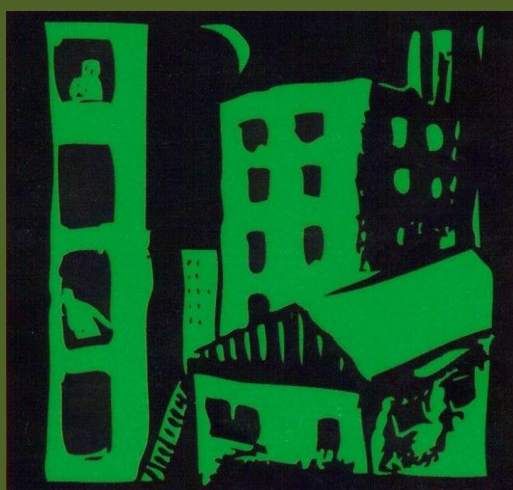


# LAW DEMOCRACY & DEVELOPMENT



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## Securing land rights in rural communities of Nigeria: Policy approach to the problem of gender inequality

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### 1 INTRODUCTION

"The pursuit of gender equality in inheritance rights still remains one of the most difficult challenges in rights-based approaches" due to "well entrenched patriarchal characteristics of socio-economic, cultural and religious practices in Africa."<sup>1</sup> This is true of the

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<sup>1</sup> United Nations Human Settlements Programme *Policymakers' guide to women's land, property and housing rights across the world* (2006) at 39.

situation in the rural communities of South-Eastern Nigeria (the Igbo ethnic group). Conflicts that arise out of any frustration of human needs cannot be suppressed or merely wished away, and, as Leroy has advised, “resource-based conflicts should be seen and analyzed within a policy and governance context”.<sup>2</sup>

Peace cannot exist where some people’s rights and their basic needs are violated.<sup>3</sup> The deprivation of any important value induces fear, a sense of threat, and unhappiness. There have been arguments that the contending female groups in South-Eastern Nigeria, as defined by their gender, often have their interests, needs, values and access to power and land resources violated in favour of satisfying the interests of men, which creates conflicts. In the urban centres of Nigeria, the status of women has advanced but in the rural areas gender inequalities and obstacles remain. This article explores one of such obstacles to women’s full emancipation, equality and dignity - the gender discrimination with regard to land property rights in the rural areas of South-eastern Nigeria. The Convention on the Elimination of All Forms of Discrimination Against Women (1979) defines “discrimination against women” as

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality between men and women, of human rights or fundamental freedoms in the political, economic, social, cultural, civil or any other field.<sup>4</sup>

These days, there is no doubt that the law protects women’s rights but it is often ignored where it matters most - at the village level, where the bulk of the agricultural Nigerian population is found. In the urban communities, where the implementation of the Land Use Act of 1978 is more effective and where people are more enlightened, the issue of violation of women’s rights to land is abating; but that is not so in the rural communities, due to cultural beliefs and patriarchal practices, leading to serious social conflicts and rural poverty.<sup>5</sup> Though the situation is being challenged these days, in accordance with the customary law which is operative in rural communities, a woman’s inheritance rights are restricted, and she could become a victim of spousal inheritance to one of her deceased husband’s relations.<sup>6</sup> A correspondent in the place of the research underpinning this article who gave her life history and testimony<sup>7</sup> was inherited by her deceased husband’s brother by levirate marriage and infected with HIV by the same man who later died of HIV/AIDS (according to medical records and evidences). The practice of levirate marriage among the traditional Igbos, though no longer popular, is still confirmed by the researches of contemporary authors.<sup>8</sup>

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<sup>2</sup> Leory M (ed), *Environment and conflicts in Africa: Reflections of Darfur* (2009) at 51.

<sup>3</sup> Galtung J *Transcend and transform: An introduction to conflict work* (2004) at 3; Rubenstein ER, “Basic human needs: The next steps in theory development” (2001) 6 *The International Journal of Peace Studies* 1 at 6.

<sup>4</sup> Art 1 (1).

<sup>5</sup> Women’s Aid Collective “Widows cry out against disinheritance”, (2005)1 (4) *Action Woman* at 5.

<sup>6</sup> See Madu JC *Nonviolence transformation of socio-cultural conflicts* (2012) at 276

<sup>7</sup> Madu (2012) at 276.

<sup>8</sup> Eya R “Gender and culture: What needs to change in the society and in the church” in Uchem R (ed.) *Gender equality from A Christian perspective* (2005) at 15; Women’s Aid Collective, “Scourge of widowhood”, (2002) 1 (1) *Action Woman* at 4; Women’s Aid Collective *Status of CEDAW implementation in Nigeria: A shadow report*,

This problem of “unequal land rights as an important mechanism through which female poverty and subordination are sustained and reproduced”<sup>9</sup> has been condemned by several non-governmental and right-based organisations within and outside Nigeria.<sup>10</sup> Fawole calls the situation “economic violence”, which manifests in “limited access to funds and credit, controlling access to healthcare, employment, education, agricultural resources; excluding from financial decision making; and discriminatory traditional laws on inheritance, property rights, and use of communal lands”.<sup>11</sup> This situation based on perception of the status of women has remained serious and many past intervention efforts considered this cultural problem “too sensitive”.<sup>12</sup>

A better policy approach to solve the problem is therefore greatly needed; hence, the need to study the problem of gender inequality in securing land rights in rural communities of South-Eastern Nigeria in order to offer policy recommendations. This violation of the land rights of women generates competition and social conflicts between men and women, which have implications for peace, social cohesion and development in Nigerian society, and calls for a change of perception according to Lederach, “to transcend this long-standing conflict and violence”<sup>13</sup> that is based on cultural beliefs and patriarchal practices.

Using the focus groups studies and the Transcend workshops, therefore, this article has the following specific objectives:

- a. To assess the perception and the treatment of women in two selected rural communities;
- b. To explore the need for rights of land inheritance and ownership by women irrespective of marital status;
- c. To ascertain how successful the legal reforms have been for gender equity; and
- d. To discover the effectiveness of participation by men and women in decision-making for land management for socio-economic development of the rural communities.

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*compiled for the Thirtieth Session of the UN Committee on the Elimination of all Forms of Discrimination Against Women* (2004).

<sup>9</sup> Razavi S (ed) *Agrarian change, gender and land rights* ( 2003) at 4.

<sup>10</sup> See for example, Holy See “Rural world is not to be treated as secondary” Technical note on agrarian reform and rural development, held 7-10 March 2006 in Porto Alegre. Available at [http://www.vatican.va/roman\\_curia/secretariat\\_state/2006/documents/rc\\_se-g-st\\_20060307\\_nota-porto-alegre\\_en.html](http://www.vatican.va/roman_curia/secretariat_state/2006/documents/rc_se-g-st_20060307_nota-porto-alegre_en.html) (accessed 4 September 2009); DFID *Gender in Nigeria report 2012 improving the lives of girls and women in Nigeria* 2 ed(2012) at 14.

<sup>11</sup> Fawole OI “Economic violence to women and girls: Is it receiving the necessary attention?” (2008) 9(3) *Trauma, Violence and Abuse* at 170.

<sup>12</sup> Ilika AL & Ilika UR “Eliminating gender-based violence: Learning from the widowhood practices elimination initiative of a women organisation in Ozubulu, Anambra State of Nigeria” (2005) 9(2) *African Journal of Reproductive Health* 56 at 70.

<sup>13</sup> Lederach J P *The moral imagination: The art and soul of building peace* (2005) at 5.

## 2 WOMEN'S LAND PROPERTY RIGHTS IN CONTEMPORARY NIGERIAN SOCIETY

Ownership of property is very important for economic and social needs. It requires good policy to promote rural development and guarantee social justice and peaceful co-existence. Property rights over resources in contemporary Nigeria are the rights to access, use or own such resources through inheritance, purchase, free gift or government allocation.<sup>14</sup>

In Nigeria, land property is regulated by statutory law, customary laws of many ethnic groups, Islamic law, etc. Though the situation is different in urban cities, where statutory law is found in operation, in most traditional Nigerian societies, women are mostly denied rights to natural resources.<sup>15</sup> Whilst in principle, statutory law (the Constitution, for example) enshrines the principle of equality in property matters,<sup>16</sup> in practice it has failed in most rural areas to address the problem of women and their vulnerability regarding land ownership and accessibility<sup>17</sup>. In fact, in some traditional societies, a woman is the property of her husband. When divorced or widowed, the woman is typically thrown out of her home to which she may "have no right". However, through judicial decisions this dehumanization situation has started to change. The exclusion of women from land rights at any level has disastrous consequences for them.

It is important to point out that violation of land rights of women varies among different ethnic groups of Nigeria. Some authors<sup>18</sup> suggest that Yoruba women possess a high degree of autonomy in their economic functions and participate actively in key areas of the economy. Discussing the economic and political roles of the Igbo women, Amadiume blames colonialism for discrimination and marginalisation of African women, and maintains that patriarchal tendencies introduced by colonialism persist today to the detriment of women's status, and economic and political roles.<sup>19</sup> Though in Yoruba culture all children of the deceased (males and females) are entitled to a share of their father's property to the exclusion of other relations,<sup>20</sup> Ezeilo notes that a Yoruba widow remains a chattel to be inherited and has no right of inheritance to her deceased

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<sup>14</sup> Madu (2012).

<sup>15</sup> The Coalition of Nigerian NGOs reported to the UN on the CEDAW in 2008 that "customary laws and practices of numerous communities in Nigeria do not support the right to own immovable property by Nigerian women" irrespective of the provisions of the Constitution and the Land Use Act 1990 (Cap 202). See in WACO CEDAW and accountability to gender equality in Nigeria (2008) at 75.

<sup>16</sup> Constitution of the Federal Republic of Nigeria, 1999, Section 43 guarantees every Nigerian (man or woman) "the right to freedom from discrimination ...and the right to acquire and own immovable property anywhere in Nigeria".

<sup>17</sup> Akiyode-Afolabi A (ed) *Gender gaps in the Constitution of Nigeria* (2003) at 23; Madu (2012) at 323.

<sup>18</sup> Karibi-Whyte AG "Succession rights of women in Nigerian law" in International Federation of Women Lawyers (FIDA), *Law and the family* (1994) at 56; Mba NE, *Nigerian women mobilized: Women's Political Activity in Southern Nigeria 1990-1965* (1982); and Ezeilo J *Laws and practices relating to women's inheritance rights in Nigeria* (2000).

<sup>19</sup> Amadiume I *Male daughters, female husbands: Gender and sex in an African society* (1987).

<sup>20</sup> Karbi-Whyte (1994) at 49-50.

husband's estate.<sup>21</sup> The freedom of Yoruba women, therefore, may be said to have some limitations when it comes to land property rights. Ezeilo states that:

It is a well settled rule of native law and custom of the Yoruba people that a wife could not inherit her husband's property since she herself is, like a chattel, to be inherited by a relative of her husband.<sup>22</sup>

Succession rights under Islamic law (observed by the Moslems in Nigeria) are well established and mathematically laid out in the Qur'an.<sup>23</sup> According to Islamic law, therefore, wives and daughters are entitled to participate in inheriting the estate of the deceased husband or father. With children and other descendants, the widow's portion is one-eighth of the deceased estate.<sup>24</sup>

It should be noted that there are differences in Nigerian customary laws according to different cultures and customs in rights of succession, but for land matters, Karbi-Whyte summarised that "women do not succeed to land in patrilineal (Nigerian) societies. They are permitted merely to use the land".<sup>25</sup> The above discussion has shown that under statutory law everybody can, at least in principle, "own" land or have access to land. Under customary law in South-Eastern Nigeria (among the Igbos), both the unmarried daughters and sons have the right to live in their father's house and even make use of land, but the daughter does not normally inherit land property.

To make land available to all for development and to remove discrimination, Nigerian land reform was first promulgated as the Land Use Decree by the Military Government in 1978 and later adopted and enshrined in the country's Constitution, as the Land Use Act.<sup>26</sup> Because of being made a constitutional matter and because of other difficulties, the Nigerian Land Use Act of 1978 which was meant to usher in a new land reform for the benefit of all became a clog in the wheel of development over the years. Consequently, on 2 April 2009, the Presidential Land Reform committee in Nigeria was set up to "undertake the reform of the land tenure situation in the country following on the various problems emanating from the Land Use Act of 1978".<sup>27</sup> The Committee is to ensure that the states become effective managers of land - assisting both states and local governments to carry out the cadastre survey and codify the possessory rights of people's access to land and landowners. There are two types of reform that are recommended. The first is "expunging the Land Use Act of 1978 from the constitution and deleting those clauses that gave State Governors power to consent to mortgage transactions and assignment of land".<sup>28</sup> The second is "to remove the uncertainties

<sup>21</sup> Ezeilo (2000) at 15.

<sup>22</sup> Ezeilo (2000) at 15.

<sup>23</sup> Aliyu IA "Islam and human rights" (1999) 1(1) *Ahmadu Bello University Journal of Islamic Law* 1.

<sup>24</sup> Where there are children and relations, many people share the estate and may have a smaller proportion than where there is only a childless widow.

<sup>25</sup> Karbi-Whyte (1994) at 49.

<sup>26</sup> Land Use Decree (Decree No.6) s 1; Land Use Act 1990 (Cap 202) Art 1;

Tobi N *Cases and materials on Nigerian land law* (1997) at 23.

<sup>27</sup> Mabogunje AL "Land reform in Nigeria: Progress, problems and prospects" (2012). Available at (<http://siteresources.worldbank.org/EXTARD/Resources/336681-1236436879081/5893311-1271205116054/mabogunje.pdf>) (accessed 19 May 2012).

<sup>28</sup> Mabogunje (2012).

under which most Nigerians continue to enjoy their possessory rights to their land”.<sup>29</sup> It was later discovered that the task was a long-term one and beyond the scope of a normal committee’s responsibility; hence a National Land Reform Commission needs to be established to take over the responsibility.<sup>30</sup> This article stresses the need to address the gender bias and suggests measures to do so.

Another effort to check women’s subordination and suppression was through a Bill on “Violence against Women” in the Federal House of Representatives, sponsored by the Women’s Rights Advancement and Protection Alternative (WRAPA) in 2002. However, the Bill was re-titled “Violence (Prohibition) Bill 2003” but was not passed by the National Assembly till the end of its tenure. Several other steps were taken in different states to solve the problems in Nigeria. Enugu State enacted the Prohibition of Infringement of a Widow’s and Widower’s Fundamental Rights Law in 2001.<sup>31</sup> Nonetheless, these measures are not effective in the rural villages, as evidenced in the cases recorded by the Ministry of Gender and Social Development of Enugu State, where brothers-in-law have disinherited widows of their deceased husbands’ lands.

### 3 METHEDOLOGY STUDY OF TWO SELECTED RURAL COMMUNITIES

Joanna Hoare stresses the need to identify specifically “gender-sensitive” ways of carrying out conflict research and how such research would contribute towards a development practice that benefits both women and men, and promotes gender equality.<sup>32</sup> Farnsworth<sup>33</sup> opines that if respondents go on to participate in devising development strategies based on the findings of a shared research process, this can play an integral role in assisting them to work towards achieving improvements in their own quality of life.

For the author’s doctoral research, data collection methods comprised group discussions, in-depth personal interviews and Transcend (problem solving) workshops, a process which Burns terms “data triangulation”.<sup>34</sup> In this way it was sought to capture the whole idea, their practices and the force behind them. The availability of rigorous methods of qualitative inquiry created ways of understanding different aspects of the research topic and to gain insights into the perspectives and experiences of the sample of rural men and women who participated in the study.

There was also a need to measure the impacts of the workshop on the participants (the conflict parties). Data collection and data analysis took the form of a

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<sup>29</sup> Mabogunje (2012).

<sup>30</sup> Kolawole Y “Surveyors advocate establishment of Land Reform Commission” (2011). Available at <http://www.thenigerianvoice.com/nvnews/55269/1/surveyors-advocate-establishment-of-land-reform-co.html> (accessed 19 May 2012).

<sup>31</sup> Enugu State Government: The Prohibition of Infringement of a Widow’s and Widower’s Fundamental Rights Law 2001.

<sup>32</sup> Hoare J “Gender-sensitive research” (2007) 15(2) *Gender & Development* at 177.

<sup>33</sup> Farnsworth C “Achieving respondent-led research in Madagascar” (2007) 15(2) *Gender & Development* at 271.

<sup>34</sup> Burns R *Introduction to research methods* (2000) at 149.

triangulated approach in that the author employed different data collection methods and adopted different approaches to analysing the data which were then combined. In analysing the data, the author combined methods of discourse analysis and content analysis, termed “methodological triangulation”. The combination of multiple methodological practices in a single study, according to Burns,<sup>35</sup> ensures reliability and validity of the information collected, and according to Denzin and Lincoln, “adds rigour, breadth, complexity, richness and depth to any inquiry, which is consistent with the interpretive paradigm used”.<sup>36</sup>

Transcend workshops not only contribute to the transformation and resolution of conflicts, they also “produce valuable data for research, analysis and insights”.<sup>37</sup> The knowledge which is realised from a workshop “often deepens understanding about the way the parties’ interactions create the conditions of conflict”<sup>38</sup> and encourage escalation. This makes the problem solving workshop necessary: providing not only a way in which dialogue and ways of dealing with the conflict can be worked on by the parties involved, but also getting the people to be part of the process and getting relevant policy inputs from them. From South-Eastern Nigeria, the Obollo Community and Akwuke Community were chosen for the study. Two segments of samples, younger generations (from Obollo) and older generations (from Akwuke) were selected for better comparison of trends and attitudes as regards the gendered land conflict.

### 3.1 Focus Group Interviews

The field study was carried out at the Akwuke and Obollo communities of South-Eastern Nigeria between October 2009 and 2010, and the participants were between 40 and 80 years of age. Knowing that there could be a risk of bias in collecting qualitative data, the services of two well-trained research assistants (one in each locality), who were knowledgeable about the selected communities, were employed. Both helped in acting as rapporteurs and tape-recording while the researcher engaged in facilitating the discussions. Members of the team were all familiar with the local languages and dialects of the people. The participants were not pressurised to vote or reach consensus.

#### 3.1.1 Sampling

The participants were purposely selected and stratified into males and females - six male and six females for each group interview. There were, therefore, 24 participants for the four group interviews, with data as in the Table below.

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<sup>35</sup> Burns (2000) at 149.

<sup>36</sup> Denzin NK & Lincoln YS (eds.), *The handbook of qualitative Research* 2 ed (2000).

<sup>37</sup> Burgess G & Burgess H *Transformative approaches to conflict* (1997).

<sup>38</sup> Madu (2012) at 204.

**Table 1:** Land titles of participants (farmers) of 4 group interviews in rural communities, Akwuke and Obollo.

	Akwuke Community		Obollo Community		
Age	Men	Women	Men	Women	Total
31-40	2	1	1	5	9
41-50	0	1	4	1	6
51-60	2	0	1	0	3
61-70	1	3	0	0	4
71-80	1	1	0	0	2
Total	6	6	6	6	24
With land title (%)	100%	0%	100%	0%	

Source: Madu (2012) at 219.

The focus group interview and the discussions of the Transcend workshops were aimed at addressing the four specific objectives of the study. There were four themes for the discussions. Discussions under theme A explored the treatment of people on the basis of their sex: the causes and the consequences of such treatments. Theme B examined the land property rights for women and the practice in selected communities. Theme C assessed efforts made towards gender equality through legal and policy reforms and how these affect women's land rights. The fourth theme sought the participants' own suggestions to bring about social change through the participation of men and women in decision making for land management. The discussions were taped recorded and transcribed later.

All the men interviewed had plots of land, which they acquired mainly by inheritance. In addition to the inherited land, two of the men in Obollo and one in Akwuke also had land which they purchased. Though women have a strong desire for land title, none of the interviewed women respondents (in the focus group) has any personal plot of land (see Table 1 above). According to the Obollo respondents, these days women who have money can buy land but, in the villages, they do so under the authority of their husbands or with male support. The implication, according to them, is that the women cannot sell land of their own volition in the traditional sense which is widely in operation. A widow can buy land for her sons, but where she has no son, the land she buys would go to the deceased husband's relations. The women's reports confirm the claims of several authors<sup>39</sup> that land belongs to the fathers and is to be inherited by their sons, while women are disinherited. It should also be noted that across Nigeria these days, wealthy women buy and own land.

In the rural communities, if a woman can buy land by proxy or directly but cannot sell it, it proves that a woman does not really own land, considering the

<sup>39</sup> Uchem R (ed) *Overcoming women's subordination: An Igbo African Christian perspective, envisioning an inclusive theology with reference to women* (2001); Nnamani G "Gender equality in the Church and in the society: Our obligation towards change" in R Uchem (ed) *Gender equality from a Christian perspective* (2005) at 22; Madu JC "Gender inequality and the Igbo indigenous systems of peacemaking and governance" (2009) 2(1) *African Peace and Conflict Journal* 63.

definition of ownership of property. For Fagothey, ownership is “the right of exclusive control and disposal over a thing at will”.<sup>40</sup> It is also defined as “a collection of rights to use and enjoy property, including the right to transmit it to others; ... the exclusive right of possession, enjoyment, and disposal; involving as an essential attribute the right to control, handle and disposal”.<sup>41</sup>

A male respondent interviewed at the Akwuke (Igbo) community answering why women do not inherit land stated: “A single woman does not inherit land. The unmarried woman may marry tomorrow and that means taking family land away. If she finally does not marry, she can get land as a gift from her father”. However, some sons still infringe on the rights of daughters over such land after the death of their father. A woman respondent explaining why sons oppose the daughters’ inheritance of land from their fathers, answered:

Women do not inherit land. The male children vehemently oppose our daughters who are interested on land and see them as depriving them what rightfully belongs to them since daughters are seen as belonging to other families where they are married to.

Affirming these findings in its recent study on land rights in Nigerian society, DFID reports as follows:

Though many women are involved in subsistence agriculture and on farm activities, men are five times more likely than women to own land. Women own 4% of land in the North-East, and just over 10% in the South-East and South-South. Land ownership and land tenure give women security and provide a key to access other resources and opportunities. Operationalising the Nigeria Land Administration Act could help to expand women’s productivity”.<sup>42</sup>

Discussing St. Thomas Aquinas’ concept of law, Ike and Nnoli-Edozien point out that “as an ordinance for the common good, law seeks the benefit of the community as a whole and being promulgated by the competent authority, it should be made known to those whom it binds”.<sup>43</sup> The authors emphasise that “law is useless if those expected to obey it do not know of its existence”, but that is what is actually happening in rural communities in Nigeria. Over 80 % of those interviewed, especially the women, did not know of the existence of the Land Use Act and its provisions. Neither did they know how the statutory law affects their lives and rights, except that the tradition, *omenala*, has conferred on men the full rights in terms of ownership and control, while the women must obey. The few men who know about the Land Use Act saw it as very frustrating and ambiguous. As a result of the lack of knowledge of the law, there have been many conflicts and disputes over land resources, even when all land is said to be “vested in the state to be held in trust by governors for the common benefit of all Nigerians”.<sup>44</sup>

Insecure property rights perpetuate gender inequalities, livelihood insecurity and poverty; and hence, effective implementation of the Land Use Act across the board in Nigeria would empower rural women to the same extent as their counterparts to

<sup>40</sup> Quoted in Madu (2012) at 235.

<sup>41</sup> Tobi (1997) at 22.

<sup>42</sup> DFID (2012) at iv.

<sup>43</sup> Ike OF & Nnoli Edozien N *Understanding Africa. Traditional legal reasoning, jurisprudence and justice in Igboland* (2001) at 163.

<sup>44</sup> Land Use Act 1990 Cap 202.

own, use and sell land. Reporting on the implementation of the CEDAW in respect of land in Nigeria, the coalition of Nigerian non-governmental organisations avers that what happens in practice is far from the principle due to customary laws and practices. According to the overview:

Section 43 of the Nigerian Constitution guarantees every Nigerian (man or woman) the right to acquire and own immovable property anywhere in Nigeria. The Land Use Act, 1978 also confers general powers to own real property upon both men and women. By these provisions, all Nigerians regardless of sex are in principle, entitled to own land or other movable property, under the same conditions as prescribed by law. However, customary laws and practices of numerous communities in Nigeria do not support the right to own immovable property by Nigerian women. Such laws and practices constitute derogations from the rights conferred upon Nigerian women by the above cited constitutional provision which means that they are often barred from effectively engaging in economic activities in their own rights; and having a secure and sustainable livelihood.<sup>45</sup>

## 3.2 Problem Solving Workshops – The Transcend Approach

“The problem-solving workshop was started by John W. Burton, aiming at changing people's negative perceptions about an adversary and re-establishing trust”.<sup>46</sup> Yevsyvakova describes the process which takes place during the workshops as confirming of possible outcomes, and removing doubt about the other party. Most of the participants of focus group discussions (section 4.1 above) agreed that having dialogue between men and women could bring better peaceful co-existence over land use and ownership in their communities and improvement in the status of women. Securing such acceptance to meet for dialogue actually paved the way for their coming together for the Transcend (problem solving) workshops that were conducted as the last stage of field research for the study. Reactions at group interviews showed that men “have” power and lord it over their wives (women), and women accept these bitterly as part of being created women. The Transcend workshops of the research aimed to eliminate “power over women” to build “power with women”, and help the parties to move towards solutions as partners rather than as opponents. Kelman explains problem solving workshops as

ones designed to bring together representatives of conflicting parties in a relatively isolated setting ...preferably [in] an academic context – where they can engage in free from diplomatic protocol and publicity, in face-to-face communication in the presence and under the guidance (facilitation) of a panel of scholars knowledgeable about group process and conflict theory”.<sup>47</sup>

This research workshop was facilitated with the author's two trained research assistants. Sixty samples (participants) studies are represented below in Tables 2 and 3.

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<sup>45</sup> WACOL *CEDAW and accountability to gender equality in Nigeria* (2008) at 75.

<sup>46</sup> Yevsyvakova M “The healing function in political conflict resolution: Conflict resolution theory and practice integration and application” (1997). Available at <http://www.colorado.edu/conflict/transform/montville.htm> (accessed 15 May 2009).

<sup>47</sup> Kelman HC “Conflict analysis and resolution” in Sears DO *et al* (eds), *Oxford handbook of political psychology* (2003) at 315.

**Table 2:** Participants (conflict parties) of Workshop A (Obollo Community)

	Number	Age	Marital Status			
			Married	Divorced	Widowed	Single
MEN	15	25-55	12	-	1	2
WOMEN	15	26-50	6	-	5	4
<b>TOTAL</b>	30		18		6	6

Source: Madu<sup>48</sup>**Table 3:** Participants (conflict parties) of Workshop B (Akwuke Community)

	Number	Age	Marital Status			
			Married	Divorced	Widowed	Single
MEN	15	30-74	13	-	1	1
WOMEN	15	40-73	6	1	6	2
<b>TOTAL</b>	30		19	1	7	3

Source: Madu<sup>49</sup>

While the focus group interviews helped to explore and discover the problems of the conflicts which result from discrimination against women in respect of land property rights, the problem solving (Transcend) workshops, involving also all the participants of the focus groups, provided the parties with the opportunity to deal with their own problems, change their perceptions, search for solutions, and resolve the conflict. Useful dialogue was instrumental to this.

Two Transcend workshops of group dialogue involving all the parties to the gendered land conflict (men and women) were conducted in the two classified zones. "The selection of participants is essential, because analytical problem-solving is considered to include intensive work at the level of the perceptions, interactions and behaviour of the individuals".<sup>50</sup> For each workshop, a manageable number of 30 participants was carefully and purposively chosen to represent all strands of opinions within the conflict groups, and who could provide insight into their group's range of feelings, perceptions, and aspirations as shown in Tables 2 and 3 above. In an ideal situation, the optimal size of the workshop should be smaller.<sup>51</sup> Equal numbers of male and female parties were chosen, but the number in each strata of a group differs according to the proportion of their population in the conflict and significance to the research. Due to financial constraints, only one workshop was held in each of the two rural centres (one in the Obollo community and the other in the Akwuke community).

The workshops offered an opportunity for dialogue, exchange of views on a number of issues, and critical appraisal of participants' perceptions and positions as

<sup>48</sup> Madu JC "Peace through equity: Analysis of conflicts from gender discrimination in land property rights in Enugu State of Nigeria" (2010) at 282.

<sup>49</sup> Madu (2010) at 282.

<sup>50</sup> Vayrynen J *Culture and international conflict resolution: A critical analysis of the work of John Burton: New approach to conflict analysis* (1998) at 55.

<sup>51</sup> Maise M "Problem-Solving Workshops" in Burgess G & Burgess H (eds) *Beyond intractability* (2003) at 62.

well as their implications for justice, peace and development of the people. After evaluative discussions of the topics (themes) in their groups of interests in the conflicts, the participants were brought together by the moderators to reach agreements and make resolutions in a common forum.

As regards the Obollo community, one man spoke on behalf of the men while a woman spoke on behalf of the women. The man, being first to speak as a representative, said:

A woman is as important as a man. Equal treatment is important in all fairness. Secondly, we have seen from our deliberation that women's use of land contributes greatly for development.

Resolution from women (by their representative):

Our summary is that we want to be given our rights and granted our opportunities to inherit from our fathers and get our entitlements in our communities as men do. We should not be maltreated, just as we do not want anyone to be maltreated. If we do as we have discussed today, there would arise a lot of development and advantages than before.

The second man rose to seal it up.

If we follow what we have reached today, it would bring peace more than before. There would be progress in families and communities, unity and love than before. We have acknowledged that denial of women's land rights has brought a lot of conflicts and difficulties in our midst and communities. Thank you.

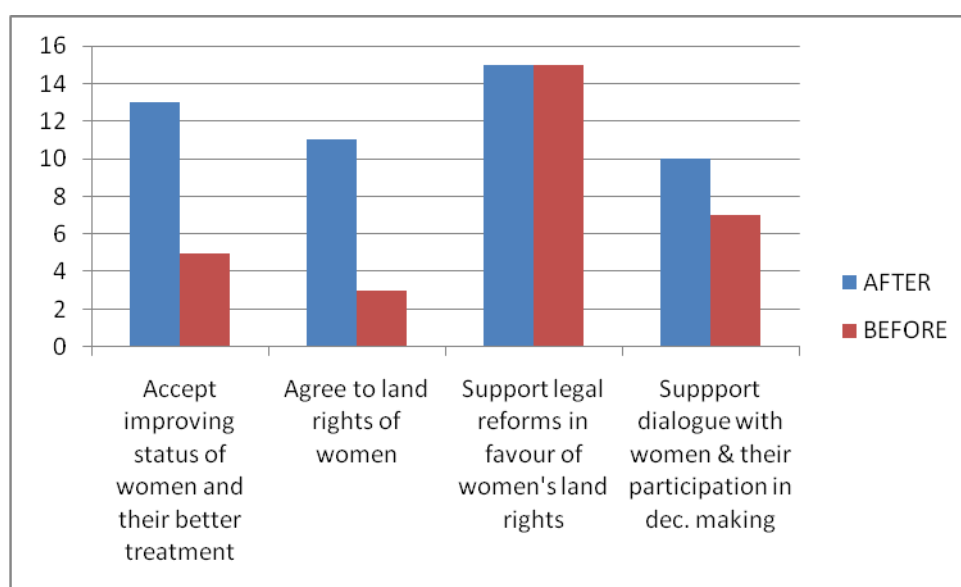
Similar resolutions were reached by the men of Akwuke, but not with the same firmness as the resolution of the Obollo Community. While the women of Akwuke accepted their fate but long for change of situation, those of the Obollo community have confronted the situation more and expressed in their voices that they want liberation. The difference in the changes of perceptions of the participants of the two workshops has to do with their generations. The younger generations (as those of the Obollo participants in Figure 1 below) accept changes easier than the older generations (represented by the Akwuke participants in Figure 2 below). The selection of the participants from different age generations was purposely done for comparison of the trend of social changes in the region. There is more opposition to the negative peace and unjust treatments that exist among the younger generations than in the case of the older generations.

In spite of changes in perceptions of the people as a result of the dialogue during the workshops, there were still a few who could not easily accept changes and held onto *omenala* (the culture and traditions of the people). However, it has been proved that workshop dialogue which allows deliberations on certain obsolete practices of the people would bring a lot of social changes for the better in a non-violent way. This is so because workshop dialogue offers the opportunity to think in different and broader dimensions as well as to consider better options of reaching acceptable solutions for peace. It was also observed that while the older generations of the women population in rural areas of Nigeria condone and bear discriminatory practices and ill-treatment by men, the younger generations and the urban women can no longer accept the status quo, but call for change, equality and fair treatment with their men counterparts. The reason is due to the education and enlightenment of the younger generations.

In evaluating the impacts of the workshops, there were four areas of consideration: opinions on status of women, opinions on women's land rights, opinions on reforms for gender equity, and opinions on inclusive governance. There are two major approaches or strategies of mitigating or solving conflicts: top-down (conflict settlement and conflict management), and bottom-up (conflict resolution or transformation).<sup>52</sup> The latter belongs to the Transcend method or approach. It not only resolves but transforms the relationship of conflict parties so that they develop an entirely new and peaceful relationship. According to MacGinty, all constructive conflict work must address the root causes that fuel conflict.<sup>53</sup> The responses and the impacts of the Transcend workshops are represented in Figures 1 and 2 below.

**Figure 1**

Effectiveness of Transcend method of conflict resolution using the impact of Transcend dialogue on 15 male participants from the Obollo Community.<sup>54</sup>



For the Obollo Community, there was a remarkable difference between their opinions before the workshop and after the workshop. Many who thought that women were being accorded the required respect and dignity now discovered that it had not been the case (hence response in favour rose from 5 to 13). Also, others found that women's right to land would be for the benefit of the community as well as women's emancipation and economic independence. Hence, the number that responded in favour increased from three to 11. Since many of them did not know about the law, having many positive responses in support of reforms in favour of gender parity may mean that they see the implications affecting the government alone. Supporting the issue of reform, one of the informants at Obollo said: "We would not lose anything but accept any good measure that the government uses to make our society better and everybody happier". The

<sup>52</sup> Madu (2012) at 307

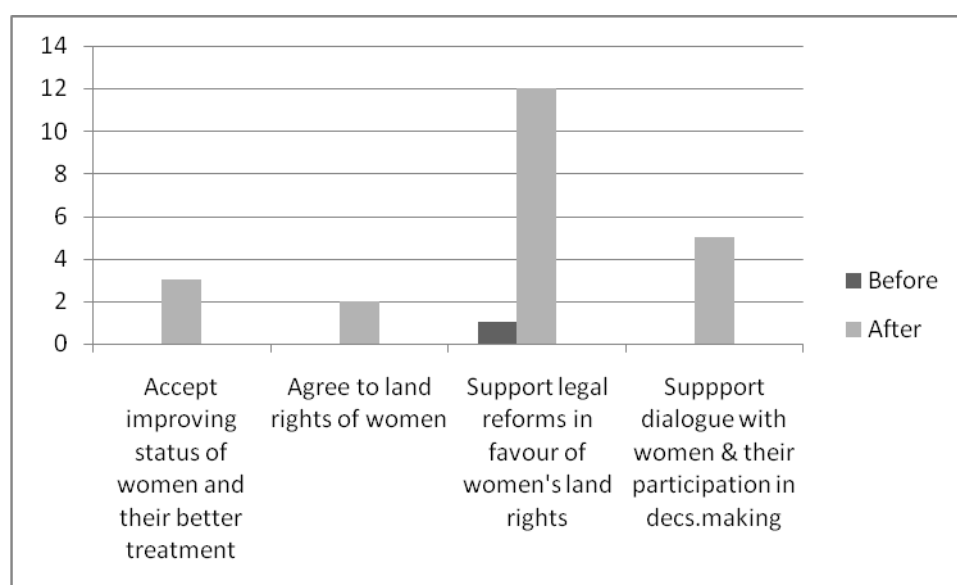
<sup>53</sup> MacGinty R *Conflict and development* (2009) at 104.

<sup>54</sup> Also presented in the author's published thesis. See Madu (2012) at 305.

validity and reliability of this method were tested by conducting a similar workshop at the Akwuke Community of Enugu State. Though the Akwuke male group (the older generation) had been hesitant to come for dialogue with women, the dialogue also changed their perceptions a little bit from what they were before the workshop.

**Figure 2**

Effectiveness of Transcend method of conflict resolution using the impact of Transcend dialogue on 15 male participants from the Akwuke Community.<sup>55</sup>



Before the workshop, at Akwuke only one person gave support for legal reforms in favour of gender parity. All the other participants gave negative responses to all the rest of the questions, indicating that they preferred the status quo. They saw the treatment their women were receiving as normal and good. For them also, there were no reasons for the women to participate in crucial decision making with men; women having land rights was what they never contemplated.

After the Transcend workshop that offered an opportunity for dialogue and change of perceptions, few of the 15 men were able to see better reasons to change their positions. Younger generations in the Akwuke Community would certainly have reacted more positively like those of Obollo. Like those of the Obollo Community, the male participants appeared to understand the question of legal reform in favour of gender equity as that which entirely depends on government; hence, the high favourable response for that. One of them said: "It is good if they can bring it about" (if better peace comes from government reform). Nevertheless, the reform that is achieved while carrying the people along, getting them participated through dialogue involving the parties would yield a better results as has been seen here. Bloomfield *et al* agree with Austin *et al* in defining conflict transformation as

<sup>55</sup> Also presented in the author's published thesis. See Madu (2012) at 306.

[A]ctions and processes which seek to alter the various characteristics and manifestations of conflict by addressing the root causes of a particular conflict over the long term. It aims to transform negative destructive conflict into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of conflict. The term refers to both the process and the completion of the process.<sup>56</sup>

Our team, as facilitators, helped the men and women (conflict parties) transform deep-rooted and value based resource conflict, which has been discussed here, using dialogue to gain a better understanding of the problem and the parties' views. Unlike debate, the dialogue helped to achieve mutual understating and respect. This leads "to a transformation in the way the conflict is pursued from one which is highly destructive and divisive to one which is constructive and leads to personal growth".<sup>57</sup> Furthermore, "such dialogue can also be used to effectively alter relationships in deep-rooted ethnic conflicts".<sup>58</sup>

#### 4 THE LESSON AND POLICY IMPLICATIONS

Discovering how communities could address crises or disputes by themselves at community level and uphold the rights of every person was one of the tasks of the research. Communities have the potentialities to make deep and effective contributions to their own peace. The activities of the parties in the dialogue for the research were evaluated using the community Action Cycle Process Framework, "a process of public and private dialogue through which people define who they are, what they want and how they can get it".<sup>59</sup> In the research, the communities (the parties from Obollo and Akwuke) identified their problems and needs on their own, and were fully involved. Hence, they owned the process of the research, which resulted in their motivation and participation. It was through this method that the problems and needs of the women groups were noted and the best way to address them fruitfully emerged from the dialogue. The tasks remain, however, of encouraging this understanding of the participants to the larger society.

Parties to a conflict most often view their problem as a win-lose one and are not willing to collaborate. They appear "legalistic, accusatory and it is very difficult for them to learn anything about each other or themselves. In the same way, they blindly hold to their rights and positions, and express grievances of their group".<sup>60</sup> But a problem solving workshop "is designed to create a setting governed by different norms, in which more productive interaction between the adversaries can take place".<sup>61</sup> In the same manner, some ills or bad culture go on because they are not challenged or critically examined by the people involved. People tend to see better when their views are challenged by superior ideas, or made to re-think when the other parties express their

<sup>56</sup> Bloomfield D *et al* (eds) *Social change and conflict transformation* (2006) at 5; Austin *et al* *Transforming ethnic political Conflict* (2004) at 464-465.

<sup>57</sup> Bush RAB & Folgers JP *The promise of mediation* (2004).

<sup>58</sup> Bush & Folgers (2004).

<sup>59</sup> Ilika & Ilika (2005) at 65.

<sup>60</sup> Madu (2012) at 308.

<sup>61</sup> Madu (2012) at 308.

own group's perceptions and purpose. The Transcend method offers room for brainstorming by all the necessary stakeholders of a conflict, with empathy and open-mindedness to understand the other people's points of view. The women's courage to challenge issues non-violently or have dialogue on discriminatory traditional practices would bring good results.

Garcia is of the view that "all conflict transformers have to address the issue of social change", since a failure to do so (and lack of social justice) "lies at the heart of many protracted social conflicts".<sup>62</sup> She suggests four areas: "promoting human rights, promoting inclusive governance, catalysing sustainable development and advancing security sector reform". Hence, profound social change would "come about only by putting pressure on those unwilling or unable to yield to the needs and aspirations of vulnerable populations".<sup>63</sup> Vayrynen<sup>64</sup> distinguishes problem solving conflict resolution from traditional formal negotiations and mediation problems solving. The difference lie in the fact that problem solving conflict resolution "invites a multiplicity of parties to participate", and does not only deal with state actors. Again, the third party is not an interested activist, advocate mediator or enforcer who imposes his or her own views.

With such knowledge gained from the workshops of the research, the participants were in a good position to explain issues and also play advisory roles or contribute in policy making and political leadership. As opined by Tsikata, "legislations against gendered resource conflicts in many sub-Saharan African countries have been ineffective and often resisted because such discriminatory rules, decisions and practices arise from ignorance and ideologies".<sup>65</sup> Hence, people's participation, without discrimination, in a bottom-up process of dialogue improves the efficacy and the quality of policies.

Thus, the problem solving workshop was found to be necessary: providing not only a way in which dialogue and ways of dealing with the conflict can be worked on by the parties involved, but also getting the people to be part of the process and getting relevant policy inputs from them. It is getting the communities together to identify their problems and to work towards solving them together. Hence, it would help in making evidence based policies that would be gender sensitive and effective in Nigeria, for it is true that "a society's ability to define and, within a broad system of the rule of law, establish institutions that can enforce property rights to natural assets is a critical precondition for social and economic development".<sup>66</sup>

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<sup>62</sup> Garcia E "Addressing social change in situations of violent conflict: A practitioner's perspective" in Bloomfield (2006) at 39.

<sup>63</sup> Garcia (2006) at 39.

<sup>64</sup> Vayrynen (1998) at 51.

<sup>65</sup> Tsikata D "Securing women's interests within land tenure reforms: Recent debates in Tanzania" (2003) 3 (2) *Journal of Agrarian Change* 149

<sup>66</sup> Deninger KW *Land policies for growth and poverty reduction* (2003) at 8.

## 5 CONCLUSION

The problem examined has not only involved abuses and discriminatory treatment of Nigerian women but also economic violence against them in accessing land resources. Access to natural resources in rural communities of South-Eastern Nigeria has remained a major form of economic domination by men which has left women, particularly widows, highly vulnerable. Peaceful conflict transformation, which involves developing perspectives using dialogue with all parties at many levels, was proposed and found effective in the research, to change the way men and women think about womanhood or widowhood and move to positive peace. To achieve social change in respect of gender equity, change from long-held beliefs and customs needs dialogue involving all stakeholders. Change also needs to affect structures that generate conflict through deprivation, exclusion and other forms of injustice. It seeks to understand cultural patterns and values of parties.

An inclusive and better gender sensitive approach in policy making would, no doubt, improve the effectiveness of and compliance with legal and socio-economic reforms. Thus, the equal rights of men and women to land are essential for ensuring sustainable rural development, social equity, economic growth and any effort to address gender inequalities. A policy reform that would ensure effective, equitable and sustainable use of land in Nigeria will bring about poverty reduction and development.

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