

The Right of Women to Land and Housing in Cameroon's North West Region: A Legal and Socio-political Analysis

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Abstract: This study is a contribution to the literature on patterns of women empowerment within the framework of a legal and socio-political approach. It uses the women's right to ownership of land and housing property as a yardstick of effective women empowerment in the grasslands region of Western Cameroon, a region known to be dominated by patriarchal practices. It finds that women's right to ownership of property has been disproportionately shaped by legal and socio-political factors. From a legal point of view, women like men have the right to ownership of property but from a socio-political stand point, it is not always the case. There is a significant mismatch between women property rights and their effective ownership of property. Women in North West Cameroon make use of property but hardly secure it in their own names. The paper is inviting feminist stakeholders such as government and NGOs to effectively address implementation of ownership procedures and in particular those regarding ownership of land and housing.

Keywords: Land/housing, North West, Private ownership, Property, Usufruct, Women

I. INTRODUCTION

Researches on women ownership of property in the Cameroon grasslands to which the North West belong have not been deeply rooted. Indeed, though scholars described political, economic and social institutions of the area, they were more concerned with the general functions of those institutions.¹ Miriam Goheen has focused on gender as crucial in politics in the grass fields in her work *Men own the fields, women own the crops...*² Using a hegemonic perspective, she finds that the real counter-hegemonic discourse to 'male power' comes from women. However, she does not concretely reveal the element of power in the women of Nso (area of research) i.e. in terms of ownership of land and housing property, though her analysis notes amongst others, that the 80s and 90s triggered off awareness and democracy among men and women. She seems to be concluding that the wave of democracy in the 90s represented a threat to the ruling regime—so that its survival thereto

depended on its ability to co-opt both male and female elites, with co-optation understood as a process of recognising and absorbing hitherto 'unnecessary' elites into the national decision making framework. Assuming it was the case, but, how well such co-opted elite did influence policy regarding women ownership of property is still to be clarified. Women might have been co-opted to leadership positions. Have these positions been instrumental in determining women ownership of private property? Indeed, women who have acquired such might have used the benefit to own private property but they are relatively fewer in number. What about the rural women who make up the majority?

Goheen argues that power (administrative, economic, and ritual power) were all products of negotiation between women and men. But the power of women is limited to the very status of a woman, argues Goheen, without any significant physical and material belonging attached. If we go by her reading, the power of the woman has remained essentially symbolic. In her illustration, men own the land (representing control but also dominance) no doubt, and women own the crops through their labour (representing access to and not control or dominance).

Cameroon, like most African States has ratified Human Rights instruments that promote non-discrimination in the ownership of private property based on sex, among others. While these instruments reflect the genuine intention of the Cameroon government to secure equality between men and women in the ownership of property, from a socio-political perspective, a lot is still to be done in terms of effective ownership of private property by women. The legal instruments are there but how effectively women fulfil the requirements is another problem. Indeed, if in Latin America, the expansion of women right to ownership of property was a great achievement in the early 20th Century, in most sub-Saharan countries, women are still more or less subject to the authority not only of their husbands (for married women) but also rigid traditions that sometimes negatively affect their perception and feelings of longing to be *real* owners of property. In spite of the legal efforts made by governments and social support from feminist NGOs and the like, to engage women in effective ownership of property, statistics are not encouraging. With regards to land ownership for example, women are said to own less than 20% of world's

¹ See for example Fisiy, C F.(1992) Power and Privilege in the Administration of the Law: Land Law Reforms and Social Differentiation in Cameroon, Research Report, African Studies Centre, Netherlands.

² Goheen, M. (1996) *Men Own the Fields and Women Own the Crops: Gender and Power in the Cameroon Grassfields*. University Press of Wisconsin, Madison WI.

land yet more than 400 million of them farm and produce the majority of the world’s food supply.³

Though, sub-Saharan African countries have significantly reduced the legal vacuum of women’s right to property compared (for example) to their counterpart of the Middle East and North Africa (MENA) where, an estimated 25 million urban women lack equal constitutional and statutory property rights, these legal prerequisites are not a guarantee of effective ownership given that patriarchal traditions and ancient social beliefs threaten these very rights. In Bangladesh for example, while the country’s laws give men and women equal right to purchase and own land, in practice, this is limited by inheritance rules that are governed by Shariah law, which place women and girls at a great disadvantage. The situation in Bangladesh is quite similar to what obtains in many Sub-Saharan countries, including Cameroon and in particular the North West region where customary inheritance laws overlap with national laws regarding ownership of property to the disadvantage of the woman. Table 1 below illustrates how gender gaps translate into millions of disadvantaged women in sub-Saharan Africa.

Table 1: Women disadvantaged in ownership of property in sub-Saharan Africa

	Ownership						Population aged 20-49, in million	
	Rates in %			Number of people, in million				
	Female	Male	Gap	Female	Male	Gap	Female	Male
Sole Land	13.1%	36.0%	22.9%	28.1	60.0	38.1	167.3 166.6	
Sole & joint	37.8%	50.6%	12.8%	63.2	84.2	21.0		
Sole Housing	12.9%	39.2%	26.2%	21.6	65.3	43.6		
Sole & joint	41.1%	55.0%	11.9%	72.1	91.6	19.5		

Notes: Africa wide extrapolations based on DHS data for 27 (land)/ 28 (housing) countries from 2010 to 2016 and population estimates of 2012. Population aged 20-49 years.

Source: DHS and UN-DESA, 2015.

According to the figures in the table, women are less likely to own both land and housing. The gap is largest for sole ownership of housing with only 13% claiming sole ownership compared to 39% of men. However, the gap narrows when joint property is included with 43% of women and 55% of men claiming they have sole or joint property of some housing. Finally, the ownership gap shows that some 20

million fewer women have any housing ownership in sub-Saharan Africa.

This study is a contribution to the literature on patterns of women empowerment within the framework of a legal and socio-political approach. It uses the women’s right to ownership of land housing property as a yardstick of effective women empowerment in the grasslands of Western Cameroon, a region known to have been dominated by patriarchal practices. It finds that from a legal point of view, women like men have the right to ownership of property but from a socio-political stand point, it is not always the case. There is a significant mismatch between women property rights and their effective ownership of property. Women in North West Cameroon make use of property but hardly secure it in their own names and there are explanations to that.

A. Why the right of women

Humanity is a constituted element of nature and the universe. Humanity is made of man and woman and even most religions inform that man and woman began the universe. Along the line however, society attributed different roles to man and woman so that the man was seen to possess more rights than the woman. Society constructed stereotypes about the woman by considering her somewhat as a second class human. As Perez Caroline (2019) puts it, seeing men as human default is fundamental to the structure of human and it is an old habit that runs deep—as deep as the theories of human evolution itself.⁴ We may not enter details here! Studies about concern for the woman began when researchers and feminist activists began to question the gender disparity between the man and woman.⁵ They wanted to know why the woman was treated differently from the man in spite of the fact that they were born equal and of course are due to possess equal rights. In an attempt to resolve the gender puzzle, it was discovered that there is no such thing as a natural role and function of a man and woman.⁶ The gender gap in terms of right possession is a social construction of reality. And if it is a social construction, it means it can still be deconstructed by society. It was found that both sexes could perform the same societal role irrespective of sex. It was within this framework that women’s rights groups emerged to set the pace for equality in rights, duties and obligation between the man and woman.⁷ Their efforts culminated into national and international policy frameworks in favour and recognition of certain rights to the woman including the right to own property in their own name. Researches now are focused on investigating the extent to which women do effectively enjoy these rights and of course explanations to it.

³ Villa, M. (2020) Declaration at World Economic Forum, ‘CEO: Thomson and Reuters Foundation’ available at <https://www.weforum.org/agenda/2017/01/women-own-less-than-20-of-the-worlds-land-its-time-to-give-them-equal-property-rights/> accessed 27 March, 2020.

⁴ Perez, C. C (2019), *Invisible women: Data bias in a world designed for men*, New York, Abrams Press.

⁵ Watkins, G. (2000) *Feminism is for everybody: Passionate politics*, Cambridge, South End Press.

⁶ Ibid.

⁷ For details of the emergence of women’s rights particularly in America, see Davis, Angela Y. (1983) *Women, race and class*, New York, Vintage Books.

B. The Concept of Property Ownership

We wonder whether it is proper to consider property as a key concept that needs some clarification! However, we think that when combined with ownership property is worthy of a scientific attention. Property is a material or immaterial element that belongs to an entity. Property is understood as any item, design, creative work or concept that is owned. This implies that property has a physical, spiritual and psychological dimension. We talk of material or tangible property (what can be seen and touched) such as real estate, car, etc., intellectual property (what can be heard, felt, read, etc.) such as music, movie or all what has been categorized as works of arts best known in French language as 'les oeuvres de l'esprit'. From a legal perspective, property is considered as the legally recognised relationship we have with each other in respect of things.⁸ Property is often used interchangeably with ownership; however, there is some difference.

Ownership as concept refers to being able to be legally entitled to own something, to be able to dispose or make use of that thing without any risk of it being contested by a second or third party. There is legal recognition of ownership when the law expressly acknowledges that one is the *rightful* owner of property. It is understood from here that ownership, unlike property is concerned with extensive property interest an individual can have in a mature legal system that recognises the institution of private property.⁹ Specifically ownership is property interest and the means by which we signify the entity with primary control of a thing.¹⁰ It is a particular type of property interest in which an entity designated as owner is deemed in some sense at least to have the greatest possible interest in it. Seen in this way ownership predisposes the owner with the right to protect and maintain the possession from unauthorized use or encroachment from others. The owner also has the right and capacity to modify the ownership, to decide upon how it should be used, when and by whom.

Property ownership or ownership of property is the claim that an element (property as defined above) effectively belongs to an entity. It is the legal and socio-political recognition that an entity is in possession of a material or immaterial element. If we say that we own property, we mean that that property belongs to us and we can do to it what we want without the influence of a second or third party. Therefore when we talk of the right to ownership of property, we mean effective decision making power over property. However, certain conditions have to be fulfilled or observed for effective ownership of property. These include but are not limited to: societal recognition, legal recognition (the law recognises that you are owner with the issuance of ownership documents), administrative/governmental recognition (issuance of administrative documents testifying that you are owner)

⁸ Clarke, A and Kohler, P (2005) *Property law: Commentary and materials*, Cambridge, Cambridge University Press.

⁹ Clarke and Kohler, *Ibid*, p. 52.

¹⁰ *Ibid*.

absence of credible risk of losing property, absence of credible contestation to entitlement, etc. In essence, if we cannot exercise full rights over our possession it means there is a problem; or if we cannot secure ownership, then, there is something wrong with the legal and socio-political system.

However, it should be noted that ownership is not only about rights but also about duties.¹¹ As Bergström (2000) puts it, when you have a car, you have the right to drive it (right) provided you have a driver's license (duty). If the car is yours, you definitely have the right to prevent others from using it, the right to sell it or to give it away, but the duty to pay an owner's tax and the duty to see to it that it satisfies certain safety conditions.

There are broadly speaking two dominant ways by which property can be owned. Property can be owned by way of inheritance (when we receive it as an heir upon death of previous owner), and by way of acquisition (when we buy or obtain it for ourselves). It is important to note that owning property by inheritance is the traditional and basic form of property ownership. This is one of the property ownership systems that are still being practised in Cameroon. It is typically based on the customary law system and in most cases it favours the man (for example land rights were inherited by sons). This system argues Richardson (2004) seriously undermines women's economic security and independence as well as their access to adequate food and housing.¹²

Acquiring property is considered more or less as a modern form of property ownership particularly through purchase. This is because it involves a set of social, administrative and legal procedures which modern socio-political institutions provide. Access to land for example is different from ownership of land. Ownership of land implies there is a land title—a document issued by government that confers legal and socio-political right over land. This system of private ownership is gradually gaining grounds in many societies given that it is perceived as guarantee of effective ownership. People are likely to feel that they are real owners when they take the initiative to purchase a property and make all administrative and legal documents indicating that they are indeed owners of that property. This does not mean that we are undermining the inheritance system which may also require some form of governmental recognition. Acquiring property through fulfilling governmental requirements might not be void of some contestation though, but, apparently, for many people, it makes sense and it is a pride to feel that you acquired a property than you inherited it. Whatever the form of ownership, many States espouse both systems which imply

¹¹ Bergström, L. (2000) "The concept of ownership" *"Who owns our genes?" Proceedings of an international conference*, October 1999, Tallin, Estonia, The Nordic Committee on Bioethics.

¹² Richardson, A. M (2004) "Women's Inheritance Rights in Africa: The Need to Integrate Cultural Understanding and Legal Reform" *Human Rights Brief* 11, no. 2 19-22.

that gender bias against the woman within the inheritance framework still persists today.

C. Land and housing as case of property

In traditional and modern African societies, land and housing represent the most important material asset. A man or woman is considered a fulfilled person when he or she can boast of owning land and housing. Indeed, other types of property exist along land and housing. This is the case of automobile such as a car or vehicle but this is often seen as secondary compared to land and housing. In urban cities of Africa, city dwellers work not only for the welfare of their families but to acquire land and housing in the cities in their own name. People can easily take a loan to purchase a piece of land or house than to purchase a vehicle. It is considered a significant social achievement in African cities when an individual quits from rent house to settle in his/her own owned house. Land and housing remain the most important social referent for property in modern societies. Land and housing are symbols of sustainable wealth and investment compared to any other such as automobile. A car can be purchased and used for personal and commercial purpose but it is easily perishable compared to land and housing. A vehicle can easily get damaged (e.g. by way of accident), get missing (e.g. by way of theft), etc but real estate may not be victim of such even though it can be object of conflict.

The significance of land and housing property is not only peculiar to Africa. In 19th and early 20th century Europe, elitism and nobility were deeply embedded in land and housing ownership. Maria Malatesta writes that the basis of power of the landed aristocracy in the 19th century Europe was the persistence of the land system dominated by large estates.¹³ Landownership is considered a symbol of power because it generates economic benefits. Politically, the electoral system was wealth-based. This implies that only the landowners were eligible to vote and therefore reinforce their political representation. The advent of liberal democracies in Europe did not challenge the power of landed aristocrats. Instead, the fact that they were able to successfully embrace liberal regimes of Italy and Spain (for example), testifies their ability to adapt to political change and indeed to exploit them to secure positions of power it was thought would be lost with the emergence of liberal democracy. However, it was not in every situation that landownership meant land possessions and in some cases such as Portugal, the nobility was not able to secure its power with the advent of liberal democracy.

The importance of land and housing property is also represented in the complexity of the process of acquiring it in one's own name. Nothing good comes easy, so it is often said

and believed in African societies. The process by which landed property is acquired is in most cases complex. Land and housing acquisition consumes time, energy and money and many people see in this complexity the very value of land and housing. Having a land title is sometimes a life battle but once this has been obtained the owner feels fulfilled and accomplished. In the North West of Cameroon, the most protracted conflict is that over the control of arid land between farmers and graziers. Governmental authorities sometimes find it hard to mitigate conflicts related to access to and control of grazing land between the farmers and graziers. While this example might reveal the extent to which the control of access to land can escalate into violence (characterised by destruction of property and life in extreme cases), it is also a case in point on the importance the people of North West Cameroon give to land. After all people do not fight for what is insignificant or of no value! To be owner of land and housing is more or less perceived as an end to itself rather than a means to an end as might be the case with other properties.

II. THE NORTH WEST WOMEN AND (PRIVATE) OWNERSHIP OF LAND AND HOUSING: OPPORTUNITIES AND CHALLENGES

The North West Region of present day Cameroon is part of what Anthropologists, Archaeologists and Historians have described as the 'grass [savannah] area of West and Central Africa with extensive powers of men's societies' (Nkwi and Warnier, 1982:23).¹⁴ The region is predominantly characterised by strongly implanted chiefdoms and fondoms headed by men. This implies that societies that make up the North West Region had socio-political institutions dominated by men though this was not however, resented by women.

In the North West like in any other part of Africa, women's property rights are shaped by legal pluralism, which includes vestiges of pre-colonial, colonial, modern constitutional, customary and religious laws, often leading to conflicting legal provisions and overlapping jurisdictions.

Before colonial rule, property ownership especially land and access to it took diverse forms but were largely vested in lineages, clans and families, with male leaders exercising day-to-day control. The distribution of land and property in the North West during the 19th century and perhaps earlier was entrusted in the hands of lineage heads. They regulated the distribution of land between their members, performing libations, and offerings for their common ancestors and settling disputes (Nkwi and Warnier 1982:55). The active presence of women was not felt in the lineage institution which implies that women were not primarily concerned with

¹³ Malatesta, M. (2004) "The Landed Aristocracy during the nineteenth and early twentieth century" in Kaelble Hartmut (Ed.) *The European Way: European Societies during the 19th and 20th Centuries*, Berghahn Books, New York, Oxford, p.45. For more, see also Dovring, Folke (1965). *Land and labor in Europe in the twentieth century: A comparative survey of recent agrarian history*, Springer-science +Business media B.V.

¹⁴ Some well-known male-dominated institutions with socio-political powers of coercion are the *Ngwerong*, *kwi'fo*, *Ngumba*, *Ngwose*, *Tifo*, and *Nwut Ngu*. Even after the death of a chief, potential successors who compete for the throne are men, not women, implying that substantial power or access to it remains an almost natural affair of men. To aspire as chief, the basic condition is not that you come from the royal family or that you are a 'blood' child of the chief—you fundamentally have to be a male by birth and blood.

decision regarding land and other property. Male members of the lineage championed the settlement of disputes, the collection of fines, and the bride's wealth. Nkwi and Warnier (1982) argue that even in lineages of matrilineal descent such as Kom and Aghem, as well as Mmeng, Fungom, Kuk, Nyos and two quarters of Kung, the lineage was still dominated by men.

The advent of colonial rule led to the introduction of Western systems of property ownership, however, without specific attributes to gender. An account of the development of colonial property law in Africa shows that British colonial administrators developed a common framework for understanding tenurial systems that dominated the colonial period. In this evolutionary framework, indigenous African land and housing was viewed as "communal" and individual proprietary ownership was interpreted as a more developed form of land tenure linked to the development of market exchange. Cameroon was administered from Britain and France. The two colonial powers administered land differently, but each did provide for the registration of customary land—livrets fonciers in French Cameroon and "certificates of occupancy" in British Cameroon, to which North West was a part. Although the British administration introduced the private property regime in the North West, little consideration was given to the woman. The law privileged the colonial settlers, who were able to obtain land titles even though the colonial administrations relied on traditional tribal authorities to manage access to land through customary or local tenure systems.¹⁵ By implication, fewer people from North West and particularly from rural areas were formally able to register their land. British common law was particularly unfavourable to women, owing to the doctrine of 'couverture', whereby a woman's legal status was subsumed by her husband upon marriage.

At independence, the government of Cameroon defined the conditions of ownership of property and with regards to land; it proclaimed state ownership over all land. This situation was common in many other African countries at independence including Tanzania, Mozambique and Benin, although the degrees of private ownership alongside lineage or clan ownership varied from one country to another.¹⁶ One important reform of the post-colonial state is that it opened up the process of land ownership to include both men and women in the titling operations. It was not until 1963 that the new government of Cameroon repealed the customary tenure systems and introduced land titles as more modern than traditional undocumented systems. Land titles and leases then became the only legal means of holding property rights to

land. However, during such operations, it is mostly men who have their names on the documents presumably because they are assumed to be the heads of households.

In a nutshell, three types of governments have dealt with the issue of ownership of property. These include the pre-colonial government through the institution of customary law; the colonial government with the institutionalisation of the property titling system and the post-colonial government with a somewhat mixture of both. The customary law never gave property and in particular land titles to individuals, the colonial government introduced it.

A. *The importance of land and housing ownership for women*

What difference would it make if women of the North West own land and housing in their own name? When women do not own land and housing, they cannot guarantee that any of their long-term investment in land will yield dividends from which they can benefit. The type of rights that women hold to land and housing is strongly linked to what investment they make in the land. Secure land ownership by women would, as a consequence result in more significant investment by women into that land. In the bigger picture women's investment in land would have an impact on food security at a personal level, and on socio-economic growth and food security at a macro nation-building level.¹⁷ Furthermore, women who own land can use it as collateral to obtain loans to fund measures and initiatives to improve their living standards.

Land and housing property ownership could be a credible symbol of power. Miriam Goheen has demonstrated that the power of North West women lie in the virtue of being a woman and by extension, her ability to 'own the crops'.¹⁸ Power has somewhat evolved—it is not just the feeling of it that counts; it is the ability to exercise it, to make use of it, to be objectively proud of it. Effective property ownership is credible source of power and it is recognised as such in modern society. First, property such as land is scarce resource (particularly arable land but also non-arable land in rural and urban areas). Property (land) has a strategic dimension—mostly, its value is seen in future which means that it will always remain valuable though this may sometimes depend on the topographical and reproductive nature of such; and in the North West, land and housing is the primary means to store wealth. The *Ngie* woman in the village of *Teze* has the power to invoke sanctions in order to protect her land although her claim may not have a legal validity in the court. However, unlike like elsewhere, where the man is expected to surrender a plot, in *Ngie* it is the woman that is expected to surrender a plot should the father require it. The ritual sanctions which a

¹⁵ Nach Mback, Charles, (2000). "La chefferie traditionnelle au Cameroun: ambiguïtés juridiques et dérivés politiques" in *Africa Development*, vol. 25 (3-4). See also Seignobos, Christian, (2003) "Sortir de l'oralité : un moyen de reconnaissance des droits fonciers au Nord-Cameroun" in Jamin J.Y., Seiny Boukar L. and C. Floret, *Savanes africaines : des espaces en mutation, des acteurs face à de nouveaux défis*. Actes du colloque, mai 2002, Garoua, Cameroun. Prasac, N'Djamena, Tchad - Cirad, Montpellier, France.

¹⁶ Kimani, 2019.

¹⁷ Jones, C. 1986. "Intra-household bargaining in response to the introduction of new crops: A case study of northern Cameroon." In J.L. Moock (ed.), *Understanding Africa's Rural Households and Farming Systems*. Westview Press, Boulder CO.

¹⁸ Goheen, M. 1996. *Men Own the Fields and Women Own the Crops: Gender and Power in the Cameroon Grassfields*. University Press of Wisconsin, Madison WI.

Ngie woman may employ argues Kaberry, may be regarded as a compensatory device whereby she strengthens her position with regards to land. The importance of land and housing for a woman as symbol of power and authority is captured in the excerpt below:

The power of a woman to render the land fertile or barren enters as a factor into transactions in land for, unless her consent is secured, any crops planted by the new cultivator will not prosper. This sanction is of particular importance in relations with her husband, since she may threaten to invoke it should he attempt to pledge or sell farm plots which she regards as essential to the subsistence of the household. Should he despite her opposition persist she has one further sanction, namely desertion.¹⁹

Control over land in the North West guarantees economic independence for the woman in control. Plot is regarded as essential for the subsistence of the household. Thus through land they can obtain a source of income. In most parts of Bamenda, a woman's store is her castle; neither her children, nor other relatives, nor co-wives may enter it to take food without permission. Most of this content in the store, if not all comes from land. Ownership of land through usufruct or any other means enables women to exercise considerable freedom. They enjoy the freedom in running their farms, in granting temporary loans of areas to kin and friends and in the transmitting of their rights to close kin, once they have decided to abandon the plot.

The happiness and pride that comes with private ownership of property is among the key reasons why women have to own land and housing. Ownership is associated in African context with a social referent of fulfilment, a kind of social achievement and elevation that deserve in return social recognition and social self-esteem.

B. Legal and socio-political opportunities of women ownership of land and housing

1) *International/national legal foundation:* International and national legal instruments are non-discriminatory in principle toward private ownership of property. Article 17 of the Universal Declaration of Human Rights states that: "Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his [her] property". The implication of this legal disposition is that the right to property is not based on sex. Rather it is gender inclusive and makes the case that both men and women are entitled to own private property. According to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),²⁰ the rights of women are not only recognised

but state parties are invited to establish tribunals and public institutions to guarantee women effective protection against discrimination, and take steps to eliminate all forms of discrimination practiced against women by individuals, organizations, and enterprises (Article 2). Article 13 close to a property right guarantees equality to women "in economic and social life," especially with respect to "the right to family benefits, the right to bank loans, mortgages and other forms of financial credit, and the right to participate in recreational activities, sports and all aspects of cultural life." Article 16 recognises "the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration." Cameroon signed the Convention on June 6, 1983.

The preamble of the Cameroon constitution recognises the woman as a specific entity of human and societal foundation and the responsibility of the 'Nation' to protect her. Cameroon law also recognises the right of the woman to inherit property in the event of the death of her husband even though land and housing inheritance is still influenced by customary law. However, the law gives the power to the family council to declare who can inherit property of deceased, a situation that has caused conflict over property. Similarly, in Zimbabwe, the government amended the inheritance law to make the surviving spouse, whether male or female, the legitimate heir although lack of information means many women in rural areas is not aware of it. (Kimani, 2019).

Ghana is another example in which legislation has taken specific measures to secure rights of women to land and housing. In the 1985 Intestate Succession Law and the Head of Household Accountability Law were both intended to create greater security for widows and children. If a man died without a will, the succession law decreed that his property would be equally divided and distributed among his widow, children and other members of the extended family. In addition to that, Ghana has a "head of family accountability law" that is intended to ensure that family property cannot be sold without others being informed, giving consent or benefiting from the proceeds.

Although land law in Cameroon does make a direct reference to issues of gender, governmental policy has been that of making land accessible to all Cameroonians without distinction as to ethnic origin, religion and sex. Since 2004, the Ministry of Women's Affairs is directly responsible for the follow up of issues regarding women including challenges linked to inheritance of property and access to land and housing. The problem is always at the level of implementation though. How many women in the North West are aware of such laws? The lack of awareness could leave many women without access to land and housing particularly after the death of their partner.

¹⁹See Kaberry, Ibid, 67.

²⁰ An international treaty adopted by the United Nations General Assembly in 1979 and ratified by over fifty countries including Cameroon.

2) *Emergence of women's right organisations and movements*: The emergence of women activist organisations and movements represent an opportunity for the North West woman's right to land and housing. These activists groups fight to introduce or strengthen laws intended to give women more secure access to land and housing and are combating social norms and practices that stand in their way. They create awareness in women on their rights to own land and housing in their own name through the sensitization seminars. They listen to problems of women with regards to land, help channel the problem to appropriate quarters, follow up to see that problem is solved, lobby and campaign, sensitise, and act as link between women/victim and legal quarters.

Women in Action against gender based violence (WACameroon) is one of the associations involved in the legal empowerment of the grassroots women amongst other activities. While in some countries, these organisations have gained laws entitling women to secure access to land, in Cameroon, they still have a lot to do in this direction. In Mozambique, for example, civil society groups gained a law in 1997 entitling women to secure access to land and property. While the law was fine in theory, however, implementation proved difficult because traditional courts, which most rural women use, still consider the man the head of household and therefore the rightful authority over land (Kimani, 2019).

C. Why women right to ownership of land and housing is difficult in Cameroon

1) *Complexity of legal proceedings*: Legal proceedings involving private ownership of land and housing are complex and slow in implementation. Recent studies have found that, in practice, titling procedures remain long and complicated (Tadjudje, 2005).²¹ More so, and according to the African Development Bank report on Cameroon, formal registration of land rights is more common in urban areas (60% of all titles according to MINDAF Lands Division (AfDB, 2009) than in rural regions.²²

This tends to affect women's ability to acquire land and housing in their own name. Women in rural North West and without permanent work with government are particularly affected. Research shows that civil servants make up approximately 50% of all titleholders (AfDB, 2009). Few women hold titles in both urban and rural settings. In the rural and densely populated Northwest Region, for example, women hold only 0.1% of registered land (AfDB, 2009). Land registration rates have not significantly increased since

colonial times: according to MINDAF, only 125,000 title deeds were issued between 1884 and 2008 (approximately 1,000 titles per year on average). Even holders of *livrets fonciers* and certificates of occupancy, and who need to convert them into land titles find it difficult and expensive to do so. In most cases the process requires expensive land surveys and might be difficult to obtain by poor people. In spite of the efforts of government to facilitate the land registration and titling procedures (through for example decentralisation) little results has been achieved with rural women being the most affected. However, in addition to the complexity of the titling procedure is the fact that there is limited awareness amongst women of the titling procedure, including reliance on local rules to secure land.

2) *Resilient customs and tradition*: Progressive laws in Africa suffer from lack of appropriate implementation. In countries where lobbies are trying to get governments to pass progressive laws, there is still a lot of resistance (Kimani, 2019). In the North West, the custom and tradition is more or less resistant to the neoliberal appeal of non-discriminatory private ownership. Some of them include dependency on men and women's mobility status. The tendency for women of the North West to feel that they should depend on men is far from eroding. Women always depend on men (father, husband, maternal uncle or brother) to whom in principle they owe total obedience. Women tend to always expect from men and in so doing they relinquish their rights to private initiative and by extension ownership of land and housing. This feeling of dependency has extended to include the feeling that certain 'mega' family projects like land and housing is the reserved domain and primary responsibility of men. Men still dominate the right to property over women in spite of the wide campaign for unrestricted gender equality and some women believe it has to be so. As though it is not enough, some women of the North West are routinely obliged to hand over the proceeds of any farm sales to a male and have little say over how those earnings are used. This system is also rooted in male dominance in which women are ranked lower than men.

Women's mobility and unstable status can weaken their potential of inheriting property, and in particular land and housing. Many women tend to marry in chiefdoms other than their own. This practice might not be very common today, however in the 19th century in the Bamenda area, 20 and 55% of the married women in any one chiefdom came from another one, with the average of such marriages being around 30% (Nkwi and Warnier 1982:25).

Ownership of land and housing was never what made the woman of the North West proud and this seems to be relevant today. Nkwi and Warnier (1982:64-65) write that in the North West being a woman meant being a mother, [implying that] the actual make up of such relationships depended very much on the fertility of the woman, and the success their sons could

²¹ Tadjudje, W "La déconcentration de la gestion foncière au Cameroun: une analyse du décret n°2005/481 du 16 décembre 2005", DEA thesis at Université de Yaoundé II, Cameroon. 2005

²² African Development Bank (AfDB), "Cameroon – Diagnostic Study for Modernization of the Lands and Survey Sectors." Country Regional Department Center, November 2009.

achieve with their help. This is another way of saying that the pride of the woman was in fertility and in particular being able to reproduce male children, not having land and housing.

3) *Impact of HIV AIDS*: The spread of HIV/AIDS and the stigma associated with the disease have only made women's land and housing rights more precarious. Widows of men who die from the disease have often been accused of bringing it into the family. This could possibly lead to the confiscation of their land and other property (Kimani, 2019). In the North West HIV/AIDS is taboo and for that reason, women found to be positive of the disease are often viewed with contempt. This contemptuous perception can negatively affect her ability to be accepted in the family and hence her rights to land and housing. Sometimes, even when the husband is said to have died of the disease, the wife is inconspicuously suspected of having it in the collective conscience.

III. THE MEANING OF NORTH WEST WOMEN OWNING LAND AND HOUSING: BETWEEN USUFRUCT AND PRIVATE OWNERSHIP

Is there any such thing as private ownership of land and housing among the people of the North West and in particular among the women, from a legal point of view? It is difficult to provide a clear cut response to this rhetoric. The concept of ownership has had various meanings particularly when it comes to landed property and what it bears. According to Kaberry (1952) a legal approach to ownership may be misleading in the context of the culture and life of the people of the North West. His argument is rooted in the moral and legal connotation that the concept embodies. In his words, a purely legalistic approach to ownership is inadequate for an understanding of the functioning of the system and the underlying attitudes. The concept of ownership has moral as well as legal connotations; it involves trusteeship and responsibility. From this point of view it is just as misleading to speak of a *fai*²³ as 'owning' the land as it would be to regard him as 'owning' his dependants. He is primarily a father to them (*talaa*), promoting their welfare, exercising his authority for the benefit of the group as a whole, and granting to its members the means necessary for their subsistence. Kaberry (1952:46) provides the following definitions of land and housing ownership as recorded from the people of the North West:

"Men own the land; women own the crops"

"A woman only owns a farm; she does not own the earth (land); a lineage head owns the land. A lineage head, he alone owns the land; a 'son' (or a 'daughter') of the compound does not own the land"

"Farms, kola trees and raffia ought not to be given away, because these are things of the lineage."

²³ *Fai* in Nso language is the name given to a title holder in that part of the North West. Otherwise they are also considered as lineage heads.

"A lineage head only has the power to give a new place (one not already allocated) to a stranger. A place, which people are cultivating, he ought not to give to a stranger."

These definitions significantly inform that women in the strictest sense of the term do not own land; however, what is grown on the land belongs to them. Here again, they may not have total right over what is found on the land. They can intervene in issues of land disputes as witness, plaintiff, and complainants but at least they were not entitled to own land in the strictest sense of the term. However, too, their intervention on land matters may be on behalf of their husband, father, or any other male relationship as Kaberry reports in the following excerpt:

In 1945, a land dispute came up for review in the Native Court and the putative plaintiff was a woman who was acting on behalf of her sick father, a fai. She won the case, but soon afterwards it was bruited round the village that the Reviewing Officer had not understood that she was only acting as her father's representative, and he had assumed that she was the de facto owner of the plot in question.

In any case, the dominant feeling is that men always feel they are the *real* owners of land and housing and this feeling is still observed today, however, in modified forms.

Even when we say that women own what comes from the land, what do we really mean? Women can make personal arrangements to allocate a piece of farm land to a friend for cultivation but at the end of the day, in case of any dispute, the final word will come from the man. Kaberry (1952:46) provides a vivid description of the legal limits of North West women on control of land:

...if a woman called A. has a large plot she may give her friend B. permission to cultivate a section of it. If, at a later date, another woman called C. begins to encroach on B.'s plot, B. cannot take the matter to the council since she only received rights of usufruct from A., who has no legal authority. The procedure followed in such a case would be for A. to make the trespass known to her husband (or to her own father if the plot is on the land of his lineage) who would then order C. to go away. Should this fail, A.'s husband would report the matter to the fai who allocated the land in the first instance. If the case were taken to court, the fai might be plaintiff against C., or else A.'s husband would appear as plaintiff and call on the fai as his witness.

From this excerpt, we understand that any arrangement among women for use of land in any form, without a man has no validity in the court. In essence therefore, the degree of ownership of land and housing property by women used to be the extent that men will want it. Women do not have absolute control and a legal claim to the disposal of land although they can manage it while it is in their hands. What therefore can a modern understanding of women ownership be?

A. Women ownership of land and housing in modern context: Reinventing usufruct

The concept of women land and housing ownership is now operating in a modern context in which rights to ownership are not discriminatory and are promoted by national and international legislations. In essence, these legal instruments introduced the practice of private ownership and this right is extended to both men and women as individuals or groups. For a North West woman to say that she owns property, she must be able to do what she wants with that property with or without referring to another party. She must feel as having full legal power to dispose of the property with or without the consent of the husband, father, son, or any other male relative. Women ownership of property is about having absolute control of property and the ability to administer the property, to take on permanent and unilateral arrangement over it, to allocate it when and to whosoever as the *fai* does among members of his lineage, sisters as well as distant relatives, friends, or strangers. However, the applicability of this concept in the North West is slow. Though women of the North West are aware of their right to effective private ownership, they are still being challenged by men who feel that land *must* belong to them.

Women may retain the usufruct of land and housing property, which is the right to enjoy the use and advantages of land given to them by another like the Fon or friend, etc. Usufruct may not have a strong legal backing but women take usufruct to mean real ownership. As Kaberry (1952:55) puts it:

Normally a woman, once she has been granted plots, continues to farm them for the rest of her life, often transmitting them to her sons or daughters. It is left to her to decide the period of grass fallow, which may be from 3 to 6 years, and may extend to 10 or more without invalidating her position as temporary occupier. She regards the plots as her own, jealously safeguards her boundaries, is quick to report any encroachment; and, finally, she rests secure in the knowledge that, without due cause, she will not be dispossessed during her lifetime.

Indeed, this may be how women perceive ownership but some challenges still persist. One of them is related to the legal limits of usufruct as a dimension of ownership.

IV. CONCLUSION AND WAY FORWARD

The ability of Cameroon's North West women ownership of land and housing is influenced by a combination of legal and socio-political determinants that do not always make things easy for them. From the pre-colonial, through to the colonial and post-colonial state we have seen that institutions in charge of dealing with property ownership and disputes thereof existed but in most if not all cases, they were dominated by men and never gave specific consideration to women's right to ownership of private property. In as much as they may desire to own land and housing in their own name, usufruct, a system in which women are given the right to enjoy the use and advantages of land given to them seems to persist in the habits of the people of the North West. What women from the

North West need, is for their basic rights to be entrenched in constitutions and for equal rights of property ownership to be clearly stipulated in the law. Where this has already been done, it is necessary to bring all inheritance and land laws into harmony with the constitution, so that they say the same thing. In addition, legal institutions responsible for implementing the land laws need to operate equitably, be friendly to women and operate not only in the major cities of North West such as Bamenda, the chief town. A body in charge with looking at women's right to own property with effective powers to do so is yet to be created. A reformed and strengthened customary law might be in women's interests, but the majority reject this and instead feel that women's land and housing rights should be enshrined in statutory law.

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