



Institutional, economic and socio-cultural factors accounting for gender-based inequalities in land title procurement in Cameroon



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ABSTRACT

The study identifies and analyzes factors causing women to procure fewer land titles than men in Cameroon. It employs a qualitative approach, and an analytical framework grounded in feminist thought. The identified factors are analyzed under five broad categories as follows: institutional impediments, indigenous culture, received culture, productive and reproductive roles of women, and economic constraints. The analysis ends with a number of policy recommendations prominent among which are the following: drastically reducing the cost, number of agencies and steps involved in the land title application process; employing informal channels of communication to disseminate information on land; and maintaining office hours that take into account the tight schedules of women. The study holds lessons for land reform initiatives not only in Cameroon but other developing countries in general.

1. Introduction

Although some advocates of land titling (e.g. de Soto, 2008), have questioned the cultural suitability of Africans for property rights, governments throughout Africa have legislated the land title as the sole legally acceptable proof of land ownership (Njoh et al., 2017; Home, 2013). Thus, these governments are persuaded by the argument extolling land titles as an instrument for securing land ownership, facilitating land transfers, and guaranteeing bank loans (de Soto, 2000; Feder and Nishio, 1999; Aku, 1986; Collier, 1983; UNECA, 2018).

This argument constitutes the foundation of the urban land and agricultural development prescriptions of international development agencies; it is also at the root of the land commodification initiatives of colonial and post-colonial authorities in developing countries. However, critics charge that land commodification engender many problems. For instance, it may facilitate land grabbing by the privileged few with the wherewithal to fulfill the overwhelming requirements for land title procurement (see e.g. Payne et al., 2009; Feder and Nishio, 1999). Also, it is likely to perpetuate prevailing gender-based discrimination in the land domain (Njoh et al., 2017; Payne et al., 2009). Current statistics reveal that women possess far fewer land titles than men throughout Africa (Njoh et al., 2016; Oxfam, 2007; McAuslan, 2007). In Cameroon, they received only 19 percent of the land titles

issued to individuals as opposed to organizations or whole communities from 2005 and 2013 (INSC, 2013: 98). Land titles issued to corporate entities and groups such as commercial enterprises, religious bodies and whole communities fall outside the scope of this paper.

We focus solely on titles issued to individuals because of their importance in highlighting gender-based disparities in the land domain. Equal access and control of land by women and men is crucial in efforts to promote gender equality (UN-Habitat, 2009). African governments are patently aware of this as they are signatories to international conventions condemning gender-based discrimination. Prominent among these is the UN-General Assembly Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of 1979. Yet, women continue to lag far behind men when it comes to the procurement of land titles. The African Union (2010) attributes this problem to the system of patriarchy which dominates social organization in most African countries. However, patriarchy is only one explanation of this problem. What other factors account for this phenomenon? This paper attempts to answer this question with Cameroon as empirical referent. It contains six sections that respectively discuss the following topics: the literature on gender inequality in the land domain; evolution of the land tenure formalization process; the land title procurement process; gender-biased obstacles to land title procurement; and recommendations and conclusion.

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2. Gender inequality in the land domain: the literature

2.1. Theoretical perspectives

The study under discussion here focuses on gender-based disparities in land ownership. Many theories on such disparities draw inspiration from Marxist and socialist thought (see e.g., Holmstrom, 2002; Grosz, 1994; Landry and Maclean, 1993; Hennessy, 1993). Socialist thinkers typically tend to incriminate differential access to levers of socio-political power and the commensurate differences in material endowments for society's ills including gender inequalities. Marxists take the charge a step further by lambasting the capitalist mode of production. In this regard, they see the private ownership and control of the means of production by one class as the root of gender inequality. This view richly permeates socialist feminist thinking on gender inequality, which traces its roots to the classical works of Karl Marx and Friedrich Engels as expressed in *The Communist Manifesto* (Marx & Engels, 1848), and Karl Marx as expressed in *A Contribution to the Critique of Political Economy* (Marx, 1859).

Marxists identify the leading source of gender-based inequalities as the ubiquitous capitalist economic system that is becoming increasingly universal. Within this system, women are consistently assigned economically inferior roles. Marxist feminists also identify the relegation of women to the domestic sphere as a source of women's relative socio-economic deprivation. Here, women's work—housewife and motherhood—is undervalued and never financially rewarded. Following in the footsteps of Engels (e.g., 1884), Marxist feminists also identify as a source of women's subordination, the phenomenon of private property. In *The Origin of the Family, Private Property, and the State*, Engels argued that gender oppression is inextricably tied to class oppression. Furthermore, he viewed the relationship between men and women as a mirror image of the historical relation between proletariat and bourgeoisie.

Marxist feminists view such inequalities as an upshot of the unequal participation of males and females in non-domestic spheres. From this perspective, gender-based inequalities are deeply rooted in societal hierarchical structures that inherently advantage men over women in material resources, power, status and authority (Ngomane, 2016; Ridgeway, 1997). The maintenance and sustenance of this hierarchical relation is ensured in practice by sexism, itself a phenomenon that is perpetuated by societal institutions, particularly the family, corporations, government and religious bodies (Ruettimann, 2018; Kalabamu, 2006; Massey, 2007). Here, the feminist literature is unified in observing the preferential treatment accorded boys over girls especially in the developing world. In patriarchal societies, which are commonplace throughout Africa, boys are raised to view themselves as family heads.

In contrast, and especially in post-colonial, as opposed to pre-colonial, Africa, girls are often raised to serve domestic roles as housewives, mothers and homemakers (Njoh and Akiwumi, 2012). When sexism is systemic, tolerated and widely accepted, it is said to be institutionalized (cf., Ajala, 2017; Lorber, 1994; Walby, 1990). Contemporary institutional sexism in Africa is partially a product of Arabo-Islamic and Euro-Christian/colonial gender-biased systems that sustained, and were sustained by, the exclusion of women from the public sphere. For instance, the early formal schools that were created in Africa did not accept girls (Njoh and Akiwumi, 2012). The half-hearted attempts to reform these institutions notwithstanding, they continue to be sexist by directly discriminating against, and enacting policies that result in disadvantaging, women. As discussed later, the Cameroonian government's land laws are illustrative in this regard.

2.2. Empirical perspectives

Africa is witnessing an increase in the proportion of female-headed households due to male migration, rates of male deaths in violent conflicts, adolescent fertility and family disruptions. This has triggered

a growing tide of works dedicated to underscoring the importance of resolving the problem of gender-based disparities in land ownership in Africa. This burgeoning literature is characterized by serious flaws; three of these stand out for the purpose of the present discussion. The first is the tendency to be reductionist by attributing the problem to one cause, namely the norms and customary practices of Africans (see e.g., Njoh et al., 2017; UN-Habitat, 2009). The second is the tendency to make generalized and often, insufficiently supported claims about the problem (cf., Doss, 2013). The third is the fact that most discussions on gender-based inequalities in land ownership are not conducted within relevant theoretical frameworks (cf., Ngomane, 2016).

Although often conflated in the literature, access to, and ownership of, land differ significantly in practice; while ownership implies control, access does not. Access without formal ownership implies use rights, particularly the ability to withdraw outputs or natural resources from a parcel of land (Doss et al., 2013). On its part, ownership implies possession and control of a specific bundle of rights, including but not limited to, the right to alienate, transfer and/or sell the land. People's right to property includes, "the right to acquire and dispose of any movable and immovable property obtained by their own labour or through inheritance" (UNECA, 2018). Although women contribute about 60–80 percent of the labour for food crop production, their access to, and control of, land remain minimal in Africa. The concept of ownership was not widespread in Africa prior to the Arab/European conquest. As noted by Njoh et al. (2017: 4),

The notion of people 'owning' land in Africa is a by-product of the African conquest project—first by Arabs and then, by Europeans. In its contemporary form, the notion constitutes part of the land tenure formalization process initiated by European colonial powers.

This statement must not be misconstrued as an endorsement of de Soto's (2008) characterization of Africans as 'culturally unsuited to property rights. Rather, as Home (2013: 403) noted, "colonialism reinforced pluralistic forms of property rights, which create particular challenges to land reform in Africa." In the Eurocentric context, ownership is typically legalized by formal instruments such as land titles or certificates. Accordingly, analyses of gender-based disparities in land ownership have often sought to compare the number of titles or certificates issued to women with those issued to men (see e.g., Njoh et al., 2017; Doss et al., 2013). Empirical evidence suggests that women own a minute proportion of land in Africa (see Table 1). As the table shows, the proportion of land owned by women ranges from a low of 3.1 percent in Mali to a high of 50.5 percent in Cape Verde with an average of 20.1 for the continent as a whole. The abnormal case of Cape Verde, where a majority (50.5%) of land titles belong to women, is due to the diminished importance of land in a country whose economy is dominated by the service sector (UNDP, 2017). What is more commonplace, as Table 1 reveals, is evidence attesting to women's relative deprivation in the land domain in Africa. The case of Ethiopia, where a number of studies show that most land titles belong to men, is illustrative. Some (e.g., Bezu and Holden, 2014) have attributed the disparity to the high cost of land titling. This cost has made land titles available exclusively to the rich among whom there are relatively few women.

While there is ample evidence that women own less land than men, the reason for this remains unknown. Efforts to understand the cause of this problem have been reductionist as they typically identify one cause, namely African indigenous customary practices (e.g., UN Human Rights, 2013; Nadasen, 2012; Rugege et al., 2007; Bigombe and Bikie, 2003; Razavi, 2003). However, it is necessary to underscore the fact that contemporary Africa is far-removed from its traditional predecessor not only chronologically but also in geopolitical and socio-economic terms. In this regard, the notion of land as a commodity, which was unknown in pre-colonial Africa is now the norm. This dictates a need to re-evaluate the essence of traditional inheritance clauses that favor males over females.

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