeria, widows are discriminated against in the devolution of family property. For instance, a widow is discriminated against on the intestacy of the husband. According to Adekile (2010 p. 7) a widow of a customary law marriage "is disinherited completely under various customary laws in the country despite any contributions she might have made to a man's success".

Makokha (2014, p. 119) argues the African woman as portrayed by Adichie in 'Half of a Yellow Sun' experienced double colonization, "the first time by the British colonialists, and the second time by the Nigerian man in postcolonial Nigeria…Patriarchy and domination of women by African men can be solved by men resorting to treating women as their counterparts…both in the domestic and formal set ups'.

Widows are discriminated against in virtually all aspects of life in Nigeria. The UN Division for the Advancement of Women (2001) cited in Ezejiofor (2011, p. 141) states the following: In Nigeria, "the low status, poverty and violence experienced by widows stem from discrimination in inheritance, custom, and the patriarchal nature of the society". Added to this, customs and tradition take precedence over statutory law and international human rights laws in relation to women and the devolution of the family estate.

In Nigeria, there have been concerted efforts by all stake holders to address the issue of gender discrimination in land and property rights and to promote gender equality and empower women economically. However, there seems to be no significant progress in this regard.

The reason for this has been attributed to variables such as customary land tenure and colonialism. For instance, colonialism vested authority in land in traditional rulers and chiefs, as well as government officials and political office holders. Most of these office bearers were men. Therefore, interests of women were not considered under this arrangement.

Rather, women were denied access to communal lands. Gender discrimination in land and property rights is an act of injustice and a violation of human rights as it does not afford women the opportunity to contribute their own quota to national development (Omoyibo, Egharevba and Iyanda, 2010).

2.10 The 1995, Beijing Platform for Action (PFA) and Women in Nigeria

In Nigeria, there have been several unsuccessful attempts at addressing gender issues and women's rights such as the Better Life Programme, BLP (1986) and the

Family Support Programme (1994). These programmes were initiated under Military regimes, and much could not be achieved because of repression.

Following the adoption of the Beijing Platform for Action (PFA), there was a major emphasis on women's rights at the national level. Efforts were made to achieve the strategic objectives of the Platform for Action (PFA) within a human rights framework. Consequently, special attention was given to this at the Convention on the Elimination of All forms of Discrimination against Women.

Examples of efforts or actions taken by the Nigerian government include among several others constitutional and legislative reforms to eliminate discrimination against women. Enhanced roles of the courts and judiciary in the protection of women's rights...were given more systematic capacity-building and awareness-raising (Women Consortium of Nigeria, 2004).

The Nigerian Federal Government also took further steps to ensure the implementation of the Beijing Declaration and Platform for Action. For instance, Ministries of Women Affairs and Social Development were created in all the thirty-six (36) States of the Federation (Federal Ministry of Women's Affairs, 2004). The State Ministries and the Federal Ministry of Women Affairs are working together to translate the Platform for Action (PFA) into action for the benefit of all women in Nigeria.

The Federal Ministry of Women Affairs is also collaborating with several UN Agencies to advance the cause of women and children in Nigeria. According to Folarin and Udoh (2014, p. 247), "these agencies offer technical and financial assistance to the Ministry of Women Affairs in its bid to execute its functions with regards to women".

In awareness-raising among women in relation to their rights, non-governmental organisations (NGOs) in Nigeria are playing an enormous role. For example, they have simplified and translated the Beijing Platform for Action (PFA) into the major Nigerian languages. Additionally, they have put it into print, and distributed it nationwide. To illustrate, NGOs at the fore front of the implementation of the PFA in Nigeria include Women in Law and Development in Africa (WiLDA), BAOBAB for Women's Human Rights and the Civil Liberties Organisation (CLO).

The Federal Government has also formulated policies capable of impacting upon the lives of women in Nigeria. These policies include among others, the Women in Agriculture Policy and the National Poverty Eradication Programme. In addition, some States such as Enugu (2001), Oyo (2002), Ekiti (2002), Anambra (2004) and Edo (2004) have adopted laws to protect widows from all categories of discrimination (Folarin & Udoh, 2014).

Despite attempting to implement the Beijing Platform of Action (PFA) in Nigeria, women continue to be discriminated against in terms of land and property rights. The resultant effect is feminisation of poverty. Folarin and Udoh (2014, p. 247) define feminisation of property as, "the high levels of poverty among women when compared to men".

Gender discrimination in land and property rights has been institutionalized. It is supported by customary law, statutes and the patriarchal order. Therefore, the problem is perpetrated by the State, community and family members (Women's Consortium of Nigeria, 2004).

Folarin and Udoh (2014, p. 248) listed the constraints to the implementation of the Beijing Platform of Action in Nigeria. These constraints include among others: "inadequate awareness of and commitment to gender issues generally; inadequate sensitisation of the general populace, lack of capacity building for women… age-old customs and traditions and repressive national legislations…".

Although various changes have taken place in Nigeria in relation to the implementation of the Beijing Platform of Action (PFA), the manner in which women and female children continue to be discriminated against in land and property rights leaves much to be desired.

For instance, in South-eastern Nigeria, widows are not allowed to inherit their late husbands' land and houses, and daughters are not entitled to family property. Added to this, childless women cannot have a share in their husband's property. This is because they may be forcefully ejected from their matrimonial homes.

Against this backdrop, it is obvious that land and property rights of women remain an unattainable illusion. The only way forward is to fully integrate the PFA into national and state legislations. This would finally enable women to enjoy their absolute rights to land and property.

2.11 Impacts of discrimination against women in the ownership of land and property in Nigeria

In Nigeria, the impacts of discrimination against women in ownership of land and property are manifested in the form of housing insecurity; food insecurity; lack of access to matrimonial property; disinheritance of widows; disinheritance of female children; poverty; lack of access to credit facilities; economic disempowerment;

marginality; landlessness and vulnerability to the HIV/AIDS epidemic. These will be discussed in greater depth.

2.11 .1 Housing insecurity

Women who are unable to own land and property such as housing may face homelessness and destitution. According to COHRE (2004 p. 20) ‘‘for the millions of women in sub-Saharan Africa, the systematic denial of housing and property inheritance rights lies at the heart of their economic marginalisation and housing poverty’’. For instance, a woman married under customary law of the Igbo in South eastern Nigeria is completely disinherited. This is because she cannot benefit from the devolution of her late father’s or husband’s estate (Adekile, 2010).

Among virtually all ethnic groups in Nigeria women still have limited or no access to land, housing and other productive resources. Folarin and Udoh (2014) identified some reasons for this discrimination and denial. These include, discriminatory customary laws, registration of land in husband’s name and lack of human rights’ awareness.

Added to this, the Nigerian tripartite system of marriage laws - customary, religious and statutory - makes it difficult to implement and enforce regulations to protect women’s land and property rights because these laws contradict one another.

Among the majority of ethnic groups in Nigeria, access, control and ownership of land and housing are determined by a number of factors such as the type of marriage entered into, and ability to bear male children. Iruonagbe (2009, p.7) cited in Folarin and Udoh (2014, p. 244) observes in Ozalla Community in Edo State, “inheritance is patrilineal and a woman’s right to land is pegged on marriage.

Hence, a daughter does not receive land when her father dies and even a widow does not inherit land".

Upon divorce or dissolution of marriage, property rights of a woman become a very critical issue. According to Folarin and Udoh (2014, p.245), "a divorced woman cannot lay any claim to any part of the property acquired by her husband during their marriage. The husband's property, whether movable or immovable, is not the common property of the couple". The implication of this is that the family estate is always regarded the man's property.

2.11. 2 Food insecurity

In Nigeria, there is a connection between land and food security. For instance, widows and divorced women have no tenure or inheritance rights to family land. As such there is no guarantee of food security for themselves or their households following the demise of their fathers or husbands. COHRE (2004 p. 23) states "many of the cultures that forbid women to inherit property upon the death of a spouse are also agrarian and therefore depend heavily on their own food production for survival".

Women constitute a large proportion of farm labour in Ondo State, South-west Nigeria. They are discriminated against in the ownership of farm lands. It was established in a field survey (23.8%) of the female respondents had access to community land and (32.5%) of the female respondents had access to inherited land. Therefore, in Nigeria, it is evident fewer women than men have access to farm lands, and this has implications for food security. (Adekola et al, 2013).

2.11.3 Lack of access to matrimonial property

Matrimonial property is property acquired during marriage. However, this property cannot be regarded as belonging to both husband and wife. The concept of matrimonial property is not recognized by any of law in Nigeria (Adekile, 2010).

For example, a man decides to build or buy a house with his income and investments. Correspondingly, the wife decides to assist her husband by providing food, clothing and taking care of other expenses for the family. So, in this scenario, she is contributing to the matrimonial property. In normal circumstances, by law, the husband is required to provide for these basic needs.

Upon termination of marriage by divorce or death of husband, women are not legally entitled to any share in the matrimonial property even though she has contributed to it. Obi (1997) cited in Adekile (2010), p. 14) corroborates,

> "Property whether movable or immovable, acquired by a married man does not become the common property of himself and his wife or wives. A married man does not require the consent of his wife or wives before he can dispose of any property movable or immovable which he acquired while married. It makes no difference that he acquired such property with the help of his wife or wives".

2.11.4 Disinheritance of widows

It was established in 1971, in the Nigeria court case of *Yinusa versus Adesubokan,* that whenever any Nigerian makes a will, it must be subject to restrictions imposed by law, such as the Administration of Estates Laws or other local applicable statutes. Adekile (2010, p.17) says, "with regard to a widow of customary law marriage, on the intestacy of the husband, she is disinherited completely under the various customary laws in the country despite any contributions she might have made to the man's success".

Therefore, disinheritance of widows has serious implications for a woman and her children. The widow is disempowered economically regardless of whether she might have laboured for years with her husband. Upon the husband's death, she may have to start taking care of herself and her children. As a matter of fact, the man's family may even illegally take over the estate of their late brother or son.

2.11.5 Disinheritance of female children

A woman married under Ibo customary law in South-Eastern Nigeria is discriminated against in relation to land and property rights. For instance, she cannot inherit her father's estate because a man's estate is the exclusive preserve of the male children. Additionally, under Ibo customary law, a widow cannot administer her deceased husband's estate. According to Adekile (2010, p. 18) among the Ibo people, a woman is completely, "deprived of inheritance rights and her situation becomes more pitiable if she has no issue at all or has only female children". The implication of this is that the family may take over the estate of their late brother.

2.11.6 Poverty

A woman is entitled to her economic, social and cultural rights as provided for by the United Nations. Article 22 of the Economic, Social and Cultural rights recognises, "the right of all people to economic, social and cultural development and towards its realization". Adekile (2010, p. 22) argues "poverty is a necessary consequence of disinheritance and property rights restriction". Therefore, marginalisation of women in inheritance leads to the feminisation of poverty.

Aina (1999) cited in Adekile (2010, pp. 22 - 23) maintains "the role of the Nigerian women in the economic sphere is largely inhibited because of lack of access to

family land". The Nigerian woman does not have control over her time and products of her labour. As a matter of fact, she herself is regarded as the property of her husband, and everything she has belongs to her husband.

For instance, a Nigerian woman is not rewarded for time she spends taking care of her husband and children. Also, children normally trace their descent patrilineally. A man's property may be taken over by his family upon his death. Worse still, the kinsmen may not provide for the children of their late brother (Aina, 1999) cited in Adekile (2010).

2.11.7 Lack of access to credit facilities

Land and landed property such as housing remain very critical resources in Nigeria. For example, banks are not willing to grant credit or loans to a customer who does not have access to land or landed property such as a house. Access to credit enables someone to invest it in other revenue generating ventures for the ultimate benefit of the entire household.

Further, a woman who has access to credit is in a better position to negotiate her way on any issue both in the family and in the larger society. Unfortunately, because the bulk of the Nigerian women do not own land and housing in their own right to be used as collateral security, they are unable to access credit from banking institutions (Adekile, 2010).

2.11.8 Economic disempowerment

Another impact of discrimination against women in ownership of land and property is that it is disempowering economically. For most women in a developing country like Nigeria, access to land and landed property such as

housing is the most stable means of economic empowerment. Women without secure land and property rights have less opportunity to invest and save money. Additionally, they have a lesser say in how household income is spent (Habitat for Humanity International, 2016).

2.11.9 Marginality

Land and property, especially housing, remain a critical resource in Nigeria. One of the core mandates of social work is to ensure that no one individual or any particular group of people experience marginality of whatever form in society (IFSW and IASSW, 2014). Marginalisation of women in land and property rights has persisted unabated in spite of the fact that it is contrary to the 1999 Constitution of the Federal Republic of Nigeria.

2.11.10 Landlessness

Large-scale land deals usually lead to shifts from subsistence or peasant agriculture to large-scale commercial agriculture in developing country like Nigeria. The implication of this is it reduces the quantum of land available for the adult population. This is especially true for women who want to embark upon any economic activity such as farming. Therefore, large-scale land deals exacerbate the already hostile conditions of women's land access and ownership. It also further limits their opportunities for income generation (Behrman et al., 2011).

2.12.11 Vulnerability to HIV/AIDS epidemic

Vulnerability of women and female-children to the HIV/AIDS epidemic is another impact of gender discrimination in land and property rights. Ahmed (2011, p. 2) asserts, "the need to focus on the discrimination of women and girls in property

law and inheritance has been recognised as a core issue in addressing the HIV epidemic by the United Nations". The reason is if a woman is disempowered or disinherited in relation to land and property, she risks being infected with the HIV because she may be unable to negotiate safe sex or leave violent relationships.

2.12 Conclusion

In this chapter, gender discrimination in land and property rights has been discussed and presented as a global issue. The problem is more evident in developing regions of the world, especially in sub-Saharan Africa. In Nigeria for example, although there have been concerted efforts by all stakeholders to address this issue, significant progress has not been made for numerous reasons.

This chapter discussed the customary laws of inheritance among the Benin, Igbo and Yoruba Peoples of Nigeria. The researcher provided theoretical explanations for the discrimination of women in land the ownership and property rights. Finally, the Beijing Platform of Action (PFA), and the impacts of discrimination against women regarding ownership of land and property in Nigeria were also discussed.

CHAPTER THREE

SOCIAL WORK AND MARGINALITY

3.1 Introduction

In this chapter, the researcher conceptualises social work and its mandates. The researcher also explores how social work addresses the problem of marginality in society. Therefore in this context, the human rights perspective in social work is explored.

The chapter also discusses the emergence of social work in Nigeria and its mandate. Finally, this chapter discusses the role of social work in advancing women's land and property rights in Nigeria. Challenges facing the social work profession in Nigeria in relation to addressing gender discrimination in land and property rights are also discussed, and a conclusion of the chapter is provided.

3.2 Conceptualising Social Work

The International Federation of Social Work, IFSW and International Association of Schools of Social Work, IASSW (2014, p. 1) define social work as,

> "a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing".

The above definition tells us that social work is both a profession and an academic discipline. This implies social work like other professions has its own code of ethics to guide practitioners and protect clients.

As an academic discipline, social work academics teach in universities, instructing students both at undergraduate and postgraduate levels. Additionally, they conduct research into various fields of social work to expand existing frontiers of knowledge. The above definition also emphasises social work engages people and structures to help them perform life tasks or social roles. This is what is referred to as *social functioning* in social work.

The concept of social functioning developed by Boehm (1948) is derived from the social-interaction theory and role theory (Ashford and LeCroy, 2013). According to Ashford and LeCroy (2013, p. 33), these theories assume, "people achieve a sense of self-worth and belonging through the performance of social roles".

People are expected to perform their social roles as prescribed in their social environment. When people fail to perform their roles correctly, this affects the way others perceive them. Failure and disappointments may necessarily follow, as the reactions of others to one's action or inaction is critical in social role performance.

The need to enhance social functioning provides the basis for social work's focus upon person-in-environment transactions. Social functioning refers to the ability of an individual to accomplish daily living tasks such as obtaining food, shelter and fulfilling major roles in the society. Social functioning is about meeting basic human needs necessary to function as productive members of the society. Human needs such as shelter or housing is highly emphasised in any definition of social functioning. Housing rights are implied in land and property rights (Ashford and LeCroy, 2013).

Boehm (1959) cited in (Ashford and Lecroy, 2013) argue social functioning is about understanding biological endowments, environmental forces, the interaction

between endowment and environmental forces, as well as the individual's response to change and stress. The social functioning perspective demands social workers should appreciate the factors relevant for an individual to perform the roles expected of him by virtue of their participation in various social groups (Ashford and LeCroy, 2013). Therefore, social role is the point of connection between people and environments.

According to Ashford and LeCroy (2013, p. 33), emphasis on role behaviour allows social workers to shift their focus from the individual to the, "interaction of an individual with various social systems". The personality of the individual is shaped by various social systems or institutions through the process of socialisation.

The concept of *role* is central to the definition of institutions. The person and institutions constitute the social environment. It is the responsibility of social workers to examine how roles are organised, and to note the functions of institutions. Institutions emerged as a response to specific human needs. All institutions are linked, and play functional roles within society (Gerth and Mills, 1953) cited in (Ashford and LeCroy 2013).

Social workers have adopted institutions and social structures to help them appreciate the interactions of people and their environments. Social workers also use the concept of *role* to link a person's biography with the broader social structure. Ashford and LeCroy (2013, p. 34) define biography as, "the changes in roles as they are taken up and discarded in the … course of an individual's life". The interaction of the individual with his environment is a continuous exercise

from birth to death. According to Ashford and LeCroy (2013, p. 34), role theory is "central to the social functioning perspective".

According to the Council on Social Work Education (CSWE, 2008, p. 1), the purpose of the social work profession is to:

> "promote human and community well-being. Guided by a person and environments construct, a global perspective, respect for human diversity, and knowledge based on scientific inquiry, social work's purpose is actualised through its quest for social and economic justice, the prevention of conditions that limit human rights, the elimination of poverty, and the enhancement of the quality of life for all persons".

The purpose of social work as explained is about how to best ensure both the individual and his/her environment or society are taken into consideration in relation to growth and development, using international best practices. It also acknowledges people and cultures differ across the globe and no one group of people and their culture should be viewed superior to any other.

Social work relies on both scientific and indigenous knowledge to ensure that human beings, where ever they are, get the maximum benefit their society can provide. This can only be achieved through social and economic justice and by ensuring both the human and material resources of any one country are effectively harnessed for the common good of the majority of the people.

Advocating and upholding human rights is also fundamental in the practice of social work. According to the IFSW and IASSW (2014), social work advocates for the rights of people at all levels, and facilitates outcomes where people take responsibility for each other's wellbeing. Added to this, the constant inter-dependence among people and between people and their environment is also acknowledged and respected in the practice of social work.

According to the IFSW and IASSW (2014, p. 1), core mandates of the social work profession includes, "promoting social change, social development, social cohesion, and the empowerment and liberation of people".

Promoting Social Change

Promoting social change is one of the core mandates of the social work profession. This is based on the premise social work intervention takes place at the personal, family, group, community and society levels. The need to challenge and possibly alter the factors creating marginalisation, social exclusion and oppression in the society is emphasised under this mandate. As well, the role of the individual and the greater society in guaranteeing human rights, economic and social justice is of paramount importance in promoting social change (IFSW and IASSW, 2014).

According to UNFPA (2005, p.3) one of the greatest achievements of the 20th century was the, "establishment of an international human rights systems affirming the equal rights of all". Women and children and other marginalised persons must be empowered in one way or another. Therefore, social work as a human rights profession has vital role to play in promoting social change.

Economic and social justice is also implied in furthering social change. According to the United Nations (2006, p. 12), "social justice is a protest against capitalist exploitation of labour and how best to improve the human condition". Issues of justice or distributive justice have been addressed separately from issues of rights. This includes those subscribed in various international human rights conventions such as the convention for the Eradication of all forms of Discrimination against Women, CEDAW (1979).

The dissociation between justice and rights has serious implications. For instance, individuals endowed with rights and freedoms are expected to fulfill duties and responsibilities towards their society. It is the responsibility of social workers to ensure individuals are given the opportunity to use their talents, and to be rewarded for efforts they put into the development of their society. Therefore, economic justice and social justice should not be viewed as antagonistic but complimentary.

Social Development

Amongst scholars and practitioners of social development, there is no single agree-upon definition of social development. Against this background, the need for a broad definition incorporating social development's key features cannot be over-emphasised. Midgley (2013, p. 13) has provided a broad definition calling it a, "process of planned social change designed to promote the well-being of the population as a whole within the context of a dynamic multi-faced development process".

Promoting social development is one of the mandates of the social work profession. The United Nations Development Programme (UNDP) redefined the concept of development from the 1990s to focus upon people rather than simple material growth (UNDP, 1990). In 1995, the World Summit on Social Development agreed education, health, employment, and the involvement of civil societies should become global priorities as far as agendas related to social development are concerned.

In 1954, Welfare administrators from various parts of the British Empire met in Cambridge, United Kingdom and adopted a definition for social development. They defined social development as the, "whole process of change and

advancement of a territory, considered in terms of the progressive well-being of society and the individual" (United Kingdom, Colonial office, 1954, p.14 cited in (Midgley, 2013, p.6). The importance of this definition is social development is ultimately for the benefit of the entirety of human kind regardless of class, gender and colour of skin.

One of the first formal definitions of social development was formulated by a social work scholar, named Paiva (1977). He pronounced social development as, "the development of the capacity of people to work continuously for their own and society's welfare" (Paiva, 1977, p. 323) cited in (Midgley, 2013, p.6). By this definition Paiva meant social development entails developing the capacity in people so they can bring about sustainable improvement in both their own welfare as well as the welfare of the society they are part of.

Social workers played a fundamental role in the propagation of social development ideas. For instance, in 1972, social workers founded the International Consortium for Social Development. This group founded a journal called - Social Development Issues. Through this vehicle, for many years, they promoted social development issues via professional conferences and exchange programmes (Meinert, 1991) cited in (Midgley, 2013, p.6). The contributions of these social workers served as a driving force behind significant pioneering efforts in relation to community development projects in the Global South - especially during the colonial era (Midgley, 2013).

At the 1995 Copenhagen Social Summit, social development was accepted as a global imperative. The following excerpt from the report of the World Summit for

Social Development provides suggestions for the conceptualisation of social development:

> We gather here to commit ourselves, our Government and our nations to enhancing social development through the world so that all men and women, especially those living in poverty, may exercise the rights, utilise the resources and share the responsibilities that enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and human kind. To support and promote these efforts must be the overriding goals of the international community, especially with respects to people suffering from poverty, unemployment and social exclusion (United Nations, 1995, p.3).

It can be deduced from this excerpt that social development is now an international issue. All nations are enjoined to ensure that their citizens receive the maximum development standards possible. Added to this, all advocates and practitioners must ensure they join forces for the realisation of social development.

Social workers, educators and social development practitioners recognise the fact that, for many people, opportunities for social development are beyond their reach. Factors such as family inheritance, place of birth and access to resources are major determining factors relating to self-improvement and/or social development

(I S W, 2014).

The Global Agenda for social work and social development (2014) is a joint global strategy by the International Association of Schools of Social Work (IASSW). Also closely involved are the International Council on Social Welfare (ICSW) and the International Federation of Social Workers (IFSW) which strive to address poverty, inequality of opportunities, access to resources and oppression. The primary themes for 2014 Global Agenda were:

1. Promoting social and economic equalities;

2. Promoting the dignity and worth of peoples;

3. Working towards environmental and community sustainability;

4. Strengthening recognition of the imperative of human relationships.

(I S W, 2014, p. 3)

Social workers and development practitioners define social and economic inequalities as, "disparities and unfairness in the distribution of both economic and social resources which create a gap between the rich and the poor" (ISW, 2014, p. 18). Social and economic inequalities manifest in wages, social transfers, social class, land and housing rights, health services, access to clean water, education and infrastructure.

Social Cohesion

Social cohesion is another mandate of the social work profession. According to the Council of Europe (2004, p. 3), social cohesion is the, "capacity of a society to ensure the welfare of all its members, minimising disparities and avoiding polarization" In all societies, there are strains and stresses arising from divisions and potential divisions.

For instance, there are disparities between the rich and poor in all societies. Social cohesion may be put at risk if these disparities are excessive. The Council of Europe (2004) argues a cohesive society is one which has put into place measures for resolving disparities and tensions in an open and democratic manner. Taking proactive steps to reduce inequalities and disparities is a good strategy to promote social cohesion.

Unfortunately, no society is fully cohesive. According to the Council of Europe (2004, p. 3), social cohesion is an, "ideal to be striven for rather than a goal capable of being fully achieved". The forces of equilibrium in relation to social cohesion are ever changing. It is the responsibility of each generation to find how best to adapt to changes in the social and economic environment. These include changes in technology, or national and international political systems (Council of Europe, 2004).

The Council of Europe (2004, p.3) concludes social cohesion is not only a matter of, "combating social exclusion and poverty, it is also about creating solidarity in society". Poverty and exclusion exist in all societies. The need to take proactive steps to protect vulnerable members of society, especially women and children cannot be over emphasised.

In the practice of social work, it has been acknowledged historical, socio-economic, cultural, spatial, political and personal factors serve as opportunities and/or barriers to the growth and development of the individual and his environment. The perpetuation of inequalities, discrimination, exploitation and oppression is made possible by structural barriers such as land and housing. In order to bring about social cohesion, strategies for addressing structural and personal barriers must be developed (IFSW and IASSW, 2014).

Empowerment and Liberation of People

The empowerment and liberation of people or emancipatory practice is a primary mandate of the social work profession. This directive has a direct bearing with the advancement of human rights as well as economic and social justice. Also included in this mandate, is the responsibility of social workers to ensure no one individual

of any particular group of persons is marginalised, excluded or oppressed in the society (IFSW and IASSW, 2014).

Social work recognises first, second and third generation rights. First generation rights include civil and political rights such as free speech and conscience and freedom from torture and arbitrary detention. Second generation rights include socio-economic and cultural rights such as the rights to reasonable levels of education, healthcare, land and housing rights. Third generation rights are about the natural world, including the right to species biodiversity and inter-generational equity.

It is remarkable to note that global warming and how best to reduce damage to the ozone layer falls within this generation of rights. Third generation rights are interdependent, and include both individual and collective rights.

The empowerment and liberation of people or emancipatory practice is critical social work. Critical theory is the foundation for critical social work practice. Critical social work explains the sources of oppression in society, and encourages those oppressed to take necessary action to change their situation (Fay, 1987) cited in Allan et al (2009).

Allan et al. (2009, p. 5) argue critical social work, "questions the place of existing institutions, such as the family…with a view to constructing a more just society". Allan et al (2009, p.7) concludes critical social work practice requires social workers to, "move away from their comfort zones and to consider how the new world order requires them to engage with the most pressing concerns facing the world today. As well, they must understand their interconnectedness with local practice contexts".

Nipperess and Briskman (2009) cited in Allan et al. (2009, p.65) argue critical social work practice can be enhanced by recognising, "human rights violations can

unwittingly be embedded in social, work practice and policy documents that inform practice".

This implies social workers, because of the nature of their profession, can unintentionally violate the human rights of users of their services. Therefore, social work practitioners must be aware of and respect the human rights of their clients at all times. Added to this, social workers should be able to defend the human rights of vulnerable members of society, especially women and children.

3.3 Social Work and the Problem of Marginality

Marginality is used to describe disadvantaged people struggling to gain access to the critical resources in society, and participate fully in social life. Marginalised people are socially and economically excluded, and are therefore vulnerable to livelihood issues (Gurung and Kollmair, 2005).

Marginality is primarily defined by two major conceptual frameworks, - societal and spatial. Spatial marginality is also referred to as geographical or physical marginality. Emphasis in this study is placed on society marginality. Societal marginality framework focuses on the human dimension such as demography, religion, culture, class, ethnicity and gender.

The economics and politics of society, and how these determine access to resources by individuals and groups is also part of the societal marginality framework. Therefore, emphasis is on understanding the underlying causes of exclusion within the society (Gurung and Kollmair, 2005).

Gurung and Kollmair (2005, p.12) argue the societal marginality framework demands that, "the scale and state of social, economic and political disparities between the marginalised and the mainstream are examined in relation to equitable and legitimate access to resources and decision-making processes". For instance,

marginalised people may be discriminated against by the mainstream in society on the basis of gender or age.

A core mandate of social work is to ensure no individual or any particular group of persons is marginalised, excluded or oppressed by society (IFSW and IASSW, 2014). This can be achieved by ensuring that everybody benefits from the programmes and policies in place within the society. Marginalised groups comprise a significant portion of the global population. This is especially true for women and children who are generally affected, but and remain voiceless. They are frequently left out of national policies and laws, despite the global effort to end discrimination, poverty and social exclusion (United Nations Population Fund, UNFPA, 2005).

The international community recognises the importance of human rights as guaranteed by the Universal Declaration of Human Rights, and various other international human rights documents. This includes the convention on the Elimination of All Forms of Discrimination Against Women, CEDAW.

Are we part of the society? Do we belong? Are we central or marginal? Do we make a difference? Do others care about us? Do others make us feel like we matter? Regardless of our status in society, these polar themes of marginality and mattering in relation to basic human needs and human rights is what makes all of us human (Schlossberg, 1989). Social workers deal with marginality in a society by making service users feel they do matter in their society.

Human rights are universal, and belong to individuals by virtue of being a human being. They include civil, political, economic, social and cultural rights as well as freedoms in relation to personal human dignity and worth. Human rights derive from the Greco-Roman doctrines and the Magna Carta, 1215. This definition

highlights the universality of human rights, and includes all peoples of the world regardless of their race, gender, age or religion. Added to this, it refers to the rights and privileges one should enjoy simply by being human (Udoh, 2012).

3.4 Social Work Roles

Social workers normally assume the following roles in the course of their professional duties:

The advocate role

In this role, the social worker advocates for and on behalf of service users for the provision of resources or welfare by the appropriate authority in the society. Advocacy comes into play when working with families, groups and communities. Social work practitioners advocate at multiple levels to facilitate both individual as well as social change (Zastrow and Kirst-Ashman, 2007).

There are two types of advocacy in social work: **case** or micro advocacy and **cause** or macro level advocacy.

Case or individual/family advocacy involves providing or obtaining services clients need to improve their socio-economic well-being. For instance, clients may face cultural barriers preventing them from achieving their fundamental human rights. Clients may also be too frightened or overwhelmed by life circumstances to confront discriminatory institutions and systems. With the permission of their clients, social workers may locate a lawyer to speak directly to clients, and represent them in the law court if need be (Zastrow and Kirst-Ashman, 2007).

Conversely, cause or social change advocacy, involves actively supporting or working to bring about social change in the society. Lobbying efforts to amend

local, state and/or federal government policies are examples of cause or social change advocacy (Zastrow and Kirst-Ashman, 2007).

The activist role

In this role, the social worker tries to fight injustice, inequality, and deprivation of vulnerable members of the society. As an activist, the social worker may negotiate or be confrontational (Zastrow, 1981) cited in (Iwarimie-Jaja, 2011).

The broker role

In this role, the social worker endeavors to connect clients or groups who may be in need of help. This is because many such groups do not know how to connect with relevant community service agencies in the society.

The enabler role

As an enabler, the social worker helps clients cope with stress related issues. For example, the social worker may help clients to identify the root causes of their problems. Enabler skills include helping clients deal with economic difficulties; identifying clients' strengths and weaknesses; mobilizing support systems; and breaking down problems into manageable parts (Zastrow and Kirst-Ashman, 2007).

3.5 Social work and human Rights

The dichotomy between public and private spheres in conventional human rights discourse influences against the identification or classification of social work as a human rights profession. The identification of human rights as a public issue is the major reason why social work is not being regarded by so many people as a human rights profession (Van Den Bergh and Cooper 1986; Dominelli and Mcleod 1989) cited in (Ife, 2008). This researcher argues social workers must look beyond the

public/private divide, and view human rights issues as affecting everybody in the society.

Human rights violations are carried out by the state, private individuals, groups as well as and family members. Social workers tend to concern themselves with human rights violations committed by individuals or groups, and often times act in their own capacity. Ife (2011, p. 66) argues social workers, in their policy, advocacy, social action and research work, should concern themselves with, "the action (or non-action) and the responsibility of states… the actions of private individuals… the role of other non-state actors in human rights abuses, specifically corporations, transnational bodies… religious organisations, and NGOs of all kinds".

Ife (2011, p. 66) asserts, "human rights-based social work practice should see social work and human rights as encompassing the public/private divide. Social work links the public and the private spheres because it understands problems in their historical, political and cultural context". Added to this, social work as a discipline emphasises the importance of a structural analysis of any society.

This involves, the importance of advocating on behalf of the vulnerable members of the society, especially women and children. As well, there is the need for human diversity to be understood from a universal human rights perspective in order to prevent oppression and exploitation.

3.6 Culture and human rights

The law is part of the non-material aspect of culture, and human rights are part of the international law applicable to all UN member countries. Currently, there are three major modern human rights laws in existence: The Universal Declaration of

Human Rights (UDHR) 1948; the Covenant on Economic, Social, and Cultural Rights (1966); and the Covenant on Civil and Political Rights (1966). The UDHR is the foundation of current human rights discourses.

The idea of human rights originated in the West and because of this, it is not generally appreciated in the non-Western world. This accounts for much of the existing opposition to the universalism of human rights. Good (2010, p. 30) affirms, "human rights discourse is not necessarily framed in a way that all cultures would identify with or find acceptable". Good (2010, p. 33) further argues, "the very basis of the relativist-universalist debate is the significance of cultural variation in human rights discourse".

Brown (1999) cited in Ife (2011, p. 68) maintains cultural difference is perhaps, "the strongest criticism of the idea of human rights…and the most difficult to deal with". Social workers from Western traditions, who are aware of the role of the west in colonising other world-views, and who knows the value of cultural relativity, feel guilty about supporting the human rights discourse.

Conversely, social workers from non-Western traditions perceive human rights discourses as a Western concept and therefore not to be trusted. According to Ife (2011, p. 68) although it is correct to argue, "the Western cultural tradition has been the origin of many oppressive and colonising practices, including some aspects of conventional social work practice, the feelings of guilt about all things Western, so commonly expressed by… social workers, represents an inappropriate and unhelpful reaction".

In order to deal with the issue of cultural difference in the human rights discourse, social workers must have the capacity to look critically at all cultural traditions.

They must comprehend human rights as important in all cultures; view human rights as contextualised differently in diverse cultures, and view human rights violations and the struggle for human rights as a global phenomenon.

An understanding of cultural issues is fundamental to social work practice and to human rights discourse. The reason is that in order to understand any one individual, family or community, the culture is of primary significance. Added to this, other important determinants of human behaviour such as psychological or social structural factors must also be recognised (Ife, 2011).

3.7 The western domination of human rights discourse

Although the Western intellectual tradition dominates the human rights discourse, human rights are not strictly a Western invention. Senger 1993; Ishay, 1997, Hayden, 2001 cited in Ife (2011, p. 69) emphasise, "the idea of human rights can be found in many philosophical and religious traditions, including Judaism, Islam, Buddhism, Hinduism and Christianity, and in Greek, Arabic and Indian philosophies".

However, Western intellectual tradition has dominated social and political discourses across all disciplines, not just human rights. The Western intellectual tradition is also dominant in science, psychology, law, medicine and social work. Ife (2011, p. 70) concludes that, "Western domination of human rights is no reason to reject the idea altogether, rather it represents an imperative to undertake a task of reconstruction of human rights in such a way that does not privilege the apparently dominant Western world-view".

3.8 Individualism and human rights

In Western liberal thought, it is the individual experience, and the individual achievement which is celebrated. Individualism is so emphasised in Western philosophy that it is almost impossible to see the world from a different perspective.

For instance the Confucian world-view maintains there is strength in harmony and the value of the whole. However, this is unacceptable in Western political thought. Individualism is emphasised in human rights discourse, and has made individuals and governments from non-Western countries skeptical about the anticipated benefits of human rights in their own societies (Ife, 2011).

In social work, individual understandings of most social problems dominate social work practice. Collective analyses and practices such as group work and community development are second to individualised forms of practice such as casework. Social workers must strive to de-emphasise individualist biases in their own practices, and employ both individual and collective approaches. Therefore, social work practice entails linking the individual and the collective, the personal and the political, and the integration of the macro and micro practice (Ife, 2011).

3.9 Achieving human rights through social work practice

A first-rate student of social work should be able to develop his/her practice skills and understand the theoretical orientations of the discipline. Social workers must learn and reformulate their world-view and approaches to practice on a daily basis. Added to this, they must also perform as researchers/practitioners and collaborate with researchers from other disciplines.

Social workers advocate human rights of individuals and groups as provided for by the United Nations. As a human rights profession, social work focuses upon individuals and groups, and how they interact with their environment. It is remarkable to note environment plays a fundamental role in the fulfillment of both individual and group needs.

Social workers look beyond the immediate circumstances of individuals and groups, and regard the whole world as their constituency (Reichert, 2001). This implies social workers should view themselves as professionals without borders; viewing the entire world as one; and strive to make it a better place for us all.

This dual focus, the individual and community, national and global, distinguishes social work from other "helping" professions. According to Reichert (2001, p. 77), although other helping professions also address individual issues, they do not generally have the mandate to, "challenge environmental impediments in resolving those issues".

There is a connection between social work as a profession and the first, second and third generation human rights. First generation rights in relation to social work practice means advocacy on behalf clients as far as their civil and political rights are concerned. Examples of these rights are freedom of speech, freedom from discrimination, fair trial and so on.

Second generation rights are economic, social and cultural rights such as right to health, housing, social security, and education. Social work advocacy in relation to second generation rights involves striving to put services into place to meet education, healthcare and land and housing rights of the people. Third generation

rights include the right to social development and self-determination (Ife, 2001) cited in (Australian Social Work, 2011).

There is also a link between third-generation rights and community development in social work. Community development is a way of working with communities to improve their capacity to acquire solutions to their problems (Australian Social Work, 2011). As well, there is symbiotic relationship between community development and human rights. According to Ife and Fiske (2006) cited in Australian Social Work (2011, p.146), "community development needs a human rights based framework if it is to be successful, and human rights needs a community development framework if they are to be realised".

In 2006, the United Nations recognised the relationship between community development practices and human rights. The United Nations (2006) argues that the people of any country have key roles to play in their own development; development outcomes and processes must be monitored and evaluated. All stakeholders must be involved in the developmental process. Development programmes must center upon marginalized, disadvantaged, and excluded groups. And, finally, the development process should be home-grown or indigenous to each country because cultures and historical antecedents are different.

3.10 Human rights enforcement under the Nigerian constitution

Human rights enforcement under the 1999 constitution of the Federal Republic of Nigeria is not very effective. This ineffectiveness is negatively impacting social workers in their fight against marginalisation and oppression in the country. There are problematic issues in some provisions of the constitution which undermine and negate human rights enforcement. They are as follows:

1. *The relationship between international human rights instruments and the domestic or municipal law*

The relationship between international human rights instruments and domestic or municipal law can be explained by the theories of monism and dualism. Monism asserts both international law and domestic law constitute the universal legal order. Dualism emphasises international law and domestic law are two separate legal orders. And, in Nigeria, the theory of dualism takes precedence over monism (Dada, 2012).

In the celebrated case of *General Sani Abacha vs Gani Fawehimi,* the Supreme Court relied on section 12 of the constitution to hold that, "an international treaty to which Nigeria is a signatory does not *ipso facto* become a law enforceable as such in Nigeria. Such a treaty would have the force of law and therefore actionable only if the same has been enacted into law by the National Assembly". According to Dada (2012, p.39), "the constitution can limit, restrict, circumscribe and abridge international human rights treaties to which Nigeria is a party".

2. *The dichotomy between civil and political rights, and economic, social and cultural rights*

In the Nigerian constitution, there is a distinction between civil and political rights, and economic, social and cultural rights. This dichotomy has created a constitutional problem. To illustrate, while civil and political rights as contained in chapter 4 of the constitution are justiceable, the social, economic and cultural rights as contained in chapter 2 of the constitution are not.

Against this background, the Nigerian citizenry are unable to seek any legal remedy in the event of deliberate and systematic violations of their fundamental

human rights, especially those involving their economic, social and cultural rights (Dada, 2012).

3. *The concept of locus standi*

According to Okeke (2013, p. 209), "*locus standi* is a right to be heard by a court of competent jurisdiction". The constitution empowers any person whose fundamental human rights have been breached to apply to the High Court for redress. Therefore, *locus standi* is a pre-requisite for the institution and prosecution of human rights violations.

Dada (2012, p. 41) argues that *locus standi,* "represents a formidable impediment to the goal of human rights". In Nigeria, many people continue to suffer human rights infractions, especially women. The reason is that most women are unaware of their fundamental human rights. Unfortunately, the majority of women who are discriminated against in land and property rights are not able to seek redress in a court of competent jurisdiction. They are either ignorant of their rights, or lack the resources to institute legal proceedings.

Currently, there is a constitutional provision that government should provide financial assistance to any indigent person whose rights have been breached to engage the services of a lawyer. However, in reality, this provision does not function as the Nigerian legal aid programme is utterly ineffective (Dada, 2012).

3.11 The development of social work in Nigeria

In pre-colonial Nigeria, informal social services were provided by the family, kin group, the clan and community. Iwarimie-Jaja (2011, p. 27) argues, "the clan was the unit of social organisation and the family was the locus of social production

and the source of distribution of goods and services". This implies every community was an autonomous system, with structures in place to take care of everybody. For instance, family and age-grades organisation were responsible for community and youth development.

According to Ogundipe and Edewor (2012, p. 48), "the first missionaries came to Nigeria to envangelise Nigerians in the late 19th century". In 1842, Thomas Freeman established the first Christian mission in Nigeria. Between 1842 and 1900, several missions were established in Nigeria.

For instance, the Church Missionary Society was established and spread to various parts of the country. These Missions provided medicine and built clinics; taught midwifery, simple nursing, sanitation and hygiene; and designed child welfare and women's programmes (Ogundipe & Edewor, 2012).

In 1942, the colonial government established a foster home in Nigeria. This home provided shelter for delinquent children who lacked parental care and control. Also in 1942, a boys' club known as the Green Triangle Club was established in Lagos, in South-west Nigeria and later spread to other parts of the country. It was also created to assist with children who displayed delinquent behaviour. The ultimate goal was to teach them how to behave well and become productive members of the society (Iwarimie-Jaja, 2011).

The high incidence of juvenile delinquency continued in spite of the efforts by the government to bring it under control. Against this background, Mr. Faulkner, a Home Prison Service official, specializing in social welfare in the United Kingdom, was commissioned to research into the root causes of juvenile delinquency in the country. Based on Faulkner's findings, the colonial government

established approved schools and remand homes for the rehabilitation of delinquent children all over the country.

After the end of World War II, the colonial government saw the need to consolidate provision of social welfare services across the country. The Salvation Army retained delinquent boys providing shelter, food and clothing to the children. In 1956, the first girls' approved school was established in Lagos.

Street girls involved in prostitution were sent to these approved schools and taught new careers and job skills. To assist government efforts in the provision of social welfare services, voluntary organisations such as the Young Women's Christian Association (YWCA) and Young Men Christian Association (YMCA) were formed (Iwarimie-Jaja, 2011).

The British colonial government introduced a range of social welfare services such as adoption and foster care services, marriage guidance and the establishment of remand homes. Anucha (2008) cited in Okoye (2013, p.4) argues these services completely replicated, "the social work systems that existed in Britain". However, the provision of these services were restricted to Lagos, Ibadan, Enugu and Kaduna, the former regional capital cities in Nigeria (Okoye, 2013).

To cushion Nigerians from the effects of colonialism and prepare them for eventual political independence, British colonial administrators saw the need to institute a ten-year developmental welfare plan (1946-1956). More funds were made available for social welfare services and programmes.

3.12 Post-independence developments and social work in Nigeria

Upon attainment of political independence in 1960, state power and authority were transferred to the recently elected Nigerians. At this time, social welfare services, and programmes became the responsibility of the new Federal Government.

The social welfare division of the Federal Ministry of Labour was charged with the responsibility of providing social welfare services. These included case work services, group work services, approved schools, adult education, community development and welfare services for the blind (Iwarimie-Jaja, 2011).

The Nigerian Civil War which lasted four years (1966 - 1970) negatively impacted human welfare. According to Iwarimie-Jaja (2011, p. 35), "the overall effects of the war left many people pauperised, unhealthy and in need of psychological and physiological rehabilitation".

This was particularly the case in Eastern Nigeria, where many people lost their homes and families and became refugees. Following the end of the civil war in 1970, the Federal Military Government discovered traditional welfare institutions and existing social services could not handle the emerging social problems.

In 1970, the Federal Military Government invited Dr. A. H. Shawky, the then United Nations Regional Adviser on Social Welfare Policy and Training, to study existing social welfare services in Nigeria. The intention was for him to make recommendations to Federal and State governments as well as voluntary organisations on how best to improve existing social welfare services in the country (Obikeze, 2001) cited in (Okoye, 2013).

In 1971, Dr A. Shawky submitted his report to the Federal Military Government. This report became an important watershed in relation to the development of social work in Nigeria. For instance, the report led to the declaration of Decree Number 12 of 1974, also known as the Social Development Decree. This pronouncement brought into existence formal social work practice in Nigeria.

After the civil war, it became imperative for the Military Government to reconstruct communities and cities ravaged by the war. Also of paramount importance was to rehabilitate victims of the war, particularly the elderly, women and children in the eastern part of the country.

Between 1970 and 1979, Nigeria experienced an economic boom from crude oil exports but could not achieve sustained economic growth because of wide spread corruption by public office holders. Imbalances in the revenue sharing formula and the misuse of public funds seriously affected social welfare provisioning. According to Iwarimie-Jaja (2011, p. 40), "different types of vices, ranging from delinquency to deviancy became the order of the day in a bid to amass wealth by young persons and adults".

By 1980, the country experienced economic recession, and suffered marginalisation in the global economy as the balance of trade became very discouraging. In 1986, the Federal Military Government tried to address growing socio-economic problems through its Structural Adjustment Programme (SAP). Unfortunately, the government failed to establish social welfare programmes to cushion the burden and sufferings of the general population.

3.13 Social Development in Nigeria

According to Jinadu (2015, p. 863), the social development sector has been, "marginalised in the country's development plans since independence". The social development sector has been given very little attention by economists who have dominated the national planning process.

The marginality of social development was possible because it was largely staffed by untrained personnel who did not understand the sector's actual and potential roles within Nigerian society (Jinadu, 2015). Added to this, the popular view was development was synonymous with economic growth (Jinadu, 2015). Expertise from other social science disciplines, other than economics was scarcely ever included in the national planning process.

Social development comprises social welfare, youth development, sports and culture development, as well as community development. Jinadu (2015, p. 865) observed "social development sector in post-colonial Nigeria has not effectively transformed the service system into an indigenously rooted system". This probably accounts for the non-inclusion of this sector in national planning and development. Against this backdrop, it has become imperative to re-conceptualise social welfare to reflect upon world views of the many ethnic groups constituting Nigeria.

The social development sector in Nigeria does not possess culturally relevant social service structures. Jinadu (2015, p. 866) maintains the present state of, "structural irrelevance that characterises the sector is… attributable to the fact that goals, process and functions of the social development sector have never been clearly identified and conceptualised in the context of an overall determination of the rich cultural heterogeneity of Nigeria".

Therefore, social development administrators and social researchers who have knowledge about what the majority of citizens need must be carried along in the national planning process so they can suggest new directions for social policy and social welfare.

Social development efforts in the country have not been very successful because administrators and social scientists charged with this responsibility have failed to produce relevant content. For example, an effective mechanism to convey relevant information from the grassroots to the appropriate quarters has not been created.

A review of past and present development plans indicates decisions about priorities and target populations have been determined mainly by the United Nations declarations focusing on children and disabled persons. Accordingly, funds have been made available by the Nigerian Government and international organisations to the target populations rather than having sensitivity to domestic felt-need and relevance (Jinadu, 2015).

United Nations funds not usually channeled towards national targets and priorities are not recognised by the UN and other specialised agencies. Jinadu (2015, p. 867) states it is imperative for national governments to, "develop such auto-centered initiatives so that the stimuli to create grass roots channels and support can be nurtured and reinforced".

Another problem with the social development sector in Nigeria is there are very limited numbers of formally trained social workers in the employment of both Federal and State Ministries of Social Development. The implication of this is front-line workers are not properly trained or given the opportunity to participate in the decision making process.

Social administrators and other social scientists in Nigeria must re-evaluate goals, priorities, and processes of the social development sector. They must get more involved in the role and structure of social development in nation building. In addition, an approach to social development, based on the customs and traditions of the people must be initiated.

Social development cannot be achieved in Nigeria by relying on the strategies and concepts developed in Europe and America. Jinadu (2015, p. 869) concludes Nigeria must begin to exercise, "self-determination and discipline to ensure that whatever indigenous cultural, human and economic resources available are used to create and provide services that are relevant".

The need therefore has arisen for policy makers and other social scientists in Nigeria to re-evaluate the service sectors with a view to making it compliant with international best practices. To achieve this, interaction between all sectors of the planning process must be strengthened.

3.14 Social Work Education and Training in Nigeria

According to Ogundipe and Edewor (2012, p. 52), the University of Nigeria, Nsukka, "pioneered the training of University level social workers in the country". In 1976, the Social Work Programme was established in the Department of Sociology and Anthropology, Faculty of Social Sciences, University of Nigeria, Nsukka. The University commenced an undergraduate programme in Social work in 1985, and postgraduate programmes (MSc and PhD) Social work in the 1987/1989 academic session (Ogundipe and Edewor, 2012).

In 1979, a social work programme was launched in the Department of Sociology and Anthropology, Faculty of Social Sciences, University of Benin, Benin City. At

inception, only postgraduate programmes in Social work (Msc and PhD) were offered. In 1983, a two-year undergraduate diploma programme in social work was introduced. Then, in the 1995/1996 academic session, a five-year undergraduate degree programme in social work was introduced. Both the undergraduate diploma and degree programmes were offered on a part-time basis (Ogundipe and Edewor, 2012).

In 2006, the Social Work in Nigeria Project (SWIN-P) was launched at the University of Benin by Associate Professor Uzo Anucha of York University, Canada. The SWIN-P Project was an international collaboration between University of Benin, Nigeria and three Canadian Universities – York University, the University of Windsor and the University of British Columbia. The goal was to help improve the quality of social work education in Nigeria. The Project commenced with the admission of the first consignment of students into the professional Master of Social Work (MSW) Programme at University of Benin in 2007 (NASWE, 20011).

The SWIN-P Project also created a platform for the establishment of the Nigerian Association of Social Work Educators (NASWE) on the 5th of May, 2010. Following this, publication of the first edition of the *Journal of Nigerian Social Work Educators* was issued in 2011.

As part of the SWIN-P Project and with the approval of the Senate of the University of Benin, a full-fledged Department of Social Work was established in University of Benin in 2011. The first group of students enrolled in the full-time Bachelor of Social Work (BSW) graduated in 2015.

Odiah (1991) cited in Anucha (2008) observed the curriculum of social work in Nigeria was informed by Western approaches to social work which promotes remedial social work. The curricula of most schools of social work in Nigeria emphasise a remedial approach, dominated by casework based on European and American theories.

However, there is a mismatch between social work education and contemporary social problems in Nigeria. According to Anucha (2008, p. 230), "not much curriculum change…has occurred to address these concerns". Therefore, a key challenge to social educators and practitioners in Nigeria is how to transform and re-envision social work education and training to better meet current realities.

According to the Nigerian Association of Social Educators, NASWE (2011) Nigerian social work students are exposed to a very limited number of field placements which limit their practical experience. For example, at the University of Benin, Nigeria, social work students are not involved in more than three (3) months of field placements in the course of their undergraduate programme.

Uche et al. (2014) argue that in Nigeria, a paradigm shift in social work education would emphasise a developmental approach, and make it mandatory for social work students to spend more time in field placements, especially in agencies utilizing conventional/progressive/critical social work. This would enhance social work practices in the country.

Shifts are beginning to occur in the curriculum of social work education in Nigeria. Greater emphasis is now being placed on developmental social work in line with the IASSW definition of social work. Anucha (2008, p. 237) affirms the shifts in the Nigerian curriculum of social work education became inevitable because the,

“challenges facing twenty-first century Nigeria, including large scale unemployment, poverty, the AIDS pandemic, lack of access to basic healthcare and structural threats to the equality of women demand a social developmental model for the education and training of social workers”.

Therefore, social work educators and policy makers in Nigeria must dialogue on re-visioning the social work profession. Extensive transformation of the curriculum must be carried out. Added to this, social work educators must unlearn old teaching practices compatible with remedial social work, and embrace the developmental model (Anucha, 2008).

The curriculum of social work education in Nigeria relates to the IASSW’s definition of social work. This is because the issues emphasised in the definition of social work as a profession are beginning to be incorporated into the curricula of Nigerian schools of social work. The key issues are: modern social work practices should focus on promoting social change; social development; social cohesion; and the empowerment and liberation of people.

On promoting social change, social workers in Nigeria are starting to intervene at the personal, family, group, community and societal levels. For instance, social workers are at the fore front of connecting displaced or marginalised persons with agencies where they can find some form of assistance.

At the community level, social workers are drawing the attention of policy makers to projects that should be put in place for the benefit of all the community members. Also, as part of promoting social change, social workers in Nigeria are challenging the factors creating marginalisation, social exclusion and oppression in

the society. Finally, they are insisting on a guarantee of fundamental human rights, as well as economic and social justice for all.

In the IASSW's definition of social work, social development is also mentioned as one of the priority areas of social workers. In Nigeria, social workers, social development practitioners and civil society organisations are joining forces to promote the well-being of the population as a whole. This is especially so in the area of poverty reduction, environmental and community sustainability, as well as the promotion of dignity and worth for all people.

The IASSW's definition of social work emphasises the need for modern social practitioners to be at the forefront of achieving social cohesion in society. However, historical, socio-economic, cultural, political and personal factors may serve as barriers to growth and development of both the individual and his environment. Consequently, this may affect social cohesion. Against this background, social workers in Nigeria are now attracting the attention of the government and other stakeholders, to address the structural and personal barriers hindering social cohesion.

Finally, the IASSW's definition of social work makes reference to empowerment and liberation of the marginalised, excluded, or oppressed members of the society, and the need to help them to overcome their problem.

This is called emancipatory practice or critical social work, and includes the advancement of human rights, in addition to striving to achieve economic and social justice for all members of the society. In Nigeria, social workers involved in emancipatory practice or critical social work explain the sources of oppression in

society. Encourage the marginalised, the excluded and the oppressed to take necessary action to change their situation. This is, however, still in its infancy.

According to Anucha (2008, p.235), the remedial social work approach is inappropriate for, "tackling the social problems of underdevelopment and large scale poverty that confront Nigeria and other African countries". In this context, social work educators, scholars and practitioners in Africa are beginning to emphasise a developmental perspective capable of transforming the current remedial social work legacy into an approach able to address the unique social realities in Africa.

Mupedziswa (2001) cited in Anucha (2008, p. 236) argues, "if social work is to move from remedial to preventative and rehabilitative action, it must transform its programs within a social developmental approach starting from social work education and training".

Anucha (2008) suggests three issues could serve as a guide in the exploration of a new direction for social work education in Nigeria:

First, social work education curricula need to integrate indigenous knowledge within the local communities. Mathias (1995) cited in Anucha (2008) says Nigerian social work educators can apply indigenous knowledge to developmental issues by carrying out in-depth research involving local people and focusing on recording and analysing indigenous knowledge. As well, greater focus must be placed on learning how indigenous knowledge relevant to applied projects can be assessed and utilised.

Second, social work education must embrace the concept of indigenisation. Walton and Abo El Nasr (1998) cited in Anucha (2008, p. 238) describe indigenisation as,

"a process that involves taking Western social work models and modifying them to suit a different cultural environment".

Third, the willingness and openness to share with international colleagues the experiences of applying indigenous knowledge to contemporary problems is part of the search for a new direction of social work in Nigeria. Social work education should be properly located and contextualised within indigenous African culture, tradition and civilization. This will enable African scholars to demonstrate to their international colleagues that they too have something to offer the intellectual global village.

Anucha (2008) argues Nigerian social work education programmes at the diploma and bachelor's levels need to focus on two pragmatic issues. First, is curricula review - identifying gaps such as overemphasis on academic content and minimal practical work. Critical course components deficient in the curricula should be included and developed.

Second, the establishment of effective field education offices is necessary to support students' practicum and field work. Field education is essential in assisting students integrate theories learned in the classroom with actual practice (Sheafor & Jenkings, 1982) cited in Anucha (2008).

Nigerian social work students require an effective field education programme to link their academic world to the real world. Anucha (2008, p. 240) concludes Nigerian Universities are, "modeled after colonial British institutions…often physically and programmatically removed from the needs of the poor and marginalised. While such separation is regrettable anywhere, in the context of

West Africa, where so much is needed and there is so little infrastructure and expertise available, it is simply unacceptable".

3.15 Fields of Social work practice in Nigeria

According to Okunola (2002 p. 46), in Nigeria, "about three-quarters of social workers are found in case work services such as personnel, labour welfare, medical social work, family case work, relief and rehabilitation services, child care and reformatory schools". In any of the above mentioned fields, the roles of social workers are very similar.

For illustration, they investigate and collect accurate data about clients' problems and evaluate their capacities to cope with the situation. They ensure precise recording of the information provided by the clients. They ensure careful analysis and interpretation of the data in the light of known criteria appropriate for the case. They decide on the course of action to be taken considering the diagnosis made and develop a tentative plan of action with the clients' participation. Finally, they determine a treatment plan, which when successfully achieved, the case work service is brought to an end (Okunola, 2002).

Okoye (2013, p. 8) observes it is now, "mandatory for every Federal government hospital to have a social work unit". This has become imperative especially in the management of mental illness, as some patients may benefit from social work counseling. Additionally, medical social workers are expected to have a firm understanding of socio-biology.

The reason for this is a connection exists between the physical body and the human mind. There are underlying psycho-social factors which could either hinder or facilitate recovery from mental illness. Beyond medical treatment, the stressors in

the clients' immediate environment must be identified, and reduced. After discharge of psychiatric patients from hospital, follow-up home visits are undertaken by social workers who were part of the managing team when the patients were in the hospital (Okunola, 2002).

3.16 Social work and gender discrimination in land and property rights in Nigeria

In Nigeria, the issue of gender discrimination in land and property rights is a human rights issue requiring a multi-disciplinary approach. In September 2000, the UN Millennium Declaration was adopted by the General Assembly of the United Nations. Developed and developing countries agreed to join forces to achieve all Millennium Development Goals. For instance, the third goal - promoting gender equality and empowering women was strategic to the realisation of the other seven millennium development goals, as well as to reduce poverty by fifty per cent by 2015 (UN, 2005).

Social work as a profession has a dual focus, distinguishing it from other care professions such as psychology and nursing. These fields of care address only individual issues and without a mandate to challenge the social structure in resolving those issues (Reichert, 2001).

Tension between the dual focus of social action and individual change has been apparent throughout the history of social work practice. The profession has alternated between two opposing forces: - a focus on personal troubles and an equal focus on public issues (Lundy and van Wormer, 2007).

In Nigeria, social work for the moment does not have a dual focus. It deals with personal issues such as child abuse and neglect. Public issues such as land and

property rights, trafficking of persons, and gender discrimination are regarded as the exclusive preserve of lawyers. Additionally, social work does not have a supporting law to thrive as a profession.

Social work intervention is necessary in Nigeria because women are still discriminated against in land and property rights. Advocacy work can be undertaken by social workers in conjunction with other social service professions to fight the marginalisation and discrimination of women in land and property rights.

Advocacy is skill needed by social workers to advance women's land and property rights in Nigeria, because it promotes social justice. Reamer (1998) cited in Dalrymple and Boylan (2013, p. 2) defines social justice as, "an ideal condition in which all members of a society have the same basic rights, protection, opportunities, obligations and social benefits". Therefore advocacy by social workers helps to ensure women, who are discriminated against in land and property rights, are empowered to regain their voice and be recognised as members of the society.

Advocacy promotes equality and social inclusion. Advocacy helps people to know their rights; and how to exercise these rights in influencing decisions affecting them. Advocacy also promotes social justice. In the promotion of social justice, there is the likelihood to challenge inequality and injustice (Dalrymple and Boylan, 2013). For example, in Nigeria, social workers can participate in social action to assist women who are discriminated against in land and property rights.

In contemporary social work practice, a number of models of advocacy have been developed:

1. Case (or issued-based) and systemic (or cause) advocacy

Dalrymple and Boylan (2013, p.3) explain this model involves, "case or issue-based advocacy (where work is focused with individuals or small groups such as families in a task-centered way) and systemic or cause advocacy - where knowledge from individuals' cases contributes to collective advocacy for systemic change to legislation, policy or practice".

It is remarkable to note that for most social workers, case advocacy is part of their day-to-day practice. However, advocacy at both levels are inter-related. For instance, to empower women who are discriminated against in land and property rights, changes both at the individual (case) and structural (systemic) levels are fundamental.

In social work advocacy, emphasis is placed on promoting change and a model that linking both case and systemic advocacy should be utilised. In most cases, individual situations provide the information needed to bring about changes in systems, policy and legislation (Office of the Child Youth and Family Advocacy, 2000) cited in (Dalrymple and Boylan, 2013).

2. Active and passive advocacy

Hodgson (1995) cited in Dalrymple and Boylan (2013, p.5) argues, "passive advocacy involves the advocate speaking up for someone else, and active advocacy is applied to speaking up for oneself. However, these approaches can also be seen as part of a continuum". Advocacy in a real life situation is a combination of both approaches.

3. External and internal advocacy

External advocacy refers to working outside a system to effect change. Internal advocacy signifies to the coming together of social workers and other professionals within a system. Internal advocacy is fundamental to the relationship between service users and social workers. External advocacy is about the relationship between service users and their service providers in monitoring and changing human service agencies (Dalrymple and Boylan, 2013).

4. Welsh Model: advocacy jigsaw

The Welsh government developed a model for providing advocacy services to service users. It recognises there are several ways of providing advocacy, and a range of people who can be advocates. The advocacy role of professionals is essential in an advocacy jigsaw scenario as all parts of the jigsaw interconnect.

Professionals are regarded as ‘formal advocates’, and parents, neighbours and friends are recognised as ‘informal advocates’. The other two parts of the jigsaw is made up of ‘peer advocates’ – which recognise service users often prefer to talk to their friends, and independent professional advocates (Butler and Williamsom, 1994; Hallett et al., 2003) cited in Dalrymple and Boylan (2013).

Social work advocacy

Woodrow (1997) cited in Dalrymple and Boyle (2013, p.9) argues the function of an advocate is, “to give evidence by supporting verbally or making arguments for a cause”. Advocacy is social work derived from the ‘case work’ and in part of the Mutual Aid Movement.

According to Payne (2006b) cited in Dalrymple and Boylan (2013, p.9) social workers' advocacy role takes on some of the "qualities that might be used by a lawyer, described as 'preparing the way' for a service user, 'arranging a deal' with another agency or profession or 'organising resources' for a service user". The Mutual Aid Movement began in the 19th century to champion social change and community development.

3.17 Challenges facing social work in addressing marginality in Nigeria

Although social work as a profession has great potentials for Nigeria as a nation, there are challenges facing social workers in their fight against marginality. In Nigeria social work and its services are deemed almost non-existent (Okoye, 2008) cited in NASWE (2011). The challenges facing the social work in addressing marginality in Nigeria include:

Lack of professional recognition: Social work as a profession has not been accorded the same status as other social science disciplines in Nigeria. According to Okoye (2008) cited in NASWE (2011, p. 92), "the discipline is placed in the category of non-essential, somewhat inferior profession". Against this backdrop, social work has received limited support from both members of the public and the government. The majority of the Nigerian citizenry do not know much about the social work profession or the services social workers can render in relation to addressing marginality in society.

Lack of knowledge about what social workers do: In Nigeria, people who know the existence of social work as a discipline are still very much unclear about how social workers can assist in the fight against marginality. Some are of the opinion social workers are charity workers while others feel they are associated only with

child protection. Okoye (2008, p. 93) argues "inaccurate public perception of what social workers actually do is a major challenge to the growth of the profession".

Conduct of social workers: The way and manner most social workers portray or conduct themselves in Nigeria affects their public image. Unfortunately, many social workers are not proud of their profession. This has negatively impacted the social perception of the profession in the country (NASWE, 2011).

NASWE (2011, p. 94) corroborates, "it is not uncommon to find social workers claiming to be a counselor or psychologist simply because he/she feels that people will appreciate him/her the more". In spite of this, Nigerian social workers should have a positive image of their profession, and be proud of their professional calling. Additionally, they must be ready to uphold the ethics of their profession at all times.

The way conflicts are resolved: Another challenge to social workers in their battles against marginalisation is the manner conflicts are resolved. The bulk of conflicts, especially family related ones are usually resolved within the family. Some may be reluctant to reveal their private or family problems. For such people, revealing family issues to a non-family member for counseling or advice is alien to the customs and traditions the Nigerian people. Problems that cannot be resolved at the individual or family levels are usually referred to the traditional rulers or Kings for adjudication (NASWE, 2011).

3.18 Conclusion

In this chapter**,** social work has been conceptualised. As well, the mandate of social work from a global perspective; social work roles; the relationship between social

work and human rights; social work education and training as well as the development of social work in Nigeria have been discussed.

Finally, this researcher has discussed the role of social work in addressing the problem of marginality, particularly its role in addressing gender discrimination in land and property rights in Nigeria. The challenges facing social work as a profession were also discussed.

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1 Introduction

In this chapter, the researcher describes the study area and discusses the research approach, paradigm and design. The researcher also discusses the study population and sampling method; research tools; pre-testing of the research instruments; data collection method and analysis. Also discussed in this chapter are the ethical consideration; rigour and trust worthiness in qualitative research as well as limitations of the study. Finally, a conclusion for the chapter is provided.

4.2 Study area

Benin City is located at latitude 06°19IE to 6°21IE and longitude 5°34IE to 5°44IE with an average elevation of 77.8 m above sea-level. It is a pre-colonial City, headquarters of the mid-western region, capital of defunct Bendel State and the present day Edo State. Benin City is underlain by sedimentary formations of the Miocene-Pleistocene-age often referred to as the Benin formation.

As well, the city is located in the humid tropical rainforest belt of Nigeria with a population of 762,717 according to the 1991 national population census. It has a projected population of 1.3 million by 2010 at 2.9% growth rate. Benin City belongs to AF category of Koppen's climatic classification. The rainy season in Benin begins in March/April and ends in October/November. Rainfalls are of high intensity and usually double maxima with a short dry spell in August usually referred to as 'August Break'.

Apart from demographic transmutation, Benin City has witnessed swift territorial expansion mainly due to rapid rural-urban migration (Atedhor, et al 2011). This is

primarily due to Benin City being the capital of Nigeria's Edo State. Edo State could be defined as a collective of people of united yet diverse identity, who are mostly located in the mid-western part of Nigeria, West Africa (Omoigui, 2005).

Edo State was created in 1991 out of the then Bendel State and subsequently divided into Edo and Delta States (UNDP Human Development Reports – 2003 and 2004). According to USAID reports in 2002, Edo State was estimated to have a population of 2.86 million; (in 1991, it had 2.1million, of which 64.47% live in Benin City. This represents about 1,035,995 inhabitants) making it similar in size to Jamaica which has a population of (2.74million). It is bigger than Botswana, (1.6million) and Trinidad and Tobago with a population of (1.1million).

Edo State has eighteen (18) Local Government Areas. Traditions and customs of the region are systematically being diluted by movement towards modern religious faiths and an underlying rejection of traditional forms of worship. This has influenced the domestic architecture in Benin, thereby encouraging contemporary architectural style to emerge along the peripheries as well as new expansions of the City.

[Source: Ekhaese, et al, (2014)]

4.3 Research approach

A qualitative approach was adopted for this study. This methodology was deemed appropriate for this study because it enabled the researcher to explore in greater depth, the phenomenon of gender discrimination in land and property rights in Benin City, Nigeria.

It was also more economical because the sampling size was not too large. Matthew and Ross (2010 p.142) state ‘‘qualitative research methods are primarily concerned with stories and accounts including subjective understandings, feelings, opinions, and beliefs’’. This study was exploratory because little is known about this phenomenon in Nigeria from a social work perspective.

4.4 Research paradigm

The research paradigm adopted for this study is the “constructionist paradigm”. Constructivist paradigm is also known as “interpretivist paradigm” in some paradigm classifications. In this paradigm, the aim is to understand the phenomenon. Fazliogullari (2012, p. 9) argues that, “The reality is constructed by the individuals in their minds is described in the way they are understood”. In social research, realities exist only in the mind of the participants. Therefore, the only way the researcher can know what is in the mind of participants is subjective interaction (Guba, 1990) cited in (Fazliogullari, 2012). Therefore, objectivity in social research is difficult to attain.

4.5 Research design

In this analysis, a case study research design was adopted. Yin (2003) cited in (Hancock and Algozzine 2006, p. 15), defined case study research as, “conducting an empirical investigation of a contemporary phenomenon within its natural context using multiple sources of evidence”. A case study research design was adopted because it is a holistic approach. This enabled the researcher to scrutinize the research participants in great depth. Added to this, the design enabled the researcher to generate data to address the research questions.

4.6 Study population and sampling

Study population

The study population consisted of members of the Widows Group of Saint Mathews Catholic Church. Matthew and Ross (2010 p.142) say "qualitative research methods are primarily concerned with stories and accounts including subjective understandings, feelings, opinions, and beliefs". This study was exploratory because in Nigeria little is known about this phenomenon from a social work perspective.

The purpose of using social workers as key informants was to gain a deeper understanding of the consequences of gender discrimination in land and property rights. Additionally, they were useful for gaining information on the well-being of women and their households as well as the implications of social work interventions.

Sampling

This study was divided into two phases with a separate sample for each phase. According to Matthews and Ross (2010 p. 167) purposive sampling is "a non-probability sample associated with small and in-depth studies". For the first phase, (face-to-face interviews), twenty women were interviewed. Participants for the first phase were selected based on the judgment of the researcher regarding the characteristics of participants who would best provide data necessary to answer the study's research questions.

The sample for the second phase (focus group discussions) consisted of two groups of five women each, for a total of ten. They were chosen from the first sample

because they spoke with confidence during the face-to-face interview sessions. The focus group discussions were conducted to supplement data acquired through those previous interviews.

Key informants (social workers), five in total, were also selected from social welfare agencies involved in women's rights issues in Benin City, Nigeria. They were selected because they are knowledgeable in women's rights matters, and have worked in their various agencies for at least three years.

Inclusion criteria

In determining the inclusion criteria, the researcher was guided by the research questions and included factors enabling him to select participants who provided the necessary information to answer the research questions. It was determined the consequences of gender discrimination in land and property rights are more likely to affect women and their children (COHRE, 2004). Therefore, to be included in this study, participants had to be Benin women who were also mothers. Additionally, all participants had to have lost a parent or husband.

Exclusion criteria

Benin/Edo women who had never married and had no biological children, and were not willing to share their experiences in relation to land and property rights were excluded from the study.

4.7 Research tools

In this the study, two research tools were used - semi-structured interview schedules (see appendix one) and a focus group discussion guide (see appendix two). Two separate semi-structured interview schedules were established for the

participants and key informants. A semi-structured interview schedule was appropriate for this purpose because it enabled the researcher to capture research participants' experiences, behavior and understandings relating to the research questions.

4.8 Pre-testing

Huysamen (1993) cited in De Vos et al. (2000 p.179) argues the purpose of pre-testing is to determine "how feasible the planned project is and to find out if there are deficiencies" in the research tools. Pre-testing of the research tools was conducted after securing approval from the University's Ethics Committee (Non-Medical).

The semi-structured interview schedule was pre-tested on four women while the focus group discussion guide was pre-tested on two women. These women had similar characteristics with the research participants but did not form part of the study.

The semi-structured interview schedule for key informants was pre-tested on two social workers who also were not part of the study. After pre-testing the instruments, minor adjustments were made. For instance, in the interview schedule, two questions were re-worded because in the opinion of the researcher they contained specialist or technical terms, which may have been beyond the understanding of the research participants.

In the focus group discussion guide, an introductory question was added. It was directed to each participant in turn so everyone would have an opportunity to say something in the group. In the interview schedule for key informants, one question

was dropped because it was purely a legal query, and not useful for of generating responses relevant to the research questions.

4.9 Data Collection Methods

The data were collected using individual face-to-face interviews and focus group discussions. As the venue for the interview sessions, this researcher and the participants agreed upon a hall normally used one of the halls for social events, located in Saint Matthews Catholic Church on First Circular Road, Benin City.

Face to face interviews lasted approximately an hour, and the duration for focus group discussions was about one hour, thirty minutes. Face to face interviews and focus group discussions were audio recorded with the consent of the participants. Patton (1990) cited in (Rubin and Babbie, 2005) maintains recording and note taking should be done simultaneously.

Therefore, the researcher made use of two female research assistants who were postgraduate (master's degree) students in the Department of Social Work at the University of Benin, where the researcher is a full time Lecturer. The research assistants were trained by the researcher. These research assistants acted as note takers during the interview sessions.

However, the research assistants were not involved in the focus group discussions. Note taking while audio recording, enabled the researcher to recollect key points for later analysis. In Benin City, Nigeria, it is culturally appropriate for the candidate (a male) to conduct interviews with female participants provided there was consent from all participants.

The researcher was granted ethical clearance by the University's research Ethics committee (non-medical), and thereafter traveled to Benin City, Nigeria to begin data collection. The researcher was born, brought up and still is a resident in Benin City, Nigeria. Therefore, entry into the community and identifying participants was quite easy.

Before collecting data, this researcher met with the participants to brief them about the study. Permission to interview the widows was granted by the Bishop of the Church. Finally, after each interview, the researcher reflected on what went well and what could have been done better.

The researcher ensured all research participants were comfortable by engaging them in conversation before starting the data collection process. Participants' information sheets were re-read and discussed with them in order to eliminate any ambiguity before commencing the interviewing process. The open ended questions provided a point of entry and assisted the researcher in exploring views, ideas and experiences of the research participants (Niewenhuis, 2007) cited in (Damons, 2015).

A total of twenty face-to-face interviews were conducted in a conversational manner. All participants were reminded not to answer questions they were not comfortable with. The tape-recorder was switched off where participants requested a break. On their request, the tape was again switched on and the interview process continued. A debriefing session was held after each interview which enabled the participants to know what the researcher felt about their responses. Finally, the researcher informed participants of the focus group discussions that confidentiality among members could not be guaranteed.

4. 10 Data Analysis

The researcher analysed the generated data using thematic analysis. According to Braun and Clarke (2006 p. 82) a theme "captures something important about the data in relation to the research question". It represents a patterned response or meaning within the data set. What counts as a pattern/theme or what 'size' a theme needs to be is an important question to address in coding.

Braun and Clarke (2006 p. 87) provide a six-phase guide to conducting thematic analysis. They are: firstly, the researcher should familiarize himself with his data; secondly, generate initial codes; thirdly, search for themes; review themes; define and name themes; and produce the report.

Phase 1: familiarizing one's self with the data

At this stage, the researcher repeatedly read the data, searching for meanings and patterns. Specifically, the researcher read through the data at least once before coding began; checked for missing information, such as illegible writing or inaudible recording; and began the transcription of the verbal data.

Phase 2: generating initial codes

According to Boyatzis (1998, p. 63) cited in Braun and Clark (2006 p.88) codes refer to the ''most basic segment, or element, of the data or information that can be assessed in a meaningful way regarding the phenomenon''. Specifically, the researcher worked systematically through the entire data set; identified interesting aspects in the data items that formed the basis of repeated patterns (themes); copied extracts of data from individual transcripts; and collated each code together in separate computer files. Coding was done by tagging and naming selections of text

within each data item with the aid of a Computer Assisted Qualitative Data Analysis Software (CAQDAS) - Nvivo.

Phase 3: Searching for themes

At this phase, the researcher sorted the different codes into themes, and collated all the relevant coded data extracts within the identified themes. The researcher created tables, or wrote the name of each code (and a brief description) was provided. Specifically, the researcher created tables with sub-headings; data extracts were put on the left hand side of the tables, and their corresponding codes and potential themes, were put on the right hand side of the tables.

Phase 4: reviewing themes

This phase involves reviewing and refining the themes at two levels. In level one, the code extracts were reviewed, and all the collated extracts for each theme were read to determine whether they formed coherent patterns. In level two, the validity of individual themes in relation to the data set was determined. Specifically, the researcher re-read the entire data set to determine whether the themes 'work' in relation to the data set, and coded any additional data within themes that was missed in earlier coding stages.

Phase 5: defining and naming themes

According to Braun and Clarke (2006 p. 92) at this phase, the researcher ''defines and further refine the themes'' that he will present for analysis. Specifically, the researcher wrote a detailed analysis for each individual theme; identified the story that each theme told; considered how each theme fitted into the broader over 'story'; and determined whether the story was answering the research questions.

Phase 6: Producing the report

At this phase, the researcher had produced a set of fully worked-out themes, and was prepared for final analysis and write-up of the report. The researcher ensured that he told the story emanating from the data in such a way as to convince the reader of the merit and validity of his analysis. Specifically, the researcher told the story about the data; showed how he has analyzed the data; and made arguments in relation to the research questions.

4.11 Ethical Considerations

Researchers who intend to study human beings must ensure they meet the ethical standards of their profession. They must also ensure they receive the approval of the standards committee set up to review the ethics of their proposed study before embarking on their research project (Rubin and Babbie, 2005). In this study, the researcher observed the following ethical considerations:

1. Avoidance of Harm to the participants

Harm to participants could be physical and/or emotional. Dane (1990) cited in De Vos et al. (2000 p. 25) says it is an ethical obligation for the researcher to ensure participants "do not suffer any form of harm or discomfort during the research project". A typical example of harm research may cause to participants is when they are made to remember a bitter feeling of the past.

In this study, the researcher informed research participants about the supportive counseling service available to them. They were informed should they require assistance following any interview, this service was provided free of charge by the

Home Visitation Team of the Guidance and Counseling Unit, Main Campus, University of Benin, Benin City, Nigeria.

Permission for the home visitation counseling services was granted by the Management of the University of Benin. In Nigeria, counseling has been accepted as a culturally appropriate approach to dealing with potential distress amongst research participants.

2. Informed consent

According to Carey (2013 p. 210) informed consent is "the verbal or written consent" through which the researcher communicates the purpose of the research. Participants were asked for their consent before participating in the study. The researcher asked the participants who could write, to sign the informed consent letter. For those who could not write, they were asked to provide verbal consent and a thumb print in place of a signature.

3. Deception of participants

Lowenberg and Dolgoff (1988) cited in De Vos et al. (2000 p. 27) define deception in research as "deliberately misrepresenting facts" in order to make participants believe something which is not true. A typical example of deception is withholding information to ensure participants take part in a research project.

To ensure there was no deception, this researcher was completely honest, and informed the research participants of the purpose of the research. The researcher disclosed his full identity to the participants, and also informed them that the research was for a PhD thesis.

4. Anonymity and confidentiality

In this study, anonymity and confidentiality could not be guaranteed, as the participants of the focus group discussions were also drawn from the interview participants. The researcher informed the research participants the results of the study may be published in professional journals or presented at professional conferences. The researcher also informed the participants the audio-tapes would be destroyed two years after any publication from the study or six years after completion of study if there are no publications.

5. Voluntary participation

In this study, the researcher informed the research participants their participation was voluntary, and they had the right to withdraw their consent any time. According to the NASW's (1996) Code of Ethics cited in Grinnell and Unrau (2005 p. 36) social workers engaged in research should "obtain voluntary and written informed consent from participants, when appropriate, without any implied or actual deprivation or penalty for refusal to participate".

4.12 Rigour and trustworthiness in qualitative research

Davies and Dodd (2002) cited in Padgett (2008 p. 184) assert in qualitative research, rigour means "self-discipline and vigilance about methods''. Padgett (2008 p. 186) listed six strategies for enhancing rigour and trustworthiness in interview-based studies:

1. prolonged engagement;
2. triangulation;
3. peer debriefing and support;

4. member checking;

5. negative case analysis; and

6. auditing - leaving a decision trail.

In this study, **prolonged engagement** with the research participants was not possible.

Triangulation

According to Padgett (2008 p. 188), when "data from different sources such as field notes, interviews, and/or archival materials are convergent, one has a greater confidence that the observations are trustworthy". In this study, the researcher collected data from participants in the semi-structured interview sessions, focus groups discussions, and key informant interviews. Thereafter, this researcher found the three data sources corroborated each other.

Peer debriefing and support

Debriefing and support can come from an academic advisor or a mentor. During debriefing, a researcher is able to acquire feedback on his methods. Additionally, fresh ideas can come from the advisor, which can further guide the researcher. Padgett (2008 p. 189) states peer debriefing contributes to "the rigour of a qualitative study by reducing researcher bias".

In this study, members of the Postgraduate Committee of the Department of Social Work at the University of Benin, played the role of academic advisors to the researcher during debriefing. They also guided the researcher whenever the need arose.

Member checking

Qualitative researchers can go back to the study participants to verify preliminary findings. Lincoln and Guba (1985) cited in Padgett (2008 p. 190) maintain *member checking* is an important step in "guarding against researcher bias". Member checking could enable the researcher and participants to have a close relationship, which is very fundamental in qualitative research.

Padgett (2008 p. 191) corroborates "the act of consulting with respondents - regardless of the outcome - affirms their dignity as research partners". In carrying out member checking, participants were given the opportunity to review their statements.

The researcher summarised the information, and then had participants confirm whether or not their responses had been accurately recorded. They either agree or disagree that the summaries, reflect their views, feelings, and experiences. In a research study, if accuracy and completeness are affirmed by the participants, the study is said to have credibility (Creswell, 2007; Lincoln and Guba, 1985) cited in (Harper and Cole, 2012).

Negative case analysis

Negative case analysis is another strategy for enhancing rigour in qualitative analysis. According to Morrow (2005) cited in Padgett (2008 p.191) negative case analysis, challenges the researcher to provide "equitable attention to differing viewpoints, and avoid favouritism and lopsided interpretations".

The researcher achieved this by being self-reflective, and strived to be as objective as possible. Specifically, the researcher told the participants there was no such

thing as a ‘wrong’ answer. The researcher urged the participants to freely speak their minds.

Auditing - leaving a decision trail

In qualitative research, it is imperative for the researcher to document each step taken in data collection and analysis. An audit trail includes raw data, decisions made during collection, coding, and analysis. According to Padgett (2008 p. 191) an auditing trail is a strategy for enhancing rigour. This is because it enables us to know whether or not other rigour strategies such as “peer support, member checks, triangulation, and negative case analysis” - have been used appropriately.

4.13 Limitations of the study

1. In qualitative research, the researcher’s bias cannot be ruled out. Therefore, to reduce biases, the researcher cross-checked participants’ comments recorded during the semi-structured interviews, focus group discussions and key-informants’ interviews. An in-depth verification process was carried out to resolve any contradictions, and to gather as much accurate information as possible.

2. Transferability of the research findings to other settings might be problematic. Although gender discrimination in land and property rights occurs in virtually all Nigerian ethnic groups, social perceptions of the issue may differ. This makes it impossible to generalise the research findings. However, this research offers valuable insights which may be used as a guidance tool for designing a policy framework dealing with gender and development.

3. Thematic content analysis has its own limitations. The researcher’s own subjective pre-occupations could have affected the interpretation of the data. To

address this problem, the researcher tried to be as objective as possible by eliminating all personal fixations, and by interpreting the data with an open mind.

4. Hypothetically, participants could have provided socially desirable responses or withheld important information from the researcher because they might have regarded too sensitive. To minimise this from happening, the researcher assured the participants their information would be confidential. This assurance clearly helped in developing mutual trust between the researcher and participants. Still, the researcher could not positively guarantee participants disclosed all relevant information.

5. Questions pertaining to research tools may not have been exhaustive. These interrogatives may not have encompassed all aspects relevant to the research questions. However, during the pretesting stage, the researcher did test the research tools; and made necessary adjustments. Finally, the researcher cannot guarantee the aforementioned research tools were entirely effective or exhaustive.

4.14 Conclusion

In this chapter, the study area was described and the research approach, paradigm and design were discussed. The researcher also discussed the study population and sampling method; research tools; pre-testing of the research instruments; data collection method and analysis. Also covered in this chapter were ethical considerations; rigour and trustworthiness in qualitative research and limitations of study.

CHAPTER FIVE

GENDER DISCRIMINATION IN LAND AND PROPERTY RIGHTS IN BENIN CITY, NIGERIA

5.1 Introduction

This chapter focuses on the presentation and discussion of findings in relation to the first objective of this study. The first objective was to explore women's experiences of gender discrimination in land and property rights. The research question was - What are the experiences of women in relation to discrimination in land and property rights? The chapter begins with discussing the profile of participants; participants' understanding of their land and property rights; reasons for gender discrimination in land and property rights as well as a conclusion for the chapter.

5.2 Profile of Participants

From the findings of this study, the researcher observed ten (50%) of the participants are between 60-70 years old; six (30%) are between 50-60 years of age; and four (20%) are between aged 40-50 years. Furthermore, twelve (60%) of the participants had primary education; six (30%) were educated beyond the primary school level (secondary education) and two (10%) had tertiary education.

5.3 Women's land and property rights in Nigeria

Land and property rights or asset ownership in Nigeria is negatively skewed against women. Edet and Etim (2014, p. 83) argued in Nigeria, "Asset ownership is an important component of an individual's fall-back position, or how well off he or she might be in case a household dissolves, whether due to separation, divorce, or death".

The research participants are aware of this fact, and this probably explains why they are struggling to own their homes. Basically, women in Benin City, Nigeria are able to access land and housing in their own right through purchase or acquisition. When asked about their land and property rights, participants noted that compared to the male gender, they are highly discriminated against when it comes to inheritance.

For instance, participant **13** stated:

In Benin City, Nigeria, women can only access land and property through purchase or acquisition.

Concurring with this view, participant **15** said:

Among the Benin/Edo people, a woman cannot access family land and property through inheritance. But a woman who has the financial resources to buy or erect her own building is permitted to do so and she is free to dispose of or sell such property at will.

Participants in this study's focus group discussions also expressed similar views in relation to women's land and property rights.

According to a participant in focus group discussion (FGD) **A:**

In Benin City, Nigeria, women do not have land and property rights under the law of inheritance.

Similarly, a participant in focus group discussion (FGB) **B** confirmed:

There is no such thing as women's land and property rights under customary law. The reason is that inheritance is regarded as the exclusive preserve of male children.

Key informants shared similar views in relation to women's land and property rights in Benin City, Nigeria.

According to key informant **4**:

Women do not have land and property under Benin/Edo native law and custom. The reason is that they are regarded as non-permanent members of their family of orientation.

Concurring with this view, key informant **5** said:

Women are regarded as minors under the Benin/Edo cosmology or world-view, and are therefore not entitled to family inheritance. As a matter of fact, women are regarded as properties - to be inherited by the most senior surviving male family members if need be.

5.4 Participants' understanding of land and property rights

This researcher also looked at the extent to which participants understood their land and property rights, and observed that education plays a major role in this regard. The more educated the research participants were, the more they tended to appreciate their land and property rights. Participants with little or no education did not understand their land and property rights.

For instance, participant **13** contended:

As an individual, I do not know what the Benin/Edo women's land and property rights are on paper. But I do know that I was not privileged to partake in the devolution of family land and housing.

Similarly, participant **15** maintained:

As a primary school dropout I am unable to know or appreciate how the Benin/Edo women's land and property rights affect me as an individual.

Members of the focus group discussions with secondary education and beyond understood to a considerable extent their land and property rights.

According to a participant in focus group discussion (FGD) **A**:

As an educated Benin/Edo woman, I know that the Nigerian constitution does not support gender discrimination in land and property rights. But our patriarchal customs and tradition tend to take precedence over and above the Nigerian constitution in the devolution of family land and property.

Similarly, another participant in focus group discussion (FGD) **B** remarked:

It is one thing for a woman to be aware of her rights in relation to land and property rights. It is other thing to realise that these rights cannot be enforced in the law court.

However, key informants say awareness of women's land and property rights is not enough to guarantee their enforcement.

For instance, key informant **2** asserted:

Gender discrimination in land and property rights has persisted not because women are not aware of their rights but because the Benin/Edo customary law encourages it.

In support of this view, key informant **3** debated:

Women are discouraged to stand up for their rights in relation to land and property because it is more or less like a taboo for a woman to say that she wants to challenge her customs and tradition in this regard.

5.5 Participants' experiences of gender discrimination in land and property rights

Experiences are discussed according to the themes emerging from the data analysis. The themes are described below.

5.5.1 The impact of colonialism

Participants agreed colonialism negatively impacted women's land and property rights in Benin City, Nigeria. The participants argued that women had more land and property rights in pre-colonial Nigeria than in both colonial and post-colonial Nigeria.

According to Participant **11**:

Women had more rights and privileges in relation to land and property rights before Nigeria was colonised by Britain. For instance, my mother had more access to communal lands for cultivation purposes. I do not enjoy such privilege these days as most of our communal land have been taken over by the government.

Similarly, Participant **12** pointed out:

In pre-colonial Nigeria, men and women had virtually the same land rights, and land was not a commodity that could be bought and sold as land belonged to the community members as a whole. But today, land ownership both in the rural areas and in the cities have been commercialised, and have gone beyond what most women can afford. For instance, I have not been able to afford land both in the city and in my country home or village.

Participants in the focus group discussions also supported the view women once had more access to family land and property in pre-colonial Nigeria than in post-colonial Nigeria.

According to a participant in FGD **A**:

The colonial government introduced the concept of land registration or formal title to land into Nigeria. The registration of land was or is an expensive venture, and not everybody could afford it. Added to this, women were only allowed to register their lands in their husbands' names. As a matter of fact, I have not been able to register the only parcel of land I labored so dearly to acquire in my own name.

Concurring with to this view, a participant in FGD **B** stated:

The Colonial government took over unregistered lands such as communal lands and virgin lands or forest. Land registration was a deliberate attempt by the colonial government to take over the ancestral lands which were held in trust by the communities for generations. Today, the situation has changed as the hitherto communal or free lands are only available to those that can afford them.

In a related development, key informant **2** concurred:

The colonial government entered into several joint venture land deals involving very large expanses of land with Multi-national corporations without consulting women or compensating them.

Key informant **3** argued:

The British colonial government re-enforced patriarchy in Nigeria in relation to land and property rights in order to achieve their imperialist interests. For instance, the colonial government vested in traditional rulers' customary right to own and dispose of all lands in rural areas or in their domains or kingdoms. Whether by commission or omission, the interests the Nigerian women had in land in pre-colonial Nigeria were never considered investing such privileges in traditional rulers.

In the British colonial discourses, indigenous African land holding was regarded as 'communal' and barbaric. Individual forms of land holding in Britain were regarded as a more developed form of land tenure suitable for all societies. Basset (1993) cited in Whitehead and Tsikata (2003, p. 4) observes, "early British colonialists used the idea of the "communal nature of African land tenure to gain ultimate control over the land, establishing the legal right to alienate land by creating crown land and by declaring that vacant lands belonged to the state".

According to the Huairou Commission, (2013 p. 3) in Sub-Saharan Africa:

> "…traditionally, land was communally owned. Although decisions about the land were largely made by male leaders such as chiefs, both women and

men benefitted equally. The colonial era introduced the commodification of land.

Land became an asset to buy and sell and individual ownership over land replaced communal ownership… the colonial powers helped to concretise the concept that land should be in the hands of men, a concept that was in line with the patrilineal view of land held by many traditional communities".

Transnational land deals or "land rush" is another factor negatively influencing the realisation of women's land and housing rights in contemporary African societies. Wisbourg (2014, p. 24) argues rich countries and multinational corporations pursue, "economic, political and environmental goals by appropriating land in poorer, land-rich countries, affecting the land tenure and livelihood practices of women and men".

5.5.1.1 The statutes

The British government introduced various statutes into Nigeria which are discriminatory of against women's inheritance rights. These statutes have neither been modified nor repealed since Nigeria attained political independence in 1960. Participants expressed their views on how they feel such statues have affected them.

According to Participant **19**:

My late husband bequeathed his principal house to me and my children in his will before he passed on. The will was contested at the law court by my deceased husband's first surviving male child. Relying on the administration of estate act/law and the wills act/law applicable in Edo State, the court set aside the will

and ruled that it is the first biological male child of a Benin man that inherits the main house where the man lived and died. My children and I were therefore asked to vacate the house.

Participants in the focus group discussions also had a similar view.

A participant in FGD **B** maintained:

Nigerian statutes are negatively tilted towards women and girl-children in inheritance as male children are normally given priority in the devolution of family land and housing.

Key informants also expressed their views on how Nigerian statutes have worked against women in their fight for equal rights with men when it comes to inheritance.

For instance, key informant **2** argued:

Legislative enactments or statutes in relation to land and property rights must conform to the prevailing customs and tradition of the people or ethnic group in question. Anything contrary to this is normally set aside by the law court. Unfortunately, the prevailing customs and tradition in relation to land and property rights of various ethnic groups in Nigeria are discriminatory against women.

Similarly, key informant **3** concurred:

Some of the statutes enacted under the British colonial government put in place individual land ownership or capitalism and eroded communal land tenure. This reduced the quantum of farmland available to women.

Colonialism introduced Nigeria to various discriminatory statutes aimed directly at women when in land and property rights were concerned. Some of these statutes included the English Real Property Act of 1845; the Wills Act of 1837; the Conveyancing Act of 1881; and the Land Transfer Act of 1887.

These statutes have neither been repealed nor modified by Parliament or National assembly since Nigeria attained political independence in 1960. In 1978, the Land Use Act (LUA) was enacted in Nigeria. The main objective of the Act was to unify land tenure systems in the country, and make land easily accessible to men and women.

The LUA (1978) was intended to usher in gender equity in land administration throughout the country. However, the LUA has not yet been able to ensure gender equity in land allocation and management in Nigeria. Aluko and Amidu (2006, p.7) argue it is an, "open secret that land still continues to change hands, outside government regulatory mechanism, in accordance to native law and customs of the people".

The LUA has the following limitations: Section 48 of the LUA provides that customary right of occupancy is to be administered in accordance to the native law and customs. This implies customary overlords will continue to wield the control and management of land, excluding minerals, and often, to the disadvantage of women.

Secondly, the LUA fails to declare categorically whether or not it is the government or traditional rulers who ultimately own the land. In addition, the customary system of land holding persists, and this negatively impact women's land rights in the country.

Thirdly, the LUA has not been able to empower women to have equal access as men to all government owned lands, as was intended under the Act. Finally, the LUA further weakened women's rights to land, as it only allowed women limited participation in customary land management institutions.

5.5.1.2 The constitution

In the 1960 independence, the constitution was handed down by the British colonial government and subsequent constitutions and, provisions were made for the protection of women's rights as human rights. Now, women's land and property rights in Nigeria are human rights issue.

However, it must be noted human rights enforcement as provided in all Nigerian constitutions from 1960 to date has not been effective. The British colonial government and the various Nigerian governments since the country attained political independence have therefore failed to remedy the gap in the Nigerian constitution as far as human rights enforcement is concerned. The research participants expressed their views on how they felt about the 1999 constitution of the Federal Republic of Nigeria and how it dealt with their land and property rights.

Participant **3** was of the following view:

The Nigerian constitution provides that issues which border on fundamental human rights are non-justiceable. This implies that no individual whose rights have been violated can go to court to seek redress successfully.

In support of this view, Participant **10** says:

The Nigerian constitution says that men and women should be treated equally before the law…But, the reality is different, as women and the girl-children are still being discriminated against in their land and property rights.

Participants of the focus group discussions also argued the non-justiciability of human rights is a major factor in gender discrimination in land and property rights.

According to a participant in FGD **B:**

My lawyer has had cause to discourage me from instituting a legal action against my late husband's family who insisted that I should vacate our matrimonial home and property because I am not the mother of my late husband's first biological male child. My lawyer advised me to settle the matter out of court because I am not likely to win the case.

Corroborating this view, key informant **3** said:

My agency has had the privilege to go to court on behalf of women who felt that their fundamental human rights have been violated. More often than not, such cases have been struck out because agencies such as NGOs do not have the locus standi to institute legal proceedings in human rights violation matters in Nigeria.

In the Nigerian constitution, there is a distinction between civil and political rights, and economic, social and cultural rights. This dichotomy has created a constitutional problem. For example, while the civil and political rights as described in chapter 4 of the constitution are deemed justiceable. However, the social, economic and cultural rights as specified in chapter 2 of the constitution are non-justiceable.

In this scenario, the Nigerian citizenry are unable to seek legal remedy in the event of deliberate and systematic violations of their fundamental human rights, especially their economic, social and cultural rights (Dada, 2012). Section 6, sub-section 6 paragraph (c) of the 1999 constitution of the Federal Republic of Nigeria overturned the law court's jurisdiction over land and property rights. Thus, by virtue of section 6 of the constitution, Economic, Social and Cultural Rights are also non-justiceable in Nigeria (Adelike, 2010).

In the celebrated case of General Sani Abacha vs Gani Fawehimi 2001, the Supreme Court relied on section 12 of the constitution to hold, "an international treaty to which Nigeria is a signatory does not *ipso facto* become a law enforceable as such in Nigeria. Such a treaty would have the force of law and therefore justiceable only if the same has been enacted into law by the National Assembly" (Ukhu & Inegbedion, 2005). According to Dada (2012, p.39), "the constitution can limit, restrict, circumscribe and abridge international human rights treaties to which Nigeria is a party".

5.5.1.3 Judicial precedents

The British colonial government enacted patriarchal statutes and handed down a constitution which made human rights non-justiceable in Nigeria. The law courts are a creation of statutes and they are bound to follow statutory and constitutional provisions. Participants expressed their views on how judicial precedents have negatively impacted their land and property rights.

According to Participant **11:**

Women do not usually like going to court to seek redress when they feel discriminated against in their land and property rights.…Very often, judges rely on past courts judgments to guide them in adjudicating on current cases.

Concurring with this view, Participant **12** said:

Going to court to seek redress over land and property rights is a waste of time because the courts usually follow judicial precedents.

Participants in focus group discussions also made their views known vis-à-vis women's land and property rights and judicial precedents.

A participant in FGD **B** expressed the following:

Females do not like going to the law court to seek redress whenever they feel that their land and property rights have been violated. The reason is that the courts are bound by judicial precedents.

Key informants also corroborated the views of the participants.

For instance, key informants **5** said**:**

Judges can decide to distinguish new cases from old cases, and decide not to follow precedents in land and property rights matters if they have enough evidence before the court. But more often than not, family members are not willing to come to court to testify that customs and tradition are nothing but a deliberate design of the male gender to achieve their own selfish interests.

Numerous Nigerian Supreme Court Judgments exist in support of discrimination against women especially in cases of land and property rights. A typical example is

the case of Lawal - Osula and Others versus Lawal - Osula and Others, 1963 (Ukhu & Inegbedion, 2005). In this instance, the Testator's Will favoured his Spouse more than the eldest surviving male child.

The first male child was dissatisfied with the late Father's Will and went to the Law Court to contest it because it was a violation of Bini Customary Law. The Supreme Court held that the Will was a departure from the Bini Custom and must be set aside (Ukhu & Inegbedion, 2005).

The Benin customary law of inheritance is based on the principle of male primogeniture in which the eldest son of a deceased Benin man inherits all his property to the exclusion of other children, especially female children. This principle has been affirmed by the Supreme Court of Nigeria. Additionally, other courts have taken judicial notice of it in accordance with the provision of section 14 of the Evidence (Bolaji, 2011). Section 14 of the evidence act enjoins judges to apply customary laws if they are valid.

5.5.2 The Edo/Benin customs and tradition

Women often report that their land and property rights are basically determined by the Edo/Benin customs and traditions.

According to Participant **1**:

I did not inherit any land or property from my father and mother. According to our family customs and traditions, women have no place in family inheritance. The reason is that it is generally believed that a woman would get married someday and move to her husband's house.

Similarly, Participant **8** noted:

I did not inherit any part of my deceased husband's land or house. In accordance with family customs and tradition, my late husband's land and house was devolved amongst his male children, leaving his female children and me with nothing.

In same vein, Participant **17** stated in her family of origin, female children are treated as minors and inferior to male children as far as the devolution of the family land and property is concerned. She expressed the following:

My daddy died intestate. His family resolved that his two immovable properties - land and a house should be shared among his two sons only. My sister and I were not given any consideration in the devolution my late father's estate.

Participant **19** noted:

Although her late husband bequeathed to her one out of the two houses he acquired during his life time as a gift, the family overturned his decision. In her words:

My late husband died five (5) years ago. He had two houses. He gave out one of these houses to me as a gift for taking care of him when he became terminally ill. He gave out his second house to all his children. The family reversed his decision and gave out the house that was bequeathed to me to my late husband's eldest son- born out of wedlock by another woman before we got married.

And finally, Participant **20** said:

My father died intestate. He was building his own house (Double-three-bed rooms flats/apartments) before he passed on. My husband and I spent our money to complete the house. We started residing in one of the flats/apartments, and my

younger brother moved into the second one. After about a year later, my younger brother expressed his desire to put a tenant in the second flat/apartment, and be collecting the rents as he was unemployed. He asked my husband and me to move out of the house because by the Benin/Edo customs and tradition he is the rightful owner of the house.

According to a participant of FGD **A**:

Our customs and tradition provide that a woman has no right to family land and property…it is the exclusive preserve of the male gender.

Another participant in FGD **B** stated:

The Benin customs and traditions take precedence over and above statutory provisions in the devolution of family land and housing. Men are given more privileges than women in inheritance as of right.

Key informants also shared similar views with participants.

For instance, key informant **4** commented:

The Benin customs and tradition are highly discriminatory against women. For example, a woman cannot inherit the principal or main house where her father lived and died.

In sub-Saharan Africa, women have always had less access to land, than men. This is because each gender occupies a different position within the kinship system. Marriage is an important means for women to access land, as husbands entrust land and property, especially to their wives through their children (Whitehead and Tsikata, 2003).

Land allocation is basically determined by customary practices denying women control over land. According to Whitehead and Tsikata (2003, p.14), these customary practices are, "colonial constructs and not fixed". Because of this, implementation of customary laws has been very discriminatory against women.

In most African countries, the vast majority of women are denied access to land and property due to patriarchal customs and traditions. In addition, they do not have any right to marital property during or after their marriages ended. Cooper (2011) argued women are discriminated against in land and property rights because customary marriages are informal or not registered under the statute. Therefore, the law does not recognize a woman's contributions to the acquisition of marital property. In addition, the law does not provide any form of protection for women in polygamous marriages.

5.5.3 Religion and the right of women to own land and property

Female participants also reported religion encourages discrimination against women, especially in land and properties rights in Benin City, Nigeria.

For instance, Participant **1** said:

My religion, emphasises that a man should be given priority over a woman in matters pertaining to inheritance. The reason is a man is the head of the family.

Participant **4** concurring with this view noted:

From the religious point of view, a man is the superior sex, and should be given priority in inheritance as this would ensure peaceful co-existence and welfare of family members.

Participant **9** concurred:

My religion is in support of the patriarchal order in the society. For instance, it emphasises that male children should be considered first and foremost before female children in land and property rights.

Members of the focus group discussions (FGD) also supported the views of the participants in the face-to-face interviews in relation to how religion can determine the land and property rights of women.

For example, according to a participant in FGD **A**:

Religion affects a woman's land and property rights because it supports the patriarchal order in our customs/traditions.

Another participant in FGD **B** stated:

The Benin/Edo traditional religion and the Christian religion emphasise that male children should be given priority in the devolution of family property because they are the superior sex, and the custodian of family values.

The views of the Key informants corroborated those of the participants regarding to how religion encourages gender discrimination in land and property rights.

For instance, key informant **1** said:

My agency, an NGO encourages members of the public to try to unlearn accepted or imbibed patriarchal religious values that tend to marginalize women and girl-children in their land and property rights.

Similarly, key informant **5** adds:

We try to convince stakeholders that the various UN international conventions guaranteeing the rights of women and girl-children that have been domesticated by the National Assembly or Senate should take precedence over and above all other religious considerations.

In 2007, a bill to incorporate the provisions of Convention on the Elimination of all forms of Discrimination against Women, CEDAW into Nigerian law was voted out by National Assembly on religious grounds. According to Para-Mallam et al. (2011, p.5), "when faith-inspired and secular social movements and organisations have incompatible visions of what an ideal society should look like, the resultant conflicts of interest can be severe and intractable".

In Nigeria, certain religious beliefs are not in agreement with women's rights and fundamental freedoms as articulated in international human rights system and national policies. Consequently, this has implications for women in both the private and public spheres. Para-Mallam et al. (2011, p.5) further argue this is particularly so since, "women are politically under-represented and economically disadvantaged, and so lack the critical mass and material resources to induce change".

5.5.4 Government

Research participants also concurred the government of Nigeria does not support women in their struggle to achieve equal rights with men when family or communal land and property is involved.

According to Participant **20**:

In my own opinion, the government is not doing enough to guarantee women's land and property rights. The government should be alive to its responsibility by protecting women from all sorts of discrimination in the society.

Similarly, a participant in FGD **A** said:

Discrimination against women in land and property rights is perpetrated by the government and its collaborators for their own selfish interests.

Key informants also supported the views of the participants. They agreed the rather lackadaisical manner with which the Nigerian government has approached the issue of women's rights in relation to their land and property rights is unfortunate.

According to key informant **1**:

Gender discrimination in land and property rights persists in Nigeria because the government lacks the political will to put in place strategies to amend or modify patriarchal customs and tradition that have hitherto prevented the Nigerian women from realising their fundamental human rights.

Odiaka (2013, p.16) argues, "the government of Nigeria can through its instrumentality reach out and amend the cracked bricks of a potentially viable custom and put an end to a potentially destructive one for the sake of humanity". The importance of this is government should only encourage and protect customs and traditions that are developmental, and discourage those which are retrogressive.

Emakhu (2013) argued the time has come for the Nigerian government to adopt CEDAW and all other international instruments on woman's rights. However, there is nothing to show government is committed to eliminate gender inequality in Nigerian. Therefore, gender discrimination in land and property rights has persisted because of lack of commitment on the part of both government and lawmakers to make applicable laws legally enforceable.

5.5.5 The family

The research participants also agreed the family is a major culprit in gender discrimination in land and property rights in Nigeria.

Participant **19** observed:

My late husband died about two (2) years ago. He gave out the principal house where he lived and died to me as a gift for taking care of him when he was terminally ill. The family reversed the decision of my late husband, and argued that the principal house by tradition is for my eldest son.

In a related development, Participant **3** commented:

I feel disappointed at the way and manner my late husband's family members conducted themselves after the demise of my husband. My late husband's family did not allow me to have any say in the devolution of my late husband's land and housing. The family argued that my late husband was also their descendant and that it is their exclusive preserve to determine what becomes of his estate.

Similarly, a participant in FGD **A** said:

My late husband and I put our resources together to build our family home/residence. I feel disappointed in the end because my husband's family says

that our family home or matrimonial property can never become mine. They argued that our family home is for my only son alone. Against this, my female children and I were disinherited.

Key informants also shared a similar view.

Key informant **4** stated**:**

It is a more or less like a taboo for a woman to challenge the decision of the family in the sharing of family land and property…The Edo/Benin customs and tradition is very clear on this - in all matters pertaining to inheritance, the male primogeniture rule take precedents over all other considerations.

In the devolution of family land and housing in Nigeria, the decision of the family is supreme and binding upon every member of the family. The interest of the family as a corporate entity takes precedence over and above all other consideration.

According to Onakoya (2015, p. 3), a family member has, "no disposable interest in family property either during his life time or under his will...only the family…can transfer its title…a purported transfer of family land by a family member is therefore, void and of no effect".

Similarly, the supremacy of the family decision in relation to the devolution of family land and housing was also demonstrated in the Ejiamike v. Ejiamike; and Nezianya v. Okagbue trials. In both cases, the court held that a widow has no right to her late husband's property, especially land and housing (Onakoya, 2015).

5.5.6 Education

The greater percentage of the research participants had not heard about the Constitution of the Federal Republic of Nigeria and how it relates to their land and property rights. Added to this, the issue of fundamental human rights or women's rights is alien to the majority of the participants. The reason is that it takes some level of education for an individual to understand and appreciate the Constitution, fundamental human rights and women's rights vis-à-vis land and property rights.

According to Participant **18**:

Basic education is the key. I missed this opportunity early in life. As a female child, and compared to other male children, my parents never saw any good reason to invest in my education longer than necessary as I would one day get married and begin to bear children.

Participant **20** agreed:

In my own family of orientation, education was seen as the exclusive preserve of the male gender. The female gender is not encouraged to have 'too much' education so that they do not become 'over civilised' and begin to disrespect their husbands when they get married.

The views of participants in face-to face interviews were also supported by participants in focus group discussions.

A participant in FGD **A** pointed out:

I do not know my rights and privileges as a woman. But I do know that I do not enjoy the same rights and privilege as men in the devolution of family land and housing.

Another participant in FDG **B** corroborates:

A woman with little or no education cannot stand up for their rights whenever the need arises, even when she has a good case.

Similarly, key informants also agree that basic education is very fundamental for an individual to be able to appreciate fundamental human rights as inalienable rights - bordering on basic human needs such as land and housing.

Key informant **2** concurred**:**

Among the Edo/Benin people, the majority of the educated women have realised that their matrimonial property or family land and property rights are better protected if they were married under the act or statutory law than if they were married under native law and custom or customary law. Against this, educated women whose marriages were contracted under customary law alone are now asking their husbands to re-marry them under the act or statute. As a matter of fact, the Nigeria Matrimonial Act of 1970 provides that a man and a woman have equal rights to their matrimonial or family property.

Key informant **5** had this to say:

The Edo/Benin woman with little or no education is uninformed. For instance, she does not know whether there is any difference between marriage under the statute and marriage under customary law in relation to having access to matrimonial property or family land and housing. Therefore, education is the greatest legacy parents can bequeath to their children.

Lack of education has been a factor which has created fertile ground for the entrenchment of gender discrimination in land and property rights in Nigeria. The

more a woman is educated, the more she becomes aware of her dignity and self-worth, and the less it is likely she will be discriminated against in the society. Ifemeje and Umejiaku (2014, p. 25) substantiate,

> "Education, no doubt empowers a woman, enlightens her and sensitizes her on her rights. The girl-child has, for decades, been discriminated against with respect to education, as the boy-child is preferred to the detriment of girls…An educated woman, no doubt will be better equipped, economically and otherwise to assert her right and enforce same. Furthermore, the education of a girl-child…would equip her for future participation in government, where she could influence gender friendly policies".

In Nigeria, the time has come to give both males and females equal educational opportunities. The reason is that education enables the individuals to know his or her right, and to participate in the democratic or elective process.

5.3 Conclusion

In this chapter, the researcher discussed the experiences of women who suffered discrimination in regard to land and property rights. Colonial legacy, customs and tradition, religion, and government statutes are seen as factors which entrenched gender discrimination in land and property rights. The researcher also discussed the role of the Constitution, judicial precedents, government, family and education as perpetrating gender discrimination in land and property rights in Nigeria.

CHAPTER SIX

THE CONSEQUENCES OF GENDER DISRIMINATION IN LAND AND PROPERTY RIGHTS UPON WOMEN AND THEIR HOUSEHOULDS

6.1 Introduction

This chapter presents and discusses findings from the second objective of this study. It examines participants' perspectives on the impacts of discrimination against women in the ownership of land and property within the Nigerian context. As well, it examines the factors which continue to perpetrate this situation. The research question aligned to the second objective was: What have been the consequences of gender discrimination in land and property rights upon women and their households?

A solid understanding of the consequences of gender discrimination in land and property rights on women and their households is fundamental to our perception of the marginalisation of women in Nigeria. The themes that emerged from interviews and focus group discussions (FGD) are presented and discussed below.

6.2 Housing insecurity

Housing insecurity is one of the primary consequences of gender discrimination in land and property rights upon women and their households in Benin City, Nigeria. Cutts et al. (2011) define housing insecurity as the high cost of housing in relation to income; poor housing accommodation; and multiple moves from one house to another, for a variety of reasons; overcrowding and homelessness.

Participant **3** noted:

My husband died intestate or without making a will. My husband's family asked me to return back to my late father's house or be evicted. My children and I have

had cause to move to three different rented apartments in search of a more conducive accommodation for the past five years.

Participant **4** had this to say:

My husband died testate. He made out a will concerning his two houses and three other undeveloped parcels of land. The Will states that all his estates are for his male children alone. None of his estates was bequeathed to my female children and me. My husband's family sold one of the houses left behind by my late husband, and kept the second one for my male children. They also sold his three parcels of land, and said that the proceeds from all the properties will be used to further the education of my children. My female children and I are now staying in a rented apartment but not so sure of where the money to renew the rent will come from.

Participants from Focus Group Discussions A and B also expressed their views about housing insecurity.

According to a participant in FGD **A**:

For most women, litigation of any kind in Nigeria is very expensive which was why when I felt discriminated against in the devolution of my late husband's land and housing, I did not see any reason to go to the law court to seek redress. As a matter of fact, I was asked to pack my things and leave the house. I would have become a destitute or a homeless person but for the intervention of the resident pastor of my church who asked me to stay in his boy's quarters pending when I was be able to raise enough money to rent an apartment of my own.

Yet another participant in FGD **A** remarked that:

The social workers in the NGO that intervened when we had issues with my late husband's family members in relation to my late husband's land and housing helped us secure a temporary accommodation facility pending when all the issues were resolved amicably.

A participant in FGD **B** reported that:

I am dissatisfied over the way and manner my late husband's only house was divided up among his siblings, to the exclusion my female children and me. I initiated a legal action against my late husband's family to recover the house. The court ruled that following the Benin/Edo customs and tradition, I did not have the locus standi to institute an action against the family. The consequence of the decision of the court was that my late husband's family members succeeded in grabbing or taking away my late husband's house from me and my daughters. We were disinherited completely, and up to this very moment, we have no fixed or permanent address. We have been moving from one rented apartment to another for one reason or the other.

Key informants also had similar views in relation to housing insecurity.

Key informant **4** remarked:

For a woman who had lost her husband, housing insecurity is a social problem. For instance, the family may want to take over the land and housing of their late brother for their own selfish interests. The woman may on her own volition, move out of the family house for peace to reign; and may ultimately become homeless if she could no longer afford to pay her house rent.

In addition, key informant **5** argued that:

Among the Benin/Edo people, widows usually suffer in the hands of their late husband's male relatives in relation to the devolution of family land and housing. Much depends on her personal relationship with them when her husband was alive. If she was not in their good books, they may argue that her stay in her matrimonial home is only temporary and that she has the option of returning back to her family of origin after the demise of their husband.

Among virtually all ethnic groups in Nigeria women still have limited or no access to land, housing and other productive resources. Folarin and Udoh (2014, p. 243) identified some reasons for this discrimination and denial such as, "discriminatory customary laws, registration of land in spouse's name, lack of human rights' awareness and lack of implementation of human rights' laws and policies".

Added to this, the tripartite system of marriage laws or the existence of customary, religious and statutory laws in Nigeria makes it difficult to implement and enforce laws to protect women's land and property rights. This is because these laws contradict one another.

Among the majority of ethnic groups in Nigeria, access, control and ownership of land and housing are determined by a number of factors such as the type of marriage entered into, and the woman's ability to bear male children. Iruonagbe (2009) cited in Folarin and Udoh (2014, p. 244) observes that in Ozalla Community in Edo State, "inheritance is patrilineal and a woman's right to land is pegged on marriage. Hence, a daughter does not receive land when her father dies and even a widow does not inherit land… a childless woman or a woman who bore

only daughters…do not stand any chance of acquiring any form of land within the family".

6.3 Food insecurity

According to the International Federation of Red Cross and Red Crescent Societies (2006), households are deemed food insecure when the quantity of food available to them is limited or uncertain. This can lead to malnutrition, poor performance in school and developmental problems (Ezeama et al, 2015).

Participants expressed their views on how discrimination in the ownership of land and property has had serious implications for on the quantity and quality of food available to them and their households, especially after the demise of their husbands.

Participant **18** said:

I was not privileged to benefit from the devolution of my deceased father's immovable assets such as land/or housing. Added to this, I was denied the rents accruing from the houses built by my late husband. My late husband never allowed me to be in any form of employment. He wanted me to dedicate enough time for the upbringing of our children - I was a full time housewife. I never enjoyed any form of income like house or land rents from both my family of origin and family of procreation.

Participant **20** highlighted the following:

The Benin/Edo customs and tradition demand that a woman is more or less the property of her husband. Which is why she is never encouraged to be financially independent. It is generally believed that financial independence for a woman

would translate to mean lack of respect for the husband. After the demise of my husband, providing enough food for members of my household became a very serious problem.

A participant in FGD **A** reported that:

As at the time I got married to my husband, we grew and consumed a greater proportion of our food crops. But things have changed since my husband passed on. For instance, my late husband's surviving male relatives said that I can no longer grow food crops on their family land. We now buy virtually all our food items despite persistent increases in general prices. This development has led to a reduction in the quantity and quality of food available to me and members of household.

Similarly, another participant in FGD **B** argues:

For me and my household, food security has been a major problem since the demise of my husband as the proceeds from the crops cultivated on family land has dropped significantly. The reason is that my late husband's male relatives divided up the family land amongst themselves. We no longer have access to sufficient family land to cultivate food crops to meet our household needs.

The views of participants on food insecurity were substantiated by key informants.

Key informant **2** asserted that:

In Benin City, Nigeria, food security eludes many women and their households. The reason is that most women no longer have their own independent access to family or communal lands like they once had during the pre-colonial era. The land upon which many women used to carry on their subsistence farming at little or no

cost had been taken over by the privileged men in the society. The resultant effect is that most women and their households must now buy their foodstuffs. Therefore, women, especially widows with no source of income cannot provide enough food for their households.

Concurring with this view, key informant **3** said:

Food insecurity is now a social problem in Benin City, Nigeria. The situation is particularly worse in families where the head of the household had passed on, and the widows left behind have no independent source of income. In addition, the current economic recession or financial crisis has led to a sharp increase in food prices and a reduction in the purchasing power of many households.

According to Otaha (2013, p. 31), "In 2009, the UN estimated that 60% of the world's chronically hungry people are women and girls, 98% of which live in developing nations". Women who had their own means of livelihood tend to assist their husbands in providing food for their households (Otaha, 2013).

In Nigeria, there is a connection between land and food security. For example, widows and divorced women have no tenure or inheritance rights to family land. As such there is no guarantee of food security for themselves and their households after the demise of their fathers or husbands.

The majority of ethnic groups preventing women from having access to family land, especially after the death of their husbands are also agrarian. The implication of this is the contribution women have made to food production for subsistence is greatly reduced (COHRE, 2004).

Although women constitute the bulk of farm labour in Ondo State, in Southwest Nigeria, they are discriminated against when it comes to ownership of farm lands. The reason for this is men have more access to communal lands and inheritance than women. This has serious implications related to food security (Adekola et. al., 2013).

6.4 Lack of access to matrimonial property

Real Estate acquired during marriage by both husband and wife is called matrimonial property. In Nigeria a woman is not usually entitled to any share in the devolution of such property regardless of her contribution. Participants express their views on how discrimination in the ownership of land and property has affected them in relation to matrimonial property.

Participant **15** said that:

For me as an individual, I feel discriminated against in relation to matrimonial property. The reason is that my late husband and I agreed that he should be channeling his income/savings towards the payment of our children school fees and the building of our family home. My late husband and I also agreed that I should be channeling my own income/savings towards the provision of food for the household and clothing for the children. After the death of my husband, my late husband's family members argued that in line with the Benin/Edo customs and tradition that I do not have any right of possession or to dispose of the house and re-invest the proceeds.

Similarly, Participant **16** observed:

Although my husband and I pooled our resources together to erect our family house, I never had the privilege to benefit from the sharing of any part of my deceased husband's house or to benefit in whatever form. As a matter of fact, my husband's family people were not comfortable with my continued stay in their late brother's house because they see it as their house as well. I have to on my own leave the house to a rented apartment, pending when I am able to erect my own house.

Participants in the focus group discussions also expressed their views in relation to how women were discriminated against in matrimonial property.

According to a participant in FGD **A:**

Discrimination against women in matrimonial property is a violation of their fundamental human rights, and should be discouraged by all means. If a woman is not allowed to partake in the devolution of matrimonial property, it would appear that she had labored in vain as she did not benefit anything in the end. In my own case, after the demise of my husband, I lost out completely in that I was not allowed to benefit from the devolution of matrimonial property.

Similarly, another participant in FGD**A** remarked:

I almost lost my sanity after the demise of my husband. As if that was not enough, my late husband's relatives were never supportive to me and my household in anyway. All they were after was what they stand to benefit from the devolution of my late husband's land and property. Personally, I did not know anything about what social workers do in the society until I was privileged to interface with them

at an NGO in Benin City, Nigeria. The social workers were very objective in their advice to me in that they told me that apart from advising me on how to cope with stress, they could not do anything to help me to re-claim my matrimonial property back from my late husband's family. They however made me to realise that the issue I was having in relation to my matrimonial property was a legal matter, and that I should see a lawyer instead.

A participant in FGD **B** noted:

In my own opinion, a woman has no right to matrimonial property under the Benin/Edo customs and tradition. This implies that a woman on the dissolution of her marriage goes away empty handed. All the time and energy I invested into my marriage did not yield anything in the end.

Key informants also confirmed discrimination against women in their matrimonial property is all too real in Benin City, Nigeria.

Key informant **1** said:

In Benin City, Nigeria women are marginalised in their matrimonial or marital property. And more often than not they do not like going to court to seek redress. They fear that it is forbidden for a woman contest inheritance rights at the court of law.

Similarly, key informant **4** argued:

The concept of matrimonial property is not recognised under the Nigerian legal system. Therefore, married or widowed women are denied access to their land and housing rights during their marriages and after the demise of their husbands.

The concept of matrimonial property implies the property acquired during marriage cannot be regarded as the property of both the husband and wife. Adekile (2010, p. 13) argues, "the concept of matrimonial property does not operate in any of the systems of law governing marriages in Nigeria".

For instance, a man may decide to build or buy a house with his income and investments. The wife on the other hand, may decide to assist the husband by providing food, clothing and other expenses for the family, which by law is the duty of the husband. However, despite the wife's contribution, there is no concept of matrimonial property under the Benin or Edo native law and custom. Upon termination of the marriage by divorce or death of the husband, the woman is not legally entitled to any share of the matrimonial property.

This is in line with the observations of Obi (1997) cited in Adekile (2010), p. 14):

> Property whether movable or immovable, acquired by a married man does not become the common property of him and his wife or wives. A married man does not require the consent of his wife or wives before disposing of any property movable or immovable - which he acquired while, married. It makes no difference that he obtained this property with the help of his wife or wives.

6.5 Disinheritance of widows

In Nigeria, widows are denied their rights to inheritance contrary to Article 21 of the Protocol on the Rights of Women in Africa (Ezejiofor, 2011). For instance, widows are not privileged to take part in the sharing of family land and housing after the demise of their husbands. Participants expressed their views on how discrimination in the ownership of family land and housing has affected them.

Participant **14** remarked:

My late husband willed his land and housing to all his male children. He wrote in his will that I should take care of his children and be allowed to reside in house for the remainder of my life. I was not given the right to possess/own or sell his land or housing.

Participant **15** had a similar experience and noted:

As a widow, I was not privileged to partake or benefit from the devolution of my late husband's land and housing. My late husband's family argued that under the Edo/Benin customs and tradition, I was a stranger or non-permanent member of my husband's family. Therefore I was not entitled to inherit any or part of my late husband's estate.

Similarly, a participant in FGD **A** contended:

My late husband's male relatives insisted that as a widow I was not entitled to partake in the devolution of the family estate, especially land and housing. This is a cultural provision or injunction that I do not have any control over. I have accepted it as the way it is.

Corroborating this view, another participant in FGD **B** stated:

Among the Benin or Edo speaking people of Edo State, Nigeria, land and housing rights are regarded as the exclusive preserve of the male gender. Regardless of the financial contribution I made towards acquiring our family land and housing, after the demise of my husband, the family did not allow me to partake in the sharing of my husband's estate.

Key informants also expressed their views on how widows are discriminated against in relation to land and property in Benin City, Nigeria.

Key informant **4** commented:

Members of the family, especially male relatives usually feel aggrieved if a widow is allowed to benefit from the sharing of her late husband's estate. The reason is that by tradition, women do not have land and property rights.

Similarly, key informant **5** noted:

In some families, the property of a deceased male family member may be grabbed or taken over by the family, to the exclusion of the widows.

According to Ayodele (2011), under colonial laws in Nigeria, widows became vulnerable to oppression and/or discrimination, especially in land and property rights. Often, family members grab their deceased husband's property, and deprive his wife and girl children of their inheritance.

It was established in 1971 in the Nigerian court case of *Yinusa versus Adesubokan* that whenever any Nigerian makes a will, it must be subject to restrictions imposed by law, such as the Administration of Estates Laws or other local statutes applicable. Adekile (2010, p.17) argues, "with regard to a widow of customary law marriage, on the intestacy of the husband, she is disinherited completely under the various customary laws in the country despite any contributions she might have made to the man's success".

Therefore, disinheritance of widows has serious implications for a widow and her children. The widow is disempowered economically regardless of whether or not she might have labored for many years with her husband. Upon the death of her

husband, she may well need to take care of herself and children. As a matter of fact, the man's family will illegally take over the estate of their late brother or son.

6.6 Disinheritance of female children

Among the Benin/Edo people, a daughter - married or unmarried - cannot inherit the family house, especially the principal house where her father lived and died. The reason is the family house is seen as the exclusive preserve of male children. Participants also expressed their views on how they were denied inheritance in their families of origin.

For instance, Participant **2** had this to say:

I did not inherit land or house from either of my parents because it is not part of our culture for female children to do so.

Similarly, participant **5** said that:

As a daughter, I did not inherit any land and housing from either of my late parents or husband. After the demise of my father, his land and house devolved among his male children only.

Participant **9** had a similar experience and observed that:

Although I am the first child of my father, after his demise, my younger brother said that I was old enough to get married and go and live with my husband. He argued that by tradition, the house belonged to him.

Participants in the focus group discussions also expressed their views on how discrimination in the ownership of land and property affected them as girl-children.

For instance, a participant in FGD **A** remarked that:

I feel like I am a double-loser. This is true because in both my family of origin and family of procreation, I never had the opportunity to partake in the devolution of family land and housing.

Another participant in FGD **B** argued that:

Succession and inheritance among the people of my ethnic group is based on the principle of male primogeniture. As a daughter, I did not have any right of inheritance. I was disinherited completely in the sharing of both my late father's and mother's estate.

Views of the participants in relation to how they were discriminated against in the ownership of land and property as girl-children were also substantiated by the key informants.

For instance, key informant **1** started:

It is remarkable to note that among virtually all the ethnic groups in Edo State, Nigeria, female children are excluded from inheriting from their father's immovable property such as land and housing.

Concurring with this view, key informant **2 s**aid:

Among the Edo/Benin people, the girl-child is not entitled to inherit from the land or housing of her deceased father. The girl-child has no locus standi to institute any legal action against her male siblings or paternal uncles should they decide to grab or take over all of her late father's estate.

In much of sub-Saharan Africa, the girl-child is not allowed to own or inherit property. The Food and Agriculture Organisation of the United Nations, FAO (2006, p. 3) observed that in Kenya,

> "property is traditionally passed on along the male line, the sons of the deceased being the first in line to inherit, followed by male ascendants (father or uncles) and male siblings and their descendants. Only if none of these categories exist, or all refuse to accept the inheritance, will the widow have a right to inherit. Daughters' rights come only after those of the widow"

A girl-child is not allowed to benefit from her father's inheritance under Ibo customary law of South-Eastern Nigeria. According to Adekile (2010, p. 18) among the Ibo people, a woman is completely, "deprived of inheritance rights and her situation becomes more pitiable if she has no issue at all or has only female children''.

The eldest son and other male relatives of a deceased Igbo man are normally given priority of inheritance over and above female children. The reason is by custom, male heirs are under obligation to take the welfare of the female children very seriously.

In earlier times, Igbo male heirs were responsible for the upkeep of all members of the extended family. However today, Igbo male heirs, because of the deteriorating socio-economic environment prefer to focus on the upkeep of just their nuclear family members above all other consideration.

6.7 Poverty

In Nigeria, the marginalisation of women in the ownership of land and property is the root cause of feminisation of poverty. According to Adekile (2010, p. 22), "poverty is a necessary consequence of disinheritance and property rights restriction". Participants expressed their views on how they have been impoverished as a result of their marginalisation because of non-ownership of family land and property.

Participant **17** said:

After the demise of my husband, the responsibility of taking care of the household fell on me alone. I have no source of income of my own as my late husband never allowed me do any other thing apart from taking care of the children. His death had serious implication for the family income. I resorted to doing all sorts of menial jobs to take care of my children. The money I was making was not enough to take care of our basic needs as a family.

Similarly, participant **18** concurred:

Life has been very tough for me and my household since the demise of my husband in relation to living above the poverty line. For instance, my children and I have experienced untold deprivation on a material level such as balanced diet, clothing, shelter and lack of income - ever since my husband passed on.

Participants in the focus group discussions also expressed their views on how discrimination in the ownership of land and property has impoverished them and their households.

For example, a participant in FDG **A** contended:

My late husband's family members did not allow me and my daughters to benefit from the devolution of my late husband's estate. They argued that by tradition, my late husband's estate is for my first male child.

Similarly, another participant in FGD **B** stated:

After the death of my husband, his immovable property such as land and housing were taken over by his male relatives. Specifically, I was told that by tradition, I was not entitled to inherit our matrimonial home or collect the rents accruing from my husband's landed property.

The views of these participants concerning the link between discrimination in ownership of land and property and poverty were also corroborated by the key informants.

For example, key informant **1** noted:

The economic vulnerability of the Edo/Benin women derives from their weakly defined property rights and discrimination in critical productive resources such as land and housing.

Substantiating this view, key informant **2** asserted:

The impacts of weak property rights are clearly visible when marriages come to an end either through the death of husbands or divorce proceedings. In the event of widowhood or divorce, women are often denied of the right to access their husbands' land/or housing, which they may have jointly acquired or built, thereby losing their home and/or main source of income. Worse yet, the cycle of poverty

may be intensified when the female children are expelled from their late fathers' homes, drop out of school to find work to support their mothers and younger siblings.

The African Development Bank and the World Bank assert land registration and titling in Africa would provide the poor, especially women with collateral to access credit at the banks. This means borrowed money could be further invested into income-generating activities (McFerson, 2010).

Esfahani (2006) cited in McFerson (2010, p. 53) remarked, "such initiatives have not adequately considered the customary restrictions on women's ownership and control of land, and may have inadvertently perpetrated gender inequality and aggravated women's poverty".

Poverty manifests in the form of hunger, homelessness, illiteracy, and inadequate healthcare. Low income, lack of opportunities, and social exclusion are only some of the root causes of poverty (McFerson, 2010).

6.8 Lack of access to credit facilities

In Nigeria, women engage in farming and other economic activities in order to contribute to household food security (Eze et al, 2009). For women to continue to engage in these economic activities they require some form of capital or credit Therefore, in Nigeria, the majority of women are unable to access credit from financial institutions because they do have the required collateral or other security requirements such as land and housing.

Participants expressed their views on how lack of access to credit had negatively impacted them and their households.

According to Participant **17**:

I was not privileged to inherit land/housing from my late husband. Added to this, I have not been able to secure a loan or credit facility from the banks to build or acquire any house of my own since the demise of my husband. The banks require documents such as the plan of building or a deed of conveyance as evidence of a valid title to landed property before granting their customers a loan or credit facility.

Similarly, participant **18 e**xpressed:

A major setback for me and my household since the death of my husband is my inability to secure credit facility from the banks. I would have loved to use the loan for petty trading so that I can support myself and my children. Unfortunately, I do not have the necessary documents to present to the Banks.

Participants in the focus group discussions also agreed it is very difficult for women to access credit.

A participant in FGD **A** said:

As a female, and now the head of the household (female headed household), it is my responsibility to take care of my children. I was already into subsistence farming/agriculture in order to support the household before the death of my husband. I would have loved to access a loan or credit facility from the Banks, and upgrade my farm business from subsistence to commercial agriculture. The Banks refused to grant me credit facility because I do not have a valid title to any landed property.

Another participant in FGD **B** shared her experience as follows:

My husband started developing our family home but could not complete it before his death. All attempts to secure a loan or credit facility to complete the house have been abortive. The Banks argued that the title deed of the land upon which the house was being erected was in my late husband's name. I was therefore not entitled to use the land document as collateral for the credit facility.

The views of the participants on how they have been denied loans or credit by banks for developmental purposes were corroborated by the key informants.

Key informant **4** stated:

In Nigeria, women are not regarded as having the same legal status as the male gender. As a matter of fact, women are regarded legal minors and such not having the capacity to sue and be sued. This is perhaps one of the major reasons why Banks are reluctant to grant women credit facility.

Key informant **5** attests**:**

The greater majority of women in Nigeria do not even have a savings account which is very fundamental in accessing a bank loan or credit facility. The implication of this is that men, compared to women are in a better position to seek for and obtain credit facility from the banks.

Von Pischke, et al. (1983) cited in (Eze et al., 2009, p. 3) argued access to credit facility by the poor, especially women is hampered by, "eligibility requirements, transaction costs in connection with depositing and withdrawing savings, transaction costs of borrowing and debts service repayments and collateral and security requirements".

The implication of this is banks in Nigeria have conditions which must be met by their customers in order for them to be eligible to access credit. Access to credit depends on whether a bank customer is credit worthy or he has enough savings in the bank. Regrettably, the majority of women in Nigeria does not have savings or keep any money in the bank. As such, they are not eligible to borrow from the banks to improve their lives (Eze et al., 2009). The greatest challenge women have in relation to accessing credit at the banks is that they do not have the required collateral such as land and housing (Borode, 2011).

6.9 Economic disempowerment

Another consequence of gender discrimination in land and property rights is it economically disempowers women. Habitat for Humanity International (HHI) argues that for women in developing countries, control of land and property, especially housing is the most stable means of economic empowerment.

Women without secure land and property rights have less opportunity to invest and save money. They also have less say in how household income should be spent (HHI, 2016). Study participants expressed their views on how gender discrimination in land and property rights has disempowered them and badly affected their households economically.

Participant **11** noted:

After the demise of my husband, our matrimonial property or house was taken over by my late husband's family. They specifically instructed all the tenants in our house to stop paying rents to me, and to start paying the rents to the most senior surviving male member of my late husband family for the upkeep of both my children and children of the less privileged members of the extended family. The

stoppage of the collection of house rents by my late husband's family was economically disempowering as my salary alone is no longer enough to take care of my household expenses.

Similarly, participant 12 remarked:

Realising that I do not have any right of inheritance in relation to land and property, I acquired a parcel of land upon which to erect my building in the future. I was unable to register the parcel of land in my own name. The land registry insisted that in line with the provisions of the Land Use Act, the land must be registered in my husband's name. After the death of my husband, I could not prove it to my late husband's family that the land is mine. The land was therefore declared matrimonial property and part of my late husband's estate. Also as it stands today, I cannot use the land documents as collateral to secure credit facility or a loan from the banks for any developmental or business purposes. For me and my household, my inability to register my acquired land in my own name is economically disempowering as land remains a critical resource in Benin City, Nigeria.

Participants in the focus group discussions shared their experiences on how they and their households have been economically disempowered by gender discrimination in land and property rights.

For instance, a participant in FGD **A** noted:

After the demise of my husband, the family asked me to leave the only house ever built by my husband because I am not the mother of his first male child or son. I had no other alternative but to leave the house to a rented apartment. Asking me to leave my late husband's house at a time I was not ready for such movement was

economically disempowering. The reason is that the little money I make from petty trading cannot sustain me and my household.

In a related development, another participant in FGD **B** remarked:

I was a full time housewife throughout the time I was married to my late husband. He never allowed me to be in any form of employment. He said that I should stay at home and look after our children. After the demise of my husband, his family decided to share his estate or land and housing amongst the two sons I had with my late husband and the other two sons he had from his two earlier marriages. The family gave my two sons their late father's undeveloped parcel of land. They said that my late husband's two buildings belong to the first and second sons respectively because they are senior to my own children. I am now gainfully employed, and have started saving money to begin erecting a building on the undeveloped parcel of land that was given to my children. This would demand a lot of sacrifices and perseverance as my husband's demise has been economically disempowering for me and my household.

Key informants also confirm gender discrimination in land and property rights is economically disempowering as far as women in Benin City, Nigeria are concerned.

Key informant **4** remarked:

The Benin/Edo people's customs and traditions is patriarchal and highly discriminatory against women in relation to the devolution of family land and housing. The patriarchal order or system which has been sustained for generations ensures that inheritance follows the male gender line, to the exclusion of the female gender. Land and housing or buildings are basically the two critical or

economic resources transmitted from parents to their offspring. It therefore means that the female gender will always be disempowered economically in relation to these critical or economic resources.

Concurring with this view, key informant **5** said:

In relation to inheritance, nothing compares to tangible and immovable properties such as land and housing as their economic value always appreciates. Unfortunately, gender discrimination in land and property rights denies the female gender this privilege. Therefore, gender discrimination in land and property rights is not only economically disempowering for women, but also defines how they are treated throughout their life cycle.

From this analysis, it is can be deduced that denial of access to family inheritance, especially land and housing - all in the name of customs and tradition - is economically disempowering for women and their households. Habitat for Humanity International (HHI) (2016, p. 14) corroborates:

"Secure land rights, particularly ownership rights, give women an avenue to wealth savings that is extremely difficult or nonexistent for most non-land owners. Owning a home provides an asset that can be collateral for loans and also can be sold or liquidated as necessary. Land ownership also gives a woman the ability to pass along these assets to her children and create an inheritance for her family".

6.10 Marginality

Gender discrimination in land and property rights ultimately leads to marginality, especially of the female gender. One of the core mandates of social work is to

ensure no individual or any particular group of people experience marginality in whatever form in society (IFSW and IASSW, 2014).

Marginality is generally used to describe and analyse socio-cultural, political and economic spheres. This is where disadvantaged people struggle to gain access (societal and spatial) to resources, as well as full participation in social life (Anderson and Larsen, 1998, Brodwin, 2001, Davis, 2003b; Sommers et al, 1999) cited in Gurung and Kollmair (2005, p.10).

Marginalised people might be socially, economically, politically and legally ignored, excluded or neglected, and are therefore vulnerable to livelihood change (Brodwin, 2001; Geddes, 1997; Larsen, 2002b; Marcuse, 1996; Muller-Boker et al, 2004; Pelman, 2002; Sommers et al, 1999) cited in Gurung and Kollmair (2005, p.10).

Participants of the face-to-face interviews expressed their views on how they and their households have experienced marginality, and what social workers did to help them.

For instance, participant **19** said:

My late husband and I adopted two children because we did not have any biological children. My late husband's family argued that by tradition, a woman who did not have any biological children for her husband does not have any right of inheritance after the demise of her husband. I reported my husband's family members to the Edo State Ministry of Women's Affairs and Social Development, located at the Government Reservation Area, in Benin City. A three member committee was constituted to look into the matter. The head of my late husband's family was invited over for a meeting. The committee members succeeded in persuading the family to allow me to remain in my late husband's house.

Similarly, participant **20** remarked:

My late husband's family members attempted to grab our matrimonial property from me and my children after my husband passed on. We were thrown out from the house even before an NGO in Benin City came to our rescue. After listening to my story, and how I have been treated by my late husband's family, the Management of the NGO decided to refer my matter to another NGO that renders free legal services for and on behalf of marginalised women and girl-children in society.

Participants in the focus group discussions also expressed their views on how they have experienced marginality in relation to land and property rights.

For instance a participant in FGD **A** stated:

My late husband's relatives attempted to illegally evict me and my female children from my late husband's house on cultural grounds. They argued that I did not have any male child by my late husband. An NGO in Benin City, Nigeria became interested in the matter, and argued although my problem was a typical example of marginality in society but that they cannot do anything to assist me and my household because my problem was more or less a socio-legal matter. The NGO however referred my matter to another NGO that has the required expertise to intervene in legal matters.

Another participant in FGD **B** said:

After the demise of my husband, my late husband's siblings argued that they too should be allowed to benefit from the devolution of my late husband's land and property. The most senior member of my late husband's family played a great role

in the early resolution of the dispute. The most senior member of my late husband's family ensured that all my late husband's siblings were present in virtually all the meetings convened for the resolution of the dispute.

My late husband's siblings were made to understand that women are human beings too, and that both men and women are stakeholders as far as family inheritance was concerned. They were also advised to show enough love and understanding by not insisting that they must partake in the devolution of my late husband's land and property. In the end, the most senior member of my late husband's family was able to broker peace between all the family members, and unnecessary court litigation was avoided.

Key informants also expressed their views on the problem of marginality of women in land and property rights.

Key informant **1** remarked:

In Benin City, Nigeria, women and girl-children are still being marginalised in land and property rights. Our NGO does not have the mandate to address legal matters. We teach displaced women and girl-children various stress coping strategies to cope with marginality or marginalisation in society.

Similarly, key informant **2** said:

For any case of marginality of women in land and property rights reported to our NGO, we normally refer the matter to NGOs that render free legal services to marginalised women and girl-children in society.

The United Nations Population Fund (UNFPA) has indicated marginalised groups comprise a significant portion of the global population. Examples of marginalised

groups are women and children. Women and children are generally, "worse off across most indicators, and largely remain voiceless and invisible, frequently left out of national policies and laws, despite their ongoing struggle against discrimination, poverty and social exclusion". (UNFPA Report on the state of the World Population 2005).

Perhaps it is in the area of land ownership that a woman or girl-child in Nigeria is mostly marginalised. Iruonagbe (2009) cited in Folarin and Udoh (2014, p. 244) corroborates, "a daughter does not receive land when her father dies and even a widow does not inherit land".

6.11 Landlessness

A gender perspective is critical to the understanding of the impacts of transnational or large-scale land deals. The reason is women and men have dissimilar roles, rights and opportunities, and are affected differently by any major change in statutory and customary land tenure systems.

Large-scale land deals usually lead to shifts from subsistence or peasant agriculture to large-scale commercial agriculture. Quisumbing (1998) cited in Behrman et al. (2011, p. 8) argues, "these shifts often lead to changes in household dynamics and roles, income-generation activities, and property rights - often to the detriment of women".

Therefore, large-scale land deals exacerbate unfavourable conditions for women's land access and ownership. It further limits their opportunities for income generation (Behrman et al., 2011).

Participants also expressed their views on how transactional or large-scale land deals have negatively impacted them and their households in relation to land ownership.

According to participant **6**:

The transnational or large-scale land deals entered into between the council of elders of my community and representatives of an Agrofuel Company based in Europe negatively affected the secondary rights of occupancy that women used to enjoy for small scale farming activities. Specifically, these land deals completely eroded my secondary rights occupancy that I hitherto had enjoyed in relation to our communal or agricultural lands. In addition, I was never consulted before these land deals were signed, sealed and delivered.

Similarly, participant **7** remarked:

My father had or owned a large expanse of communal lands upon which he carried out both subsistence and commercial agriculture. As his first daughter and with support the former community leader, my father bequeathed part of his farm lands to me before he passed on. The Edo State Government in conjunction with my current community leader entered into transnational or large-scale land deals with a Multinational corporation without consulting with me to seek my input or approval in relation to my interests in the communal or agricultural lands. Up until this very moment, my household and I never received any form of compensation from either the State Government or the Multinational corporations for taking over my farm lands.

Participants in the focus group discussions also expressed their views on how transnational/large-scale land deals have negatively impacted them and their households in relation to land ownership.

According to a participant in FGD **A**:

My late husband was a very successful farmer, and was able to use his influence to legally acquire a large expanse of communal agricultural lands covering several hectares. The government decided to enter into joint-venture agreements with three foreign-based multinational companies for the location of agro-allied industries in my local government area.

Unfortunately, the areas earmarked for the industries included my late husband's agricultural lands. The state government revoked the initial customary rights of occupancy issued to my late husband, and the lands were declared government lands. All attempts by my lawyers to recover all or part of the lands from the government have been abortive.

The government argued that it is within its constitutional powers to withdraw certificates of occupancy at any time for 'overriding' public interests. The state government and the companies initially promised to either compensate the original owners of the farm lands or give employment opportunities to deserving members of affected families. The failure of both the state government and the companies to fulfill promises made in relation to compensation or employment opportunities for affected households have affected me and my household very negatively.

Another participant in FGD B stated:

I am a member of a cooperative society formed by the women in my local government area. We pooled our resources together to acquire a large expanse of undeveloped lands from our community. We planned to erect our individual homes on the acquired lands in the future or time when we wanted to start doing so.

The state government entered into a transnational land deal with a reputable multinational corporation for motor tyres production. We were never consulted at any point of the bargaining process. Worse still, is neither the state government nor the company talks about the original owners of the lands any more. This is a big loss for the members of the cooperative society and their households.

Key informants also expressed their views on how transnational/large-scale land deals have negatively impacted women and their households in relation to land ownership.

Key informant **4** observed:

Transnational land deals do not benefit women and their households in anyway. The reason is that these deals are no longer entered into because of the comparative advantage of countries in the global market. Multinational corporations see these deals as new and cheaper ways of providing food and energy for their home countries to the disadvantage of the poor or developing nations.

Similarly, key informant **5** said:

Major changes in land rights as a result of transnational or large-scale land deals affect women and men differently. The reason is that the two sexes do not have the

same roles, rights and opportunities in society. Even before the era of modern transnational land deals, women have always had lesser rights compared to men in relation to land tenure systems. Therefore transnational land deals worsen the poor condition of female land ownership, and further limit their opportunities for income generation.

Transnational land deals or "the land rush" has implications for women and their households in Nigeria. Firstly, women having vested interests in communal or agricultural lands are not usually consulted before these deals are finalised. Additionally, government and the transnational companies involved in these deals rarely ever fulfill their promises of reward or compensation of the affected original land owners and their families.

The expropriation of land by multinational corporations in Africa for extractive industries, large-scale agriculture, biofuel plantations and tourism is displacing large numbers of people, especially women and children (Odeny, 2013).

Environmental Rights Action, ERA (2015, p.7) argues, "Since 2010, Wilmar International has acquired thirty-thousand hectares of land for palm oil plantations in southeastern Nigeria…the company has plans to expand its Nigerian land bank to hundreds of thousands of hectares". Environmental Rights Action, ERA (2015, p.7) further argues Wilmar's operations in south eastern Nigeria, especially in the Cross Rivers State have:

1. failed to meet the company's obligations to gain the free, prior and informed consent of communities directly affected by its operations;
2. taken advantage of local power dynamics to bypass best practices in community consultation;

3. failed to produce adequate Environmental and Social Impact Assessments and to make them available to all stakeholders;
4. failed to live up to promises of infrastructure development and benefit sharing, despite these promises being a primary incentive for local stakeholders;
5. destroyed areas of High Conservation Value, including food producing areas and water sources essential to local communities; and
6. purchased a concession that encroaches on Cross River National Park and other forest reserves, leading to deforestation within these reserves and the threatening of endemic and endangered species.

6.12 Vulnerability to the HIV/AIDS epidemic

Vulnerability of women and girl-children to the HIV/AIDS epidemic is one of the consequences of gender discrimination relating to land and property rights. Ahmed (2011, p. 2) argues, "the need to focus on the discrimination of women and girls in property law and inheritance has been recognised as a core issue in addressing the HIV epidemic by the United Nations".

Participants expressed their views on how gender discrimination in land and property rights has made them and their households vulnerable to the HIV/AIDS epidemic.

Participant **16** remarked:

I was a full-time house wife and aged thirty-two when my husband passed on. I had to start petty trading in order to take care of myself and my children. But the money I was making from the trading was not enough to take care of myself and

support my children in school. As a young widow and three years after my husband died, men started making overtures at me and asking for my hand in marriage.

I was really not ready for a second marriage. I wanted to focus all my energy and time to bring up my children. With no help immediately coming from anywhere, I was under pressure to engage in transactional sex or prostitution in exchange for money to take care of myself and my household. But thank God I never succumbed to pressure until an NGO came to the rescue, and saved me and my household from the dilemma.

Similarly, participant **19** said:

After the demise of my husband, my children and I had to do all sorts of menial jobs to survive. For instance, my daughter and I started helping people to wash their clothes in their own homes in exchange for money or foodstuff. My daughter and I never really liked the idea of working in peoples' homes as this could make us vulnerable to sexual exploitation or rape with its attendant consequences.

Participants of the focus group discussions also expressed their views on how gender discrimination in land and property rights had made them and their households more vulnerable to the HIV/AIDS epidemic.

A participant from FGD **A** commented:

My husband's relatives said that I was the one responsible for the death of my husband, and as such refused to render any form of assistance to me and my household. My children started street hawking and trading in order to contribute their own quota to the domestic economy. Unfortunately, one of my daughters was

gang-raped by a group of boys who pretended they wanted to buy from her wares and things. My daughter lost her virginity to this ugly incident.

Similarly, another participant from FGD **B** added:

After the death of my husband, my husband's relatives decided to put the sharing of his estate on hold for reasons best known to them. Things became very tough for me and my household. My daughter had no other option but to agree to become a domestic staff or house help to one lady. Regrettably, my daughter was defiled by the first son of the lady she was working for. Although we reported the matter to the police, we decided not to press charges or prosecute the perpetrator because the mother agreed to continue to support my daughter in school.

Key informants also expressed their views about how gender discrimination in land and property rights made women and their households vulnerable to the HIV/AIDS epidemic.

Key informant **4** stated:

It is unfortunate that in the context of the HIV/AIDS epidemic and in relation to gender discrimination in land and property rights, women and their households are not protected in anyway. As a matter of fact, discriminatory civil, traditional, and religious laws increase women's and the girl-children's likelihood of becoming vulnerable to the HIV/AIDS epidemic.

Key informant **5** added:

Gender discrimination in land and property rights has serious implications for women and their households in the context of the HIV/AIDS epidemic. For women, land and property ownership alleviates gender based violence, and increases their

ability to have a say in their sexual relationships or to negotiate safe sex like the use of condoms.

Ahmed (2011) observes the HIV epidemic affects people's ability to negotiate safe sex or leave violent relationships. This makes individuals and families less likely to access care, treatment and support, especially when their HIV status is known. Further, customary practices make women more vulnerable to HIV.

The implication of this is that, for a woman, economic disempowerment puts her at risk of contracting HIV/AIDS, and reduces her ability to determine her sexual relationships. Lack of access to family property or inheritance implies that affected persons will find it difficult to access good health care facilities. Customs and traditions puts women at a disadvantage position as far as HIV/AIDS are concerned. Ahmed (2011, p. 3) concludes, "property grabbing, wife inheritance, ritual cleansings that involve unsafe sex and other practices often expose women as well as men to HIV".

6.12 Conclusion

In this chapter, this researcher discussed findings pertaining to the second objective of the study. That is, to explore the consequences of gender discrimination in land and property rights upon women and their households in Benin City, Nigeria. The following consistent themes emerging from the study were discussed. This included housing insecurity; food insecurity; lack of access to matrimonial property; and disinheritance of widows and female children. Also discussed were poverty; lack of access to credit facilities; economic disempowerment, marginality, landlessness and vulnerability to the HIV/AIDS epidemic. And finally, a conclusion is provided.

CHAPTER SEVEN

HOW SOCIAL WORKERS CAN ADDRESS THE CONSEQUENCES OF GENDER DISCRIMINATION IN LAND AND PROPERTY RIGHTS UPON WOMEN AND THEIR HOUSEHOLDS IN BENIN CITY, NIGERIA

7.1 Introduction

This chapter discusses the third objective of the study which seeks to make some recommendations about how social workers can intervene to address the consequences of gender discrimination in land and property rights upon women and their households in Benin City, Nigeria.

The main points of discussion in this chapter stem from the findings of the study emanating from the discussion of the first two research objectives. The research question aligned to the third objective was: "How can social workers assist women and their households address the perceived consequences of gender discrimination in land and property rights"?

From the participants' responses, it was evident housing insecurity includes high costs in shelter in relation to income, poor housing accommodation, overcrowding and homelessness.

Food insecurity manifested in the form of limited food available to households. This further led to iron-deficiency anemia, infection and developmental problems, especially among children.

Added to this, participants were denied access to their matrimonial property. Widows are not allowed to take part in the sharing of their deceased husbands' lands and houses. As well, female children - married or unmarried - are

disinherited because traditionally, they also cannot benefit from the devolution of family land and housing.

Poverty is another consequence of gender discrimination in land and property rights. The marginalisation of women in land and property ownership is the root cause of the feminisation of poverty.

Lack of access to credit facilities is a further consequence of gender discrimination in land and property rights. The implication of this is that participants are not able to secure loans to start their own businesses.

Another consequence of gender discrimination in land and property rights is it is economically disempowering for the participants - as they had less opportunity to invest and save money.

All participants agreed they experienced marginality in their land and property rights - contrary to the core mandates of social work that no individual or group of persons should be marginalised, excluded or oppressed by society.

Landlessness was yet another consequence of gender discrimination in land and property rights. Transnational land deals were entered into without consulting with women occupying the land. The implication of this was, for developmental purposes, women began having less and less access to communal lands than previously.

Vulnerability to HIV/AIDS is another consequence of gender discrimination in land and property rights. Women and girl-children denied access to family land and housing may be forced to engage in prostitution as a means of livelihood.

7.2 What the findings tell us about social workers and the consequences of gender discrimination in land and property rights

Critical consequences of gender discrimination in land and property rights on women and their households are housing insecurity and food insecurity. Other dire consequences include lack of access to matrimonial property; disinheritance of widows and girl-children; poverty; lack of access to credit facilities; economic disempowerment; marginality; landlessness and vulnerability to HIV/AIDS.

During the course of this study, there was no evidence to indicate social workers were addressing the consequences of gender discrimination in land and property rights. This kind of discrimination is always linked to developmental issues. Therefore Nigerian social workers have yet to recognise agricultural expansion and related issues as mainstream social work. Gray (2002, p. 8) asserts many social workers do not, "consider development a valid form of practice and context of social work activity".

7.3 Recommendations

In the light of the above, this researcher is of the opinion that if the following strategies are adopted, the problem of gender discrimination in land and property rights would be better addressed:

Traditional models of helping should be incorporated into social work practice

Traditional models of helping were already in existence in Nigeria long before professional social work was introduced in the colonial era. Traditional models of helping were basically family-based or developmental, and were derived from the customs and traditions of the Nigerian people.

Conversely, colonial social work in Nigeria regarded traditional models of helping inferior to individualistic western models of helping. The collective interests in traditional models of helping were not incorporated into western models. It is therefore recommended traditional models of helping should be incorporated into social work practices in Nigeria because they are developmental in nature.

The adoption of a developmental approach or critical social work practice

Until recently, social work in Nigeria was basically entrenched in the following two early theoretical approaches: the residual or remedial approach and the institutional approach. These methods are not developmental in nature, and therefore not capable to effectively handle the problem of gender discrimination in land and property rights. Dlangamandla (2010, p. 31) corroborates,

> "the residual model isolates the individual who has a problem from his/her environment as it suggests that the cause and solution for problems lie within the individual, while the institutional model reflects the belief that the individual is a member of society and therefore, the environment contributes to his/her difficulties, as it states these are due to causes largely beyond his/her control".

The limitation of both the residual and institutional models is they focus only on a treatment approach to service delivery as they both utilise a medical model. Therefore, they are inadequate to address the needs of vulnerable members of the society (Dlangamandla, 2010). It is against this backdrop this researcher recommends the developmental approach as a solution to the problem of gender discrimination in land and property rights in Benin City, Nigeria.

The developmental approach has the following key characteristics:

1. it is linked to economic development;

2. it has an interdisciplinary focus;

3. it is progressive in nature;

4 it utilises various strategies;

5. it is inclusive in scope; and

6. its goal is the promotion of social welfare - (Midgley, 1995:26-27; Midgley & Tang, 2001: 244-253; Patel 2005:207) cited in (Dlangamandla, 2010).

The developmental approach has the following themes which makes it best suited to address the problem of gender discrimination in land and property rights in Nigeria:

A rights-based approach:

Goals of a developmental approach include among others achieving social justice and equitable distribution in relation to land and property for all members of the society. A rights-based approach is based on respect for human rights and fundamental freedoms as guaranteed in the Constitution of the Federal Republic of Nigeria.

Interrelations between social and economic development:

The developmental approach emphasises economic development should be encouraged side-by-side with social development. Linking human capital development with economic development will ultimately lead to community

economic development or the development of the entire society. In order to achieve this, social workers must aggressively engage in lobbying advocacy efforts.

Democracy and participation:

Democracy and participation in social and economic development is fundamental in the developmental approach. Modern social work and social welfare demand people must be consulted in decisions affecting them. This must be done to ensure accountability by the government and civil society for their actions (Patel, 2005). It is obvious Nigerian women were not consulted before the existing land and property rights legislations were enacted.

Social welfare pluralism:

The developmental approach also emphasises the need for individuals, groups, communities, civil society, donors, development agencies, as well as the private and public sector to join forces to bring about integrated developmental welfare services (Patel, 2005). This is a sure way of de-emphasising the scramble for land and property inheritance between the sexes.

Macro-micro practice interventions:

The developmental approach also emphasises the need for social workers to integrate macro-micro interventions. The dichotomy between micro and macro practice must be overcome in order to enhance individual, family, community empowerment and development (Dlangamanda, 2010). Therefore, to effectively solve the problem of gender discrimination in land and property rights in Nigeria, social workers must focus upon empowering women and their households. They

can do this by using integrated practice interventions that do not ignore other approaches.

The amendment of 1999 Constitution of the Federal Republic of Nigeria

The 1999 Constitution of the Federal Republic of Nigeria should be amended to make human rights matters justiceable. This would put social workers in a better position to work towards a guarantee of fundamental human rights, and economic and social justice for all. Further, it would enable social workers to, more than ever before, aggressively engage in advocacy and lobbying as important change efforts with a view to bringing about structural changes in Nigeria.

Adoption of a human rights-based approach

The adoption of a human rights-based approach, HRBA *would* tackle the challenges of gender discrimination in land and property rights. This approach would empower people, especially women and girl-children (rights-holders) to realise their rights and force the state (duty-bearers) to comply with their human rights obligations and duties.

Massive advocacy and lobbying efforts

Advocacy

Fundamental to the developmental approach is advocacy and lobbying. Therefore, social workers in Benin City, Nigeria should be engaging in massive advocacy and lobbying efforts to bring about changes in existing legislations and policies in Nigeria. This is critical because, they concern women and the girl-children.

Social workers advocate for and on behalf of service users/clients for the provision of resources or welfare by the appropriate authority in the society. Advocacy comes into play when working with families, groups and communities. Social work practitioners advocate on multiple levels to facilitate both individual and social change (Zastrow and Kirst-Ashman, 2007).

There are two types of advocacy in social work: case or micro advocacy and cause or macro level advocacy. Case or individual/family advocacy involves providing/ obtaining services clients need to improve their socio-economic well-being.

For instance, clients may have encountered cultural barriers preventing them from achieving their fundamental human rights. Clients may also be too frightened or overwhelmed by life circumstances to confront discriminatory institutions and systems. With the permission of their clients, social workers may locate a lawyer to speak directly to the clients, and, if need be, represent them in the law courts (Zastrow and Kirst-Ashman, 2007).

Conversely, cause or social change advocacy, hand involves providing support or actively working to bring about social change in the society. Efforts to change local, state and/or federal government policies are examples of cause or social change advocacy (Zastrow and Kirst-Ashman, 2007).

Lobbying

Lobbying is about influencing the opinions of lawmakers or other public officials. The goal is to influence them to support or to be against a particular cause of action in society, or particular legislation in the parliament, etc. (Mutongi and Marume, 2016).

Social workers engaging in lobbying efforts must be patient but also persistent because the legislative process is very complex. As well, there are numerous issues

presented to a legislative body for deliberation at any given time. However, as a matter of course, social workers may be involved in lobbying efforts to influence lawmakers and/or public officials to change policies and/or laws affecting women and their households in relation to land and property rights.

Haynes and Miclelson (1997) cited in (Mutongi and Murume, 2016, p. 43) listed the following guidelines lobbyists should bear in mind:

1. know the issues thoroughly, and anticipate there will be opposition to their claims;
2. identify committed persons in society who can be called upon if need be;
3. locate a lawmaker who is sympathetic to their cause;
4. be familiar with the steps which must be followed; and
5. be available to answer the legislators' questions and offer advice before decisions are taken.

Therefore, social workers in Nigeria should bring their lobbying skills to bear in their everyday practice. This is imperative because it would enable them to better able to appreciate and address the challenges of gender discrimination in land and property rights. As well, lobbying skills afford social workers to communicate the plight of women who are discriminated against in land and property rights to lawmakers.

Key approaches to lobbying include among others:

1. involving leaders who are extremely influential in facilitating policy formulation and implementation;
2. building partnerships with groups and individuals to accomplish a purpose;
3. mobilise community groups to draw attention of leaders towards information policy issues; and

4. work with the mass media to inform policy makers and the public about activities regarding information policy (Mutongi and Murume, 2016).

Poverty alleviation and social inclusion

Social workers in Benin City, Nigeria must focus on poverty alleviation and social inclusion with a view to assisting displaced women and girl-children get back into the mainstream of society. Social workers can reduce poverty brought about as a result of social, political and economic factors. This can be achieved by encouraging people to take their destinies into their own hands and to be proactive in finding lasting solutions to their problems.

Strengths perspective

Social workers in Benin City, Nigeria should also incorporate the strengths perspective into their practice. This approach would help them to ascertain how to help women and girl-children overcome their problems after being discriminated against in land and property rights.

The strengths perspective would also enable social workers to focus on resilience and power inherent in their clients, as well as how these can help them overcome any obstacle they be facing. With the strengths perspective, the social worker addresses the challenges people encounter by helping them overcome negative perceptions about themselves. Simultaneously, social workers must encourage clients, to focus on their ability to transform their vision of self-sufficiency into reality (Gray, 2002).

Assets-based community development (ABCD) model

Social workers should explore the assets-based community development (ABCD) model to help women and girl-children discriminated against in land and property

rights overcome their problem. The ABCD is a strengths-based approach in which the community worker plays facilitator and is a partner in the healing process. According to Gray (2002, p.10), "ABCD is essentially about harnessing non-material assets and resources, such as people's participation, community support and naturally occurring social networks, and combining these strengths into organised community programs around issues of common concern".

Inductive approach to policy practice

Social workers in Benin City, Nigeria should employ the inductive approach to policy practice. With the inductive approach to policy analysis and development, social workers take on human rights problems from a bottom-up, people-centered, humanistic and strengths perspective.

Using this policy practice, the clients' input is fundamental as they must be involved in the policy making processes (Gray, 2002). Additionally, policy practice brings into awareness the clients' stories of strength, resilience and survival as well as incorporating these into action plans (Weick et al. in Chapin, 1995) cited in Gray (2002, p.10).

Consultation at all levels

Social workers should employ consultation in their mode of practice since the majority of them work in organisations where they consult with clients or render counseling services. Consultation at the international, national or local levels is fundamental to social work practice. Social workers consulting at all levels rely on the experiences and knowledge of their clients. The reason is clients know their strengths and limitations better than anyone else (Gray, 2002).

The casework method

Adopting the developmental approach to social work practice in Nigeria does not mean social workers should abandon their casework method skills. Gray (1997) cited in Gray (2002, p. 11) argues, "social work's philosophy is entirely consistent with that of social development". Therefore, casework remains important for social workers willing to embrace developmental social work. What this implies for social work practice in Nigeria is individual, family, community, organisational development, and policy change are all fundamental to developmental social work.

Facilitative group work models

Social workers in Nigeria should employ facilitative group work models in their practice because group work is fundamental to all developmental work approaches. Facilitative group work in relation to securing a lasting solution to gender discrimination in land and property rights implies direct input is necessary.

Therefore, women and their households must be directly and actively involved in the design and implementation of programs that would help overcome their issues. Facilitative group work enables social workers to participate in group processes where they use their knowledge and skills to empower their clients (Rooth in Gray, 1998a) cited in Gray (2002).

Social entrepreneurs

Social workers in Nigeria must be ready to become social entrepreneurs or enterprise facilitators. Currently, all over the world, governments, corporations and markets have failed to generate enough jobs for unemployed and displaced

members of society. Enterprise facilitation would therefore enable women denied their inheritance or family land and property to still achieve what they want in life.

If a woman who has been denied of her inheritance or family land and property is taught how to operate her own micro-enterprise, it would benefit her household, the community and society a variety of ways. For instance, a micro-enterprise would be a source of income for the woman no matter the circumstance. For social entrepreneurs, real empowerment is about making people economically independent and autonomous (Gray, 2002).

Partnership development

Social workers in Nigeria should be involved in partnership development in the society. Partnership development is a strengths-based approach involving identifying and building on the assets, strengths and capacities of individuals, groups and communities.

Government spending on welfare has reduced considerably across the world, and has led to an increased role of the private sector in social welfare provisioning or social development. In partnership development, strengthening the civil service, building civil society and engaging the private business sector into a tripartite socio-economic development partnership cannot be overemphasized (Fitzgerald, McLennan and Munslow (1997) cited in Gray (2002).

Participatory action research

It has been recommended social workers in Nigeria should be employing participatory action research approaches in their practice. Research is fundamental in all forms of social work. The participation of service recipients and beneficiaries

in their own welfare and development is crucial to developmental social work practice. Karger (1983) cited in Gray (2002, p. 13) asserts, "participatory action research places a high value on the knowledge and experience of people…people whose knowledge and experience has been suppressed or dominated by others".

Participatory action research is a systematic study of a problem. Therefore, it would enable women and their households to be directly involved in the process of finding a lasting solution to the issue of gender discrimination in land and property rights.

Redesigning the social work curriculum

The curricula of schools of social work in Nigeria should be re-designed in a way to teach students to be proactive, and be ready to deal with emergent social problems in society. For example, they should be taught how to be resourceful, and find practical solutions to both private and public issues.

According to Gray (2002, p. 14), "the goal is to produce critically reflective practitioners who are able to think on their feet and to apply their knowledge and skills to a wide variety of contexts". Social work students must be taught human beings, their environment, and the challenges they face, are ever changing.

They need to be taught the process of knowledge building is a continuous exercise. Additionally, they should be taught field education/placement is an opportunity to put theory into practice (Gray, 2002).

Odiah (1991) cited in Anucha (2008) observes the curriculum of social work in Nigeria is informed by Western approaches to social work which promote remedial social work. The curricula of most of the Schools of social work in Nigeria

emphasise a remedial approach, which is dominated by casework and based on European and American theories.

Therefore in Nigeria, a mismatch exists between social work education and contemporary social problems. According to Anucha (2008, p. 230), "not much curriculum change…has occurred to address these concerns". Subsequently, a key challenge to social work educators and practitioners in Nigeria is how to re-envision and transform social work education and training to better meet current realities.

Promoting social change

One of the global mandates of social work is to promote social change in society. Therefore, social workers in Nigeria must start promoting social change in all facets of the society - at the personal, family, group, community and societal levels.

For instance, social workers should be at the forefront of connecting displaced or marginalised persons to agencies where they can find support or some other form of assistance. At the community level, social workers should be drawing the attention of policy makers to projects needing to be put in place for the benefit of all the community members.

Also, as part of promoting social change, social workers in Nigeria should challenge the factors creating marginalisation, social exclusion and oppression in society. Finally, they must start appealing for the guarantee of fundamental human rights as well as, and economic and social justice for all.

Promoting social development

In the IASSW's definition of social work, social development is also mentioned as one of the priority areas of social work. It is therefore recommended social workers, social development practitioners and civil society organisations should join forces to promote the well-being of the population as a whole. This is, especially so in the area of poverty reduction, environmental and community sustainability, as well as promotion of the dignity and worth of all people.

Promoting social cohesion

The IASSW's definition of social work emphasises the need for modern social practitioners to be at the forefront of achieving social cohesion in society. However, historical, socio-economic, cultural, political and personal factors may serve as barriers to growth and development of both the individual and his environment, and this may affect social cohesion.

Against this background, social workers in Nigeria must draw the attention of the government and other stakeholders to the structural and personal barriers hindering social cohesion - with a view to addressing them.

Empowerment and liberation of people

Finally, the IASSW's definition of social work makes reference to empowerment and liberation of the marginalised, excluded, and oppressed members of society, as well as the need to help them overcome their issues.

This is called emancipatory practice or critical social work. It includes the advancement of human rights, and striving to achieve economic and social justice for all members of the society. In Nigeria, social workers must begin engaging in

emancipatory practice or critical social work with a view to identifying sources of oppression in the society. Additionally, they must encourage the marginalised, excluded and oppressed to take necessary action to address their problems.

7.4 Conclusion

In this chapter, the researcher summarised the consequences of gender discrimination in land and property rights. What the findings revealed about social workers and the consequences of gender discrimination in land and property rights are also outlined. Finally, recommendations and a conclusion are provided.

CHAPTER EIGHT

MAIN FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

8.1 Introduction

The purpose of this study is to explore the phenomenon of gender discrimination in land and property rights and its implications for social work practice in Benin City, Nigeria. Globally, gender discrimination in land and property rights is considered to be a social problem, especially in sub-Saharan Africa.

This study was motivated by the fact that in Nigeria the majority of those who have no access to land and property rights are women and girl-children. The marginalisation of women in land and property ownership has persisted despite various international human rights instruments guaranteeing women's socio economic and cultural rights.

Because of this persistence of discriminatory land and property rights practices, how best to address this problem remains to be seen. The reason is not enough research has been carried out to expand the existing frontiers of knowledge. This study therefore has sought to analyse the problem of gender discrimination in land and property rights from a social work perspective.

The research explored factors leading to gender discrimination in land and property rights. This includes the consequences endured by women and their households as well as how social workers can intervene to address this problem. This chapter discusses the main findings, conclusions and recommendations of this study.

8.2 Main findings

The summarisation of findings will be presented according to the objectives the study has sought to address.

8.2.1 The first objective of the study was to explore women's experiences about gender discrimination in land and property rights.

Findings reveal under both customary and statutory law, women are still being discriminated against in their inheritance or land and property rights in Nigeria. Participants highlighted their experiences in relation to land and property rights:

- *The impact of colonialism*

The foremost aspect dominating participants' understanding of gender discrimination in land and property rights is that colonialism negatively impacted upon women's land and property rights in Nigeria. Participants also agreed women had more land and property rights in pre-colonial Nigeria than in colonial and post-colonial Nigeria.

Participants noted in pre-colonial Nigeria, men and women had virtually the same land rights. After Nigeria was colonised by Britain, lands in both cities and rural areas were either commercialised or taken over by the government. The implication of this was it became very difficult for most women to have vested interests in lands.

- *The statutes*

Closely linked to the perpetuation of gender discrimination in land and property rights in Nigeria was the role of colonial statutes in the entrenchment of discriminatory family inheritance and property rights. Participants noted it was the

British colonial government that introduced various legislative enactments or statutes that are discriminatory against women in land and property rights. It is remarkable to note these statutes have neither been modified nor repealed since Nigeria attained political independence in 1960.

- *Constitution*

Another key feature that coming out of the participant discussions was women's land and property rights are a human rights issue, and therefore a Constitutional matter. Participants noted all Nigerian Constitutions adopted before and after 1960 failed to make human rights issues legally enforceable.

- *Judicial precedents*

The law courts in Nigeria are bound to follow judicial precedents. This implies judges in Nigeria are duly guided by earlier court decisions in land and property rights matters brought before them for adjudication. Participants who went to the law courts to seek redress in relation to their land and property rights said their efforts were frustrated by the strict application of judicial precedents.

- *The Benin customs and traditions*

Another theme dominating the discussions of the participants was patriarchal Benin customs and tradition which take precedence over all other considerations in the devolution of family land and property. Participants said under Benin customs and traditions, inheritance are strictly by male primogeniture rule.

- *Traditional religion, Christianity and Islam*

From the discussions of the participants it was also evident traditional religion, Christianity and Islam all supported discrimination against women in land and property rights. Participants said in all the three religions, men are viewed as the superior sex and placed above women in the devolution of family land and property.

- *The government*

Another aspect of the participants' discussion was the government of Nigeria was not doing enough to support women in their fight to achieve equal rights with men in inheritance related matters. The majority of participants said all three (3) tiers of government - Federal, State and Local - have failed in their responsibility to create an enabling environment for the realisation of equal rights for men and women in the devolution of family land and housing.

- *The family*

Finally, participants were unanimous in identifying the family as the primary factor for the perpetuation of gender discrimination in land and property rights. According to the participants, under Benin customs and tradition, family decisions pertaining to inheritance or the devolution of land and housing are sacred. Therefore, they take precedence over the Nigerian Constitution and other legislative enactments or statutes in this regard.

8.2.2 The second objective of the study sought to explore the consequences of gender discrimination in land and property rights affecting women and their households in Benin City, Nigeria.

The consequences of gender discrimination in land and property rights affecting women and their households are as follows:

- *Housing insecurity*

Housing insecurity is one of the major consequences of gender discrimination in land and property rights suffered by women and their households. Most participants noted after the demise of their husbands, they became housing insecure. For some participants and their households, housing insecurity manifested in the form of high cost of house rents in relation to income. They often made multiple moves from house to house due to circumstances beyond their control, overcrowding of their apartments, and homelessness.

- *Food insecurity*

Closely linked to the problem of housing insecurity as a consequence of gender discrimination in land and property rights was food insecurity. Participants noted after the demise of their husbands, the quantity of food available to them and their households became much more limited and uncertain. For some, food insecurity was particularly severe because the heads of the households had passed on, and those left behind had no independent means of livelihood.

- *Lack of access to matrimonial property*

Another consequence of gender discrimination in land and property rights discussed by participants was lack of access to matrimonial property. Property

acquired during marriage by both husband and wife is called matrimonial property. Most participants said they were not entitled to any share of matrimonial property regardless of their contribution. In addition, they said that with impunity, their late husbands' male relatives grabbed their matrimonial property and deprived them of their inheritance.

- *Disinheritance of female children*

Participants also discussed the issue of disinheritance of female children as one of the consequences of gender discrimination in land and property rights. Participants unanimously agreed under Benin native law and custom, a daughter (married or unmarried) could not inherit the family home or the principal house - the *Igiogbe* where the father lived and died. The reason is the family house was regarded the exclusive preserve of the male gender.

- *Poverty or feminisation of poverty*

Poverty feminisation was identified by the participants as a strong effect of gender discrimination in land and property rights. The majority of participants said marginalisation of women in land and property rights was the root cause of the feminisation of poverty. For some participants and their households, after the demise of their husbands, poverty came in the form of hunger, homelessness and inadequate healthcare.

- *Lack of access to credit facilities*

Participants also emphasised lack of access to credit facilities was a primary consequence of gender discrimination in land and property rights. Most participants noted they are unable to access credit because they do not have the

required collateral such as land and housing. The implication of this is, after the demise of their husbands, that they were unable to generate income to supplement household food security and maintain child nutrition.

- *Economic disempowerment*

Another consequence of gender discrimination in land and property rights talked about by participants was economic disempowerment. Most participants said after the demise of their husbands, access to family land and property would have been the most stable form of economic empowerment for them and their households. The implication of this was they had less opportunity to invest and save money. Added to this, they had less say in how household income was spent.

- *Marginality*

Participants also said gender discrimination in land and property rights had contributed to their marginality in society. Most participants agreed they are worse off than men across most indicators since they have experienced marginalisation in land and property inheritance. In addition, they have remained voiceless, invisible and left out of national development plans.

- *Landlessness*

Large-scale or transnational land deals had also negatively impacted women's access to both family and communal lands. For instance, women who had vested interests in communal lands were not consulted before these land deals were entered into.

Added to this, large-scale land deals led to a shift from subsistence or peasant farming to commercial agriculture. The majority of participants noted these shifts

had affected their household dynamics, roles and economic activities. Further, participants noted that the government and the transnational corporations involved in large-scale or transnational land deals scarcely ever fulfilled their promises of rewards or compensation to affected original land owners and their families.

- *Vulnerability to HIV/AIDS epidemic*

Lastly, participants also emphasised gender discrimination in land and property rights made them vulnerable to the HIV/AID epidemic. Most participants noted property grabbing and inability to negotiate safe sex or leave violent relationships made them vulnerable to HIV.

8.2.3 The third objective of the study sought to make some recommendations on how social workers can intervene to address the consequences of gender discrimination in land and property rights upon women and their households in Benin City, Nigeria.

This researcher recommends the following steps taken to address the consequences of gender discrimination in land and property rights upon women and their households:

Traditional models of helping should be incorporated into social work practice

Traditional models of helping should be reincorporated into social work practice because they are family-based, developmental, and derived from the customs and traditions of the Nigerian people. During the colonial era, British social workers regarded traditional models of helping as inferior to individualistic western models of helping. Therefore, traditional models were never encouraged or developed.

The adoption of a developmental approach or critical social work practice

Until recently, social work in Nigeria was basically entrenched on the following two early theoretical approaches - the residual or remedial approach and the institutional approach. These approaches are not developmental in nature, and therefore not able to effectively tackle the problem of gender discrimination in land and property rights.

It is against this backdrop this researcher is recommending a developmental approach as a panacea to the problem of gender discrimination in land and property rights in Nigeria. The developmental approach has the following key characteristics:

1. it is linked to economic development;

2. it has an interdisciplinary focus;

3. it is progressive in nature;

4. it utilises various strategies;

5. it is inclusive or universal in scope; and

6. its goal is the promotion of social welfare

(Midgley, 1995:26-27; Midgley & Tang, 2001: 244-253; Patel 2005:207) cited in (Dlangamandla, 2010).

The amendment of 1999 Constitution of the Federal Republic of Nigeria

The 1999 Constitution of the Federal Republic of Nigeria should be amended to make human rights matters justiceable. This would put social workers in a better

position to petition for a guarantee of fundamental human rights, plus economic and social justice for all. Further, it would enable social workers to, more than ever before, aggressively engage in advocacy and lobbying for change with a view to bringing about important structural changes in Nigeria.

The adoption of a human rights-based approach

The adoption of a human rights-based approach, HRBA tackles the challenges of gender discrimination in land and property rights. This approach will empower people, especially women and the girl-children (rights-holders) to realise their rights and compel the state (duty-bearers) to comply with their human rights obligations and duties.

Advocacy and lobbying

Fundamental to the developmental approach is advocacy and lobbying. Therefore, social workers in Nigeria should commence to engage in massive advocacy and lobbying efforts. Changes in existing laws and policies in Nigeria are absolutely necessary, especially as they concern women and girl-children.

Strengths perspective

Social workers in Benin City, Nigeria should incorporate the strengths perspective into their practice in order to know how to help those discriminated against in land and property rights overcome their problems. The strengths perspective would enable social workers to focus on resilience and power inherent in their clients, as well as how these can help them overcome any obstacle they may encounter.

Assets-based community development (ABCD) model

To help women overcome their problems, social workers should explore the assets-based community development (ABCD) model to help them and daughters who are discriminated against in land and property rights. The ABCD is a strengths-based approach in which a community worker plays the role of a facilitator and partner in the healing process.

Inductive approach to policy practice

Social workers in Benin City, Nigeria should employ the inductive approach to policy practice. Using the inductive approach to policy analysis and development, social workers deal with human problems from a bottom-up, people-centered, humanistic and strengths perspective. With this policy practice, the clients' input is fundamental as they must be involved in the policy making processes (Gray, 2002).

Consultation at all levels

Social workers should employ consultation in their practice as the majority of them work in organisations where they consult with clients or render counseling services. Consultation at the international, national and local levels is fundamental in social work practice.

The casework method

In Nigeria, adopting the developmental approach to social work practice does not mean social workers should abandon their casework method skills. Gray (1997) cited in Gray (2002, p. 11) says, "social work's philosophy is entirely consistent

with that of social development". Therefore, casework remains important for social workers willing to embrace developmental social work.

Facilitative group work models

Social workers in Nigeria should employ facilitative group work models in their practice. This is because group work is fundamental to all developmental work approaches. Facilitative group work will enable women and their households to be involved in the design and implementation of programs to help them overcome their problems.

Social entrepreneurs

Social workers in Nigeria must be ready to become social entrepreneurs or enterprise facilitators. Enterprise facilitation would enable women denied of their inheritance of family land and property to still achieve what they want in life. For example, a micro-enterprise would be a viable source of income for a woman no matter her circumstance. For social entrepreneurs, real empowerment is about making people economically independent and autonomous (Gray, 2002).

Partnership development

Social workers in Nigeria should be involved in partnership development. Partnership development is a strengths-based approach involving identifying and building on the assets, strengths and capacities in individuals, groups and communities. Strengthening the civil service, building civil society and engaging the private business sector in a tripartite socio-economic development partnership cannot be overemphasised in partnership development (Fitzgerald, McLennan and Munslow (1997) cited in Gray (2002).

Participatory action research

It is recommended social workers in Nigeria should employ participatory action research approaches in their practice. Karger (1983) cited in Gray (2002, p. 13) states, "participatory action research places a high value on the knowledge and experience of people…people whose knowledge and experience has been suppressed or dominated by others".

Re-designing the social work curriculum

The curricula of schools of social work in Nigeria should be redesigned in such a way to teach students to be proactive, and be ready to tackle emergent social problems. According to Gray (2002, p. 14), "the goal is to produce critically reflective practitioners who are able to think on their feet and to apply their knowledge and skills to a wide variety of contexts".

Promoting social change

One of the global mandates of social work is to promote social change in society. Therefore, social workers in Nigeria should start promoting social change in all facets of the society - at the person, family, group and community levels. Social workers should be at the forefront of connecting displaced or marginalised persons to agencies where they can find some form of assistance. Added to this, Nigerian social workers should be challenging the factors that create marginalisation, social exclusion and oppression in the society.

Promoting social development

In the IASSW's definition of social work, social development is also incorporated as one of the key mandates of social work. It is therefore recommended social

workers, social development practitioners and civil society organisations should join forces to promote the wellbeing of the population as a whole.

Promoting social cohesion

The IASSW's definition of social work emphasises the need for modern social practitioners to be at the forefront of achieving social cohesion in society. Therefore, social workers in Nigeria should draw the attention of the government and other stakeholders to the structural and personal barriers hindering social cohesion with a view to addressing them.

Empowerment and liberation of people

Finally, the IASSW's definition of social work made reference to the empowerment and liberation of the marginalised, excluded and oppressed members of the society. They must help the people they represent to overcome their problems. In Nigeria, social workers should start engaging in emancipatory practice or critical social work with a view to encouraging the marginalised, excluded and oppressed to take necessary action to address their difficulties.

8.3 Conclusions

The results of the study clearly indicate gender discrimination in land and property rights persists in Benin City, Nigeria. This is contrary to the provisions of the 1999 Constitution of the Federal Republic of Nigeria, applicable Nigerian statutes, and various other international conventions Nigeria is a signatory in guaranteeing equal rights for men and women in virtually all facets of life. Some key roles social workers can play towards finding a lasting solution to the issue of gender discrimination in land and property rights are as follows:

- *Traditional models of helping*

Research findings show gender discrimination in land and property rights is still very much in existence in Benin City, Nigeria, and social workers have not begun addressing this problem. Therefore, in Nigeria, traditional models of helping should be incorporated into social work practice because they are family-based or developmental, and derived from the customs and tradition of the Nigerian people.

- *Developmental approach*

Results of this study show the adoption of a developmental approach to social work will aid in addressing the problem of gender discrimination in land and property rights.

- *Constitution*

The 1999 Constitution of the Federal Republic of Nigeria should be amended to provide social workers legal power to embark upon developmental welfare. This would put social workers in a better position to work for the guarantee of fundamental human rights as well as economic and social justice for all.

- *A human rights-based approach*

One key issue raised by the participants was they do not know their rights or the obligation of government in relation to land and property. Therefore, the adoption of a human rights-based approach, HRBA will empower people, especially women and the girl-children (rights-holders), to realise their rights and compel the state (duty-bearers) to comply with their human rights obligations and duties.

- *Advocacy and lobbying*

One key issue raised by the participants was their voices are not always heard and they are not always consulted before major decisions concerning them are undertaken in the society. Therefore, social workers in Nigeria should start engaging in massive advocacy and lobbying efforts to bring about changes in the existing Nigerian laws and policies, especially since they concern women and girl-children.

- *Strengths perspective*

Results of the study also point to the fact displaced women and their households are not viewed as capable of finding any meaningful solution to their plight. Therefore, social workers in Nigeria should incorporate the strengths perspective into their practice to enable them to focus on resilience and power inherent in their clients, and how these can help them overcome any obstacle they may face.

- *Casework*

Results of this study reveal social workers do not apply themselves fully in relation to tackling emergent social problems in the society. However, the developmental approach to social work practice does not mean social workers should abandon their casework method skills. Casework remains important for social workers willing to embrace developmental social work.

- *Social entrepreneurs*

Results of the study also substantiate displaced women in relation to family land and property, were not financially independent before the demise of their husbands. Social workers in Nigeria must be ready to become social entrepreneurs

or enterprise facilitators. For example, owning a micro-enterprise would be a source of income for a woman no matter her circumstances. For social entrepreneurs, real empowerment is about making people economically independent and autonomous (Gray, 2002).

- *Social work curriculum*

The results of the study show social workers social workers were not willing to solve problems they were not taught in school. Therefore, the curricula of Nigerian schools of social work should be re-designed to teach students to be proactive. According to Gray (2002, p. 14), "the goal is to produce critically reflective practitioners who are able to think on their feet and to apply their knowledge and skills to a wide variety of contexts".

8.4 Implications for social work practice

The findings of the study clearly demonstrate gender discrimination in land and property rights in Nigeria had serious consequences upon women and their households. Social workers have not yet started addressing this problem because they do not see social development as mainstream social work. Additionally, government intervention is fundamental to link social development with economic progress, and to remodel social work practices towards a developmental approach.

The time has come to change how social work is practiced in Nigeria as, from the colonial era to the present emphasis has been placed on remedial social work. Social workers need to craft interventions that link social change with economic progress. This is necessary to improve upon the socio-economic conditions of the displaced members of society.

The results of this study clearly show adopting the developmental approach could be an excellent way through which social workers in Nigeria could address the consequences of gender discrimination in land and property rights on women and their households.

The developmental approach implies all stakeholders: social workers; the government, corporate bodies and non-governmental organizations (NGO) should join forces in the fight against marginalisation of women and girl-children regarding land and property rights.

The developmental approach to social work practice does not mean traditional models of helping should be abandoned all together. What it implies is social workers should integrate into their practice, traditional models of helping which are compatible with western models of helping.

One of the global mandates of social work is social development. The implication of this upon social work practice in Nigeria is social development should be regarded as mainstream social work. Therefore, the developmental approach would ensure social workers are at the forefront of the quest for equitable and sustainable development for everyone in society, especially women and girl-children.

The developmental social work approach would enable social workers in Nigeria to incorporate the strengths perspective into their practice. This would allow social workers to focus on resilience and power inherent in women and the girl-children. This is how social workers can ultimately help women overcome the problem of gender discrimination in land and property rights.

As well, casework method is needed in developmental social work. Gray (1997) cited in Gray (2002, p. 11) asserts, “social work’s philosophy is entirely consistent

with that of social development". Casework is important for social workers willing to embrace developmental social work. Therefore, the individual, family, community, organisational development and policy changes are all fundamental in developmental social work.

Facilitative group work is essential to all developmental work approaches. This enables social workers to involve women and their households directly and actively in the design and implementation of programs to help overcome gender discrimination in land and property rights. Facilitative group work enables social workers to participate in group processes where they can use their knowledge and skills to empower their clients (Rooth in Gray, 1998a) cited in Gray (2002).

In the developmental approach to social work practice, social workers in Nigeria must be ready to become social entrepreneurs or enterprise facilitators. Enterprise facilitation would enable women and girl-children to achieve what they want to achieve in life. A woman who has been denied of her inheritance, family land or property can be taught how to operate a micro-enterprise. This would be a viable source of income for the woman and her household no matter the circumstance.

The developmental approach also involves partnership development within the society. Partnership development is a strengths-based approach. It enables social workers to identify and build on the assets, strengths and capacities of women and girl-children. As well, involvement of government and the private sector – in finding a lasting solution to the problem of gender discrimination in land and property rights is vital

Research is fundamental in all forms of social work practice. The participation of women and girl-children in their own welfare and development is fundamental in

the developmental approach to social work practice. Karger (1983) cited in Gray (2002, p. 13) maintains, "participatory action research places a high value on the knowledge and experience of people…people whose knowledge and experience has been suppressed or dominated by others".

Participatory action research is a systematic study of a problem. Therefore, it would enable women and their households to be directly involved in the process of finding a lasting solution to the issue of gender discrimination in land and property rights.

The developmental approach also has implications for the curricula of schools of social work in Nigeria. It calls for a redesign of the courses in such a way as to teach social work students to be proactive. Thus, they would be ready to address both familiar problems as well as new ones, not taught during their training. According to Gray (2002, p. 14), "the goal is to produce critically reflective practitioners who are able to think on their feet and to apply their knowledge and skills to a wide variety of contexts".

8.5 Recommendations

Based on the findings of this study, the following recommendations are suggested:

- *Traditional models of helping*

Traditional models of helping should be incorporated into social work practice in Nigeria because they are developmental/family-based, and derived from the customs and tradition of the Nigerian people.

- Developmental approach

Social workers should adopt the developmental approach in their practice. The reason is developmental approach is universal in scope.

- *Constitution*

The 1999 Constitution of the Federal Republic of Nigeria should be amended to induce all stakeholders to embrace developmental welfare.

- *Advocacy and lobbying*

Social workers must engage in massive advocacy and lobbying efforts to bring about major changes in the existing status quo.

- *Strengths perspective*

Social workers should incorporate the strengths perspective into their practice to enable them focus on resilience and power inherent in their clients.

- *Casework*

Social workers should apply themselves fully to take on emergent social problems in the society. The developmental approach to social work practice does not mean social workers should abandon their casework methodology.

- *Social entrepreneurs*

Social workers in Nigeria must be ready to become social entrepreneurs or enterprise facilitators as this would enable them to teach women the benefits of owning micro-enterprises.

- *Social work curriculum*

The curricula of schools of social work in Nigeria must be re-designed to teach students to be proactive and critically reflective practitioners.

8.6 Recommendations regarding areas for further research

It is hoped this study will be used as a foundation for further research on inheritance, especially land and property rights in Nigeria.

Future research into gender discrimination in land and property rights should:

- Focus on how to involve other professionals such as lawyers in finding solutions to the problem of gender discrimination in land and property rights;

- Interrogate the possibility of incorporating traditional models of helping compatible with western models of helping into the curricula of Nigerian schools of social work;

- Future research should also examine the possibility of the unification of micro and macro practice as a way of encouraging social workers to understand development issues as mainstream social work; and

- Investigate the possibility of seeking male perceptions in finding solutions to the issue of gender discrimination in land and property rights.

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Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R14/49 Yesufu

CLEARANCE CERTIFICATE	**PROTOCOL NUMBER: H15/05/43**
PROJECT TITLE	Gender discrimination in land and property rights in Benin City, Nigeria and its implications for social work practice
INVESTIGATOR(S)	Mr S Yesufu
SCHOOL/DEPARTMENT	Human and Community Development/
DATE CONSIDERED	22 May 2015
DECISION OF THE COMMITTEE	Approved unconditionally
EXPIRY DATE	14 June 2017

DATE 15 June 2015 **CHAIRPERSON** _____ (Professor T Milani)

cc: Supervisor : Professor E Kaseke

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10005, 10th Floor, Senate House, University.

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

_____ _____/_____/_____

Signature **Date**

PLEASE QUOTE THE PROTOCOL NUMBER ON ALL ENQUIRIES

NMCK

Neal McKenna

Copy and Stylistic Editor

June 21, 2018

To whom it may concern,

This letter is provided to substantiate I, Neal McKenna, have edited the PhD dissertation "**Gender discrimination in land and property rights in Benin City, Nigeria and its implication for social work practice**", written by Sumaina Yesufu.

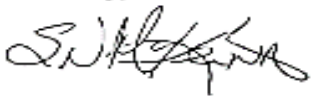
My service included stylistic and copy editing.

Stylistic Editing: Clarifying meaning, eliminating jargon, polishing language, and other non-mechanical line-by-line editing.

Copy Editing: Editing for grammar, usage, spelling, punctuation, and other mechanics of style.

Please note, I did not check references and bibliographies or do formatting.

Sincerely,



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Appendix 1: Semi-structured interview schedule

TOPIC: GENDER DISCRIMINATION IN LAND AND PROPERTY RIGHTS AND ITS IMPLICATIONS FOR SOCIAL WORK PRACTICE IN BENIN CITY, NIGERIA

Questions:

1. Are you a Benin or an Edo Women? .....

2. Are you a Christian or a Muslim? .....

3. What is your marital status? .....

4. Are you married under the native law and custom or under the statute?

5. What is your highest level of education? ...…….....

6. What do you do for a living? .....

7. How many children do you have? .....male.....female.....

8. What is your own story of land and property ownership? ……

.....

9. Explain how you feel about your right to family land and property? .....……
……

10. What was your experience in the devolution of your deceased father's or husband's estate?

……
……..

11. What does your religion say about the right of women to own land and property?.....

……

12. How was your family land and property shared among your brothers and sisters?.....

.....

13. In what ways do you think that gender discrimination in land and property rights can affect women and their households?.....

……...

14. What did you do when you discovered that you have not been treated fairly in the sharing of your deceased father's or husband's estate? …….

……..

15. Explain what the Nigerian Constitution says about discrimination against women in land and property rights?.....
……

16. What is your understanding of women's rights as human rights in relation to women's land and property rights?.....

End



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Appendix 2: <u>Focus group discussion guide</u>

TOPIC: GENDER DISCRIMINATION IN LAND AND PROPERTY RIGHTS AND ITS IMPLICATIONS FOR SOCIAL WORK PRACTICE IN BENIN CITY, NIGERIA

Dear Focus Group Participants,

Thank you for agreeing to take part in the focus group.

My name is Sumaina Yesufu.

I am doing some research on the above topic as part of my PhD Programme at the University of the Witwatersrand, Johannesburg, South Africa.

1. I would like to start by asking each of you to introduce yourself, and saying how long you have lived in Benin City, and what you know about gender discrimination in land and property rights?
2. I would like you talk about what land and property rights mean to you?
   - Physical well-being
   - Mental well-being
   - Well-being of your households
3. Why is it necessary for a woman to own land and property?
4. How does a woman acquire land and property rights?
5. Are women allowed to benefit from the devolution of her deceased father's or husband's estate?
6. How does your religion affect a woman's land and property rights?

7. How do your customs and tradition affect a woman's land and property rights?

8. How you feel about going to court to seek redress over land and property rights matters?

9. Share your own experience with us in relation to how you were treated in the devolution of your deceased father's or husband's estate?

10. Anything else you would like to share with concerning our topic of discussion?

Thank you for taking part in the discussion. Please help yourselves with some soft drinks and meat pies, provided by the research team.

End



Appendix 3: <u>Key Informants' Interview Guide</u>

TOPIC: GENDER DISCRIMINATION IN LAND AND PROPERTY RIGHTS AND ITS IMPLICATIONS FOR SOCIAL WORK PRACTICE IN BENIN CITY, NIGERIA

Questions:

1. What you have done to advance the course of women in your community in relation to land and property rights?
2. Do you think that women's land and property rights issues should be left for the civil society and lawyers alone?
3. What can you do to help women realize their rights to family land and property?
4. What you know about women's land and property rights in your community?
5. How does gender discrimination in land and property rights affect women?
6. What are you doing as a social worker to help women and their households cope with the perceived consequences of gender discrimination in land and property rights?
7. What advocacy work have you done for and on behalf of your clients?
8. Tell me about your involvement in macro-practice?
9. What are the human rights issues that you have dealt with?
10. What have you done to bring about change in your community?

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Appendix 4: <u>Consent forms</u>

TOPIC: GENDER DISCRIMINATION IN LAND AND PROPERTY RIGHTS AND ITS IMPLICATION FOR SOCIAL WORK PRACTICE IN BENIN CITY, NIGERIA

Consent form for participation in the face to face interviews

I hereby consent to participate in the structured interview. The purpose and procedures of the study have been explained to me. I understand that my participation is voluntary and that I may refuse to answer any particular items or withdraw from the study at any time without any negative consequences. In this study, anonymity and confidentiality cannot be guaranteed, as the focus groups participants will also be drawn from among the interview participants.

Name of Participant: …….

Date: ……

Researcher……Signature……



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Consent form for audio-taping of the face to face interviews

I hereby consent to tape-recording of the interview. In this study, anonymity and confidentiality cannot be guaranteed, as the focus groups participants will also be drawn from among the interview participants. I understand that my confidentiality will be maintained at all times and that the tapes will be destroyed two years after any publication arises from the study or six years after completion of the study if there are no publications.

Name of Participant: …….

Date: …….

Researcher……...Signature: ……



Consent form for Participation in the Focus Group Discussion

I hereby consent to participate in the Focus Group Discussions. The purpose and procedures of the study have been explained to me. I understand that my participation is voluntary and that I may refuse to answer any particular items or withdraw from the study at any time without any negative consequences. In this study, anonymity and confidentiality cannot be guaranteed, as the focus groups participants will also be drawn from among the interview participants.

Name of Participant: …….

Date: ……..……

Signature: ……..……

Researcher……**Signature**……



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Consent form for audio-taping of the Focus Group Discussion

I hereby consent to tape-recording of the Focus Group Discussions. In this study, anonymity and confidentiality cannot be guaranteed, as the focus groups participants will also be drawn from among the interview participants. The tapes will be destroyed two years after any publication arises from the study or six years after completion of the study if there are no publications.

Name of Participant: …….

Date: …….

Signature: …….

Researcher……..**Signature**…….



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Consent form for participation as a key informant

I hereby consent to participate as a key informant in this study. The purpose and procedures of the study have been explained to me. I understand that my participation is voluntary and that I may refuse to answer any particular items or withdraw from the study at any time without any negative consequences. I understand that my responses will be kept confidential.

Name of Participant: …….

Date: ……

Signature: ……

Researcher.....**Signature**.....



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Consent form for audio-taping of the key informant's interview

I hereby consent to tape-recording of my responses as a key informant in this study. I understand that my confidentiality will be maintained at all times and that the tapes will be destroyed two years after any publication arises from the study or six years after completion of the study if there are no publications.

Name of Participant: …….

Date: …….

Signature: …….

Researcher……..**Signature**……

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Appendix 5: <u>Participant Information Sheet - face to face interview</u>

Good day,

My name is Sumaina Yesufu and I am a PhD Social Work at the University of the Witwatersrand. As part of the requirements for the degree, I am conducting research into gender discrimination in land and property rights and its implication for social work practice.

I therefore wish to invite you to participate in my study. Your participation is entirely voluntary and refusal to participate will not be held against you in any way. If you agree to take part, I shall arrange to interview you at a time and place that is suitable for you. The interview will last approximately one hour. You may withdraw from the study at any time and you may also refuse to answer any questions that you feel uncomfortable with answering.

With your permission, the interview will be tape-recorded. In this study, anonymity and confidentiality cannot be guaranteed, as the focus groups participants will also be drawn from among the interview participants. No one other than my supervisor will have access to the tapes. The tapes and interview schedules will be kept for two years following any publications or for six years if no publications emanate from the study. Please be assured that your name and personal details will be kept confidential and no identifying information will be included in the final research report.

As the interview will include sensitive issues, there is the possibility that you may experience some feelings of emotional distress. Should you therefore feel the need for supportive counseling following the interview, the service will be provided free of charge by the Home Visitation Team of the Guidance & Counseling Unit, Main Campus, University of Benin, Benin City, Nigeria.

Please feel free to ask any questions regarding the study. I shall answer them to the best of my ability. I may be contacted on tel. 2348060300530, or my supervisor, on tel. +27117174481. The Secretariat of the Human Research Ethics Committee (HREC Non-Medical) is at the Senate House, 10th Floor, Room 10004, University of the Witwatersrand. Tel. +27117171408

Thank you for taking the time to consider participating in the study.

Yours sincerely…….

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Appendix 6: <u>Participant Information Sheet - Focus Group Discussion</u>

Good day,

My name is Sumaia Yesufu and I am a PhD Social Work at the University of the Witwatersrand. As part of the requirements for the degree, I am conducting research into gender discrimination in land and property rights and its implication for social work practice.

I therefore wish to invite you to participate in my study. Your participation is entirely voluntary and refusal to participate will not be held against you in any way. If you agree to take part, be informed that the focus group discussion will last approximately one hour. You may withdraw from the study at any time and you may also refuse to answer any questions that you feel uncomfortable with answering.

With your permission, the interview will be tape-recorded. In this study, anonymity and confidentiality cannot be guaranteed, as the focus groups participants will also be drawn from among the interview participants. No one other than my supervisor will have access to the tapes. The tapes and the focus group discussion guides will be kept for two years following any publications or for six years if no publications emanate from the study. Please be assured that your name and personal details will be kept confidential and no identifying information will be included in the final research report.

As the focus group discussion will include sensitive issues, there is the possibility that you may experience some feelings of emotional distress. Should you therefore feel the need for supportive counseling following the interview, the service will be provided free of charge by the Home Visitation Team of the Guidance & Counseling Unit, Main Campus, University of Benin, Benin City, Nigeria.

Please feel free to ask any questions regarding the study. I shall answer them to the best of my ability. I may be contacted on tel. 2348060300530 or my supervisor, on tel. +27117174481. The Secretariat of the Human Research Ethics Committee (HREC Non-Medical) is at the Senate House, 10th Floor, Room 10004, University of the Witwatersrand. Tel. +27117171408

Thank you for taking the time to consider participating in the study.

Yours sincerely…….

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Appendix 7: <u>Participant Information Sheet - key informants</u>

Good day,

My name is Sumaina Yesufu and I am a PhD Social work at the University of the Witwatersrand. As part of the requirements for the degree, I am conducting research into gender discrimination in land and property rights and its implication for social work practice.

I therefore wish to invite you to participate in my study. Your participation is entirely voluntary and refusal to participate will not be held against you in any way. If you agree to take part, I shall arrange to interview you at a time and place that is suitable for you. The interview will last approximately one hour. You may withdraw from the study at any time and you may also refuse to answer any questions that you feel uncomfortable with answering.

With your permission, the interview will be tape-recorded. No one other than my supervisor will have access to the tapes. The tapes and interview schedules will be kept for two years following any publications or for six years if no publications emanate from the study. Please be assured that your name and personal details will be kept confidential and no identifying information will be included in the final research report.

As the interview will include sensitive issues, there is the possibility that you may experience some feelings of emotional distress. Should you therefore feel the need for supportive counseling following the interview, the service will be provided free of charge by the Home Visitation Team of the Guidance & Counseling Unit, Main Campus, University of Benin, Benin City, Nigeria.

Please feel free to ask any questions regarding the study. I shall answer them to the best of my ability. I may be contacted on tel. 2348060300530 or my supervisor, on tel. +27117174481. Should you wish to receive a summary of the results of the study, a copy will be made available on request.

Thank you for taking the time to consider participating in the study.

Yours sincerely…….