

# Gender, Decision-Making on Land Ownership and Indigenous Rights in Cameroon: Searching for a Balance in Law

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**Abstract :** *Women the world over occupies and play significant roles in human development especially at the family level where they stand as bread-winners. This remain more true in indigenous communities even though such vital position is often under looked by traditional and customary rules under which they are considered as ‘chattels’ or ‘properties’ over which the male counterpart exercises total control and domination. In Cameroon, the situation has not been the best. How better could women’s rights be asserted therefore, if not through land ownership which in local settings constitutes livelihood and wealth. Thus, after examining the legal dispositions at the international and national levels with related literatures, one realized that, rights to participate in decision-making over land including land ownership occupies an important place, though hardly implemented effectively by the government given that she holds competing interests to the same, thus, projected as guarantor and even owner of all lands in the country. Better still, if the country’s decentralization which is much en vogue could be speedy, then one could have hope for land ownership and better participation in decision-making for women at all levels.*

**Keywords:** land ownership, participation, decision-making, human rights, and gender

## 1. Introduction

Land<sup>1</sup> anchors diverse resources for human livelihood on earth. Beside its major role in enhancing the natural ecosystems, it sustains human food, water, agricultural, health, aesthetic, spiritual, habitat, environmental and development needs throughout the world. Before the arrival of the Europeans to Africa and in Cameroon in particular, the value of land was being determined by local customary rules where no intrinsic value was accorded to land in the sense that it was not considered differently from water, air and light. Land was desired solely for its produce and all rights in the land occupied by natives were considered to be owned by subterranean spirits shepherd in the souls of the ancestors which granted the living members of the community the right to farm and construct their dwelling upon. In return to all the enjoyment the living had in land, they would offer sacrifices to the ancestors. This situation was given a vivid description by a Yoruba chief – *Gboteyei* who stated that, ‘land belongs to a vast family, in which many are dead, and few are living and countless numbers still unborn.’<sup>2</sup> As such, under customary law, ownership of crops found on land and the land itself could be differentiated and thus not considered as one. This has been variously applied in Cameroonian courts as illustrated in *Enjema Liote V. Hannah Forty* (1984) CASWP/CC/15/83 (unreported); *Alexander Duru V. Haddison Masalo* (1984), CASWP/cc/52/80, *Michael Anden V. Paul Happi* (1983) CASWP/CC/52/82 (unreported); *Mallam Bello V. The*

*People* (1983) Suit No. BCA/9MS/83 (unreported), amongst others.

Due to myriad values land possesses, humans have gradually over time, turned to view land as an *object*, worth subjected to appropriation and ownership. The debacle over land appropriation started far back in the 5<sup>th</sup> century BC with the constitution of the Roman Empire marked by the conquest of the entire Italian Peninsular, Sicily, Sardinia, Corsica and the Southern parts of Hispania. As such, best lands were expropriated and declared *ager publicus*, meaning, agricultural lands or *latifundi* belonging to the entire Roman people.<sup>3</sup> The irony here is that, while lands were being conquered in the name of the people, *the people* - majority of whom were poor instead became enslaved to work on lands which were formerly theirs, rented out by the empire to rich individuals who either were already land owners, senators or knights.<sup>4</sup> In like manner, the Spaniards who set out to conquer the Americas coveted large territories and redistributed them as *encomiendas* or fiefdoms and latter to *hacendado* controlled by *encomienderos* or few privileged who kept large parts of the best lands for themselves, forcing the indigenous inhabitants onto marginal lands and

<sup>3</sup> Raoundart, L and Mazoyer, M. (2015), large-Scale Land Acquisitions: A Historical Perspective. In: *Large-scale Land Acquisitions: Focus on South-East Asia*. International Development Policy Series No. 6, Geneva; Graduate Institute Publications, Boston, Brill-Njhoff, pp. 3-29.

<sup>4</sup> This is similar to what obtained in England in the 15<sup>th</sup> century when the rich, including the Catholics owned all lands cautioned by a series of Parliamentary Acts which abolish common grazing rights, provided for common lands to be shared and obliged owners to enclose their consolidated areas of land. This lead to hardship among small-holders who lacked the means to fence up as they were forced to sell their holdings, thus, becoming unemployed and poor. Things became even worse due to the passing of the *Poor Law of 1834* which made life intolerable for the rural paupers who latter on migrated in large numbers.

<sup>1</sup> Black’s Law Dictionary considers land to comprehend ground, soil, earth including the fields, meadows, pastures, woods, moors, waters, and marshes. See Black, H. (1971), Revised 4<sup>th</sup> edition, rev. 6.

<sup>2</sup> Namnso, B. et al. (2014), Land Ownership in Nigeria: Historical Development, Current Issues and Future Expectations. *Journal of Environment and Earth Science*, vol. 4, no. 21, pp. 182-188.

sometimes subjecting them to large-scale unpaid labour on their own estates.<sup>5</sup> In like manner, King William I of England in the 11<sup>th</sup> Century after conquering Norman in 1066 reformed the land tenure system and encapsulated it *feudalism*, thus, attributing land rights to the royal authority shared with the lords and barons at the detriment of commoners.<sup>6</sup>

The above mentioned situations are similar to what obtained in Africa at the dawn of colonization.<sup>7</sup> Colonialists exploited the lands, workforce and even other resources by forcing indigenous populations to grow specific crops or pay taxes in cash which obliged a majority to produce and sell agricultural products to be shipped to 'home-nations,' sometimes carrying on forced labour on plantations. In French, British and Dutch colonies in Sub-Saharan Africa, south Asia and the East Indies, vast tracts of lands were appropriated to be used by companies or settlers to establish large plantations of sugar cane, rubber, oil palms, cotton, bananas, tea, coffee, cocoa and cloves among others. This became even worse following the recent financial, food crises and the quest for cleaner energy which emerged and have affected the entire world.<sup>8</sup>

Upon obtaining independence, most African states nationalized their lands, thus, appropriating the rights to its use for agricultural and development projects to the states or parastatals, public or private companies and even individuals. As such, millions of hectares were and are still being confiscated from local populations.<sup>9</sup> The burdens or negative impacts for such treatment over land lies upon the family which constitutes the basis of society, yet, majority of whom depends upon land's resources for survival most especially the women folk.<sup>10</sup> This is more so given that, land policies play a central role in development strategies as they define land rights, how these rights are managed, and the way that land is distributed among different stake holders.<sup>11</sup>

<sup>5</sup> See Bauer, A. (1979), Rural Workers in Spanish America: Problems of Peonage and Oppression. *Hispanic American Historical Review*, vol. 59, no. 1, pp. 34-63.

<sup>6</sup> Walker and Walker, (1994), *The English Legal System*. Butterworths, London, (7<sup>th</sup> Edition); Mbah, T. (1996), *Common Law One*, 1<sup>st</sup> edition, UCY II, series, Yaoundé, pp. 8-9.

<sup>7</sup> Bagchi, A. (2009), Nineteenth Century Imperialism and Structural Transformation in Colonized Countries. In: Akram-Lodhi, A. and Kay, C. (eds.) *Peasants and Globalization: Political Economy, Rural Transformation and the Agrarian Question*. London and New York, Routledge. Pp. 83-110.

<sup>8</sup> Amanor, K. (2012), Land Governance in Africa: How Historical Context Has Shaped Key Contemporary Issues Relating to Policy on Land. Framing the Debate Series, 1, Rome, International Land Coalition (ILC).

<sup>9</sup> Alden, L. (2012), Looking Back to See Forward: The Legal Nicteties of Land Theft in Land Rushes. *Journal of Peasant Studies*, Issue 39, pp. 751-775.

<sup>10</sup> Hall, R. (2011), Land Grabbing in Africa and the New Politics of Food. Policy Brief No. 041, Future Agriculture Consortium Secretariat, University of Sussex, Brighton, UK. Also available at: [www.future-agricultures.org](http://www.future-agricultures.org) (consulted, 25 August, 2020).

<sup>11</sup> See Lavigne, D. and Durand-Lasserre, A. (2009), Land Governance and Security of Tenure in Developing Countries. French Development Cooperation White Paper. Technical Committee on Land Tenure and Development, p. 15.

Cameroon, like many other African countries obtained independence in the early 60s from the joint Franco-British administration which took over from the German colonial rule at the end of the First World War (WWI).<sup>12</sup> From the very onset of German rule in Cameroon, issues relating to land ownership emerged. This was so given that from the natives view, the Germano-Douala treaty gave no right to own their land to the Germans, while to the opposing party (Germans), the treaty was an *open door* to expropriate native lands. This is evidenced by the 1896 Imperial Land Decree which was passed labelling all unoccupied lands as *kronlands*.<sup>13</sup> Worst still, by 1910, an Expropriation Act was passed which ousted the Douala natives from their land to a new site so as to avoid land speculation given that natives looked upon land as their only source of livelihood. To keep home industries productive, the Germans opened up access into the hinterlands of Cameroon.<sup>14</sup> After the Germans, Franco-British land administrations set the stage for a better analysis on issues relating to gender in land ownership and decision-making which obtains in Cameroon today. This is so given that the Treaty of Versailles which sanctioned the end of the First World War empowered the victorious nations (Allies) to among other things seize the *enemy's properties* both home and abroad.<sup>15</sup> In this wise, Germans' properties were considered ex-enemy's properties including land investments in Cameroon, placed under the then Mandate of the League of Nations (LONs) and latter under the United Nations Trusteeship (UNT).<sup>16</sup>

### 1.1. Land Management under British Rule in Cameroon

Britain officially took over to administer the Cameroons in 1922 under the LONs Mandate system. Article 2 of the British Mandate for the territories accorded responsibility

<sup>12</sup> Germany annexed Cameroon on July 12th, 1884 by indulging the Douala kings – Bell and Akwa into signing a Treaty of annexation with Edward Schmidt, Adolph Woermann and Johannes Voss – all German traders in Cameroon. However, by May 1916, after the defeat of Germany in Cameroon, Britain and France signed the treaty of London which marked the partition of Cameroon between them as later recognized by the League of Nations under which British and French administered Cameroon under category 'B' mandate.

<sup>13</sup> Ngoh, V. (1979), *The Political Evolution of Cameroon 1884 – 1961*. Dissertation and Theses, Portland State University.

<sup>14</sup> The creation and appointment in 1902 of the Land Commissions to determined native land needs and to set up boundaries between lands owned by whites and those owned by natives only gave the Germans authority over all 'unoccupied lands' collected even without compensation. Thus rail ways were opened upon expropriated lands to ease the transportation of raw materials from the hinterlands. Thus, by January 15, 1913, King Manga Bell petitioned the German Reichstag against the expropriation of native lands though without success which latter lead to him, Ngoso Din and others being executed on August 8<sup>th</sup> 1914.

<sup>15</sup> Article 119 of the Treaty of Versailles signed on June 28th, 1919 made Germany to renounce all her colonies including landed investments in favour of Allies and associated powers as placed under the Mandate of the League of Nations. Furthermore, articles 120 and 157 enforce the powers of Britain and France in Cameroon by according them the position of *managers* of the affairs of former German colony.

<sup>16</sup> See Cornevin, R. (1973), *L'Afrique Noire de 1919 à Nos Jours*. Presses Universitaires de France. P. 11.

for peace, order and good governance, promotion of material and moral well-being of natives to the British government. More so, article 5 further articulated the need to take into consideration native laws and customs in crafting law most especially those affecting land interests of the local populations. While this remained relative, Britain was also in line with article 9 of the Mandate permitted to administer the Cameroons through its own laws and as an integral part of Nigeria as concretized latter by the British Cameroons Order in Council of June 26, 1923.<sup>17</sup> The British however made some attempts toward acknowledging the rights of natives over land ownership thereby indirectly attempting to resolve some issues which might have sparked up gender questions in terms of land management and decision-making.

### 1.1.1. The Land and Native Rights Ordinance(LNRO), (1927)

In its section 1, the Ordinance constitutes all lands into native lands with the aims of protecting, preserving and assuring native rights of indigenous peoples of the Cameroons. Also, the law was to settle interests of stakeholders claiming land rights in the territory. The Ordinance further in its section 26 makes a distinction between 'natives' and 'non- natives.' While considering that both has 'rights of occupancy,' the natives enjoy such according to their customs and tradition while non-natives on their part are issued a certificate of occupancy by the then Governor resident in Lagos. While all these aimed at ensuring the rights of natives on their lands little was done towards ensuring gender balance in terms of management of the native lands. Thus, if customary laws were biased against women, then land policies under such customs were no different.<sup>18</sup>

### 1.1.2. Cameroons Ordinance Relating to Ex-Enemy Lands (1946)

The *ex-enemy lands* covering vast German plantations on land seized from natives and vested under the *kronlands* or *herrenlos lands* were at the end of 1945 declared native lands following Ordinance no. 37/1946. These lands were to be held by the governor of Nigeria for the use and common benefits of the inhabitants of the Cameroons which Britain continue to administer under the Trusteeship Agreement with the United Nations Organization. It was in this light that the Cameroons Development Cooperation (CDC) was created following Ordinance no. 39/1946 aimed at developing ex-enemy properties for the wellbeing of natives.

The question of native well-being which remain crucial to gender equality was however, a rhetoric under Ordinance

<sup>17</sup> More in lecture notes for year three on Land Law in Cameroon by Dr. Egbe, S. (2020), chapter 2; also see Tamasang, C. (2007), Community Forest Management Entities as Effective Tools for Local-Level Participation under Cameroonian Law: A Case Study of Kilum/Ijim Mountain Forest. Thesis Defended in Partial Fulfillment of the Requirement for the Award of PhD in Law, University of Yaoundé II, Faculty of Law and Political Sciences.

<sup>18</sup> See Nzalie, J. (2008), Structure of Succession Law in Cameroon: Finding a Balance Between the Needs and Interests of Different Family Members. A Thesis Submitted to the University of Birmingham for the Degree of PhD in Law. University of Birmingham Research Archive.

no. 39 given that, by 1950 the CDC had grown, covering some 252,742 hectares of lands, thus, engulfing more than a quarter of total lands in the Victoria Division alone. This engendered land shortage for the *Bakweri* people which were further exacerbated by immigration of CDC plantation workers. To handle such difficulties the Bakweri Land Committee was formed, sending a delegation to meet with the United Nations visiting mission to West Africa in 1949. Among the problems raised in their memorandum was that of arbitrary seizure of lands by Germans under what was considered as '*Lands without masters.*' Thus, they wanted to have their rights over all such lands reestablished. However, one wonders aloud if the issue of gender was actually taken into consideration while such memo were being drafted and little wonder if women have a voice on land ownership, talk less of land disputes settlement in the *Bakweri* local customs and tradition.

### 1.2. Land Management under French Administration

Like the British, the French administered their spheres of Cameroon as a Mandated and later Trust Territory. In a general manner, by March 23, 1921, the French President issued a decree – *decret* granting political autonomy to the territory under the administration of a Commissioner, equated to a Governor, thus not answerable to the Governor General of French Equatorial Africa whose office was based in Congo-Brazzaville.<sup>19</sup>

On their part, the French land policies were however harsh on the natives. The French embarked upon land expropriation to the extent that, complaints were tabled to the Council of the League of Nations. Here, Marchand, a French representative to the LONs alleged that, the natives are guilty of misuse of words and that their rights have not been expropriated as they never have owned land before, thus, native rights were simplified to mere rights of users.<sup>20</sup> Even so, land in Cameroun under French administration could be understood as considered under the French Code Civil as well as the decree of August 11<sup>th</sup>, 1920.

#### 1.2.1. Land under the French Code Civil

Under the French Code Civil, the concept of *domaine publique de l'Etat* seems to have controversial meaning. As such, article 538 holds that the following may fall under the concept including roads, streets, rivers, streams, navigable beaches, alluvium and the dereliction of the sea, ports, harbors, anchorages and generally all part of French territory which cannot become private properties. On its part, article 539 extends to properties considered to be '*vacant*' without owners, including those of deceased persons without heirs; while article 540 include bulwarks, trenches and fortresses into the *domaine publique de l'Etat*. In brief, the French administration in Cameroun simply divided lands into three main categories namely: lands held under German titles (free hold lands), land held by native communities, and village lands. Thus, any land not falling under these became '*vacant*' as had been considered earlier by the German concept of *herrenlos land* administered under the Imperial

<sup>19</sup> Ngoh, V. (1979), op cit.

<sup>20</sup> Ibid.



Land Decree of 1896.<sup>21</sup> The question which lingers is to know if issues pertaining to gender were regulated under these laws. The response here unfortunately seems to be negative given that *l'Etat* referred to above was France and not Cameroun since by then it was still to obtain its independence. Thus, the people's interests were of little consideration talk less of gender balance.

### 1.2.2. The Land Decree of 1920

Under the Decree of August 11<sup>th</sup>, 1920, vacant lands could be alienated to the Europeans and controversially to the natives by means of concessions awarded by the French Commissioner in Cameroun. As such, concessions could be granted through an application addressed to the Commissioner. It however remained regrettable that natives could not oppose concession decisions especially when it had already been approved upon. Local customs were waved at the back of the hand given that, concessionaires had to carry on their obligations as defined in the *cahier de charges*.<sup>22</sup>

However, by 1932, after continued protests by the natives, French view of land management were slightly changed. Under the 1932 Decree, holders of land under customary law could obtain a *livret foncier*-land booklet which evidences their right to the land. Even with such provision, owners of land were still not fully considered as having full ownership of land.<sup>23</sup>

While the colonial era seemed to have run short of fulfilling the gender balance expectations in land management especially with the systematic exclusion of indigenous people in decision-making, one needs to consider existing legal initiatives.

## 2. Indigenous Communities and Land Interests in Cameroon

Indigenous and tribal peoples have a special relationship to land. It is where they live and earned their livelihoods. In spite of this, they remain vulnerable and often suffer from lack and neglect of legal protection vis-à-vis their lands – *their source of livelihood*.<sup>24</sup> They are often being under looked as if they are not equal to all other peoples. As such, article 2, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), (2007), considers that, "*Indigenous peoples...are free and equal to all other peoples...and have the right to be free from all kinds of discrimination...*"<sup>25</sup>

<sup>21</sup> Ibid.

<sup>22</sup> The attitude of the French administration in Cameroon as far as land tenure was concerned appeared to substantially disregard article 22 of the Versailles Peace Treaty, (1919), article 5 of the French Mandate and article 7 of the Trusteeship Agreement over Cameroun. All these provisions required the administering power to take into consideration the customary laws of the native inhabitants in the territory in framing laws on land tenure.

<sup>23</sup> See Tamasang, C. (2007), op cit.

<sup>24</sup> Titanji, E. (2017), *Reversing History? The Challenges of Using MABO No. 2 as an Avatar for Resolving Indigenous Land Claims in Africa*. African Journal of Law, ISBN: 978-2-343-05675-3.

<sup>25</sup> United Nations Declaration on the Rights of Indigenous Peoples, (2007), 107th Plenary Meeting. Res. 61/295.

Notwithstanding, discrimination against indigenous peoples is noticed when any or all the four major criteria under which they are being distinguished have been undermined. These criteria according to United Nations Human Rights Sub Commission on Protection of Minorities (UNHRCMP), (1982) include one to occupy and use a specific territory; perpetuity of cultural distinctiveness; self - identification being recognized by other groups as a distinct collectivity and the likeliness of being subjugated, marginalized, dispossessed, excluded and discriminated upon.<sup>26</sup> Throwing some lights on the World Bank and the International Labour Organization Reports, Nguiffo, Kenfack and Mballa highlights two groups which meet the criteria for being called 'indigenous' in Cameroon. These include the *Mbororo* communities which largely constitutes the nomadic cattle herders scattered throughout the country, and the groups of hunters, gatherers and collectors commonly known as '*Pygmies*' or indigenous forest peoples.<sup>27</sup>

While these communities remain subjected to land expropriation, expulsion and deprived of their land rights, powerful political elites often capture and used the male folks to stand against and further subjugate their women counterparts when it comes to representing and making sensitive decisions concerning land ownership.<sup>28</sup> This situation is further exacerbated when contemporary legal connotations tend to reflect the colonial foundations laid especially by the Germans through the famous Imperial Land Decree of 1896 which article 1 reads thus:

*All land in Kamerun, with the exception of land over which private individuals or corporate bodies, chiefs or indigenous communities may be able to prove ownership rights or other real rights, or land on which third parties have acquired occupancy rights on through previous contracts with the imperial government, is considered 'vacante et sans maître' – terra nullius (vacant and ownerless) and becomes Crown domain. Ownership belongs to the Empire.* (Unofficial translation).

## 3. Custom, Women and Land Ownership

Land is at the base of human livelihood on earth. It anchors various resources and opportunities for human exploits.<sup>29</sup>

<sup>26</sup> Also see African Commission on Human and Peoples Rights (ACHPR) and the IWGIA Report of the African Commission's Working Group of Experts on Indigenous Population/Communities, (2005), pp. 86-104.

<sup>27</sup> Nguiffo, S., Kenfack, P. and Mballa N. (2009), *Historical and Contemporary Land Laws and their Impact on Indigenous Peoples' Land Rights in Cameroon*. In: *Land Rights and Forest Peoples of Africa: Historical, Legal and Anthropological Perspectives*. Forest Peoples Programme, Statford Road, United Kingdom, pp. 1-24. Also available at: [www.forestpeoples.org](http://www.forestpeoples.org) (consulted on the 14<sup>th</sup> of September, 2020).

<sup>28</sup> FAO, (2005), *Environment in Decentralized Decision-Making: An Overview*. EASYPol Resource Material for Policy Making. Pp. 1-20. Available at: [www.fao.org/tc/easypol](http://www.fao.org/tc/easypol) (consulted on the 10<sup>th</sup> of September 2020).

<sup>29</sup> Biblically too, when God had established the Garden of Eden, he commanded Man "...you are free to eat of any tree in the

Even so, access to land and security of property rights have emerged and today constitute critical constraints on human endeavors towards the enjoyment of land resources and human wellbeing. The need by various stakeholders to enjoy their rights to land seems to be flooded with a lot of divergence to the extent of generating conflicts which can only tend to negatively affect human wellbeing as a whole with women bearing the bulk if not well handled. This is so given that in most customs, women hardly participate at decision-making centres especially in taking key decisions on land ownership. According to Tamasang C. and other authors, land matters in most local communities in Cameroon rests in the hands of traditional societies including the fondoms/chiefdoms and lamidates plustraditional institutions such as the *kwihfon*, *kwihfoin*, *the nwerong*, *voma* and *ngumba*, to name but these few, into which women hardly constitute part.<sup>30</sup>

In customary societies, women find themselves basically in a male dominated environment with primary role to work for the men and bear children for them. How would this be any different, when women continue to be considered as property to their husbands? In *Achu V. Achu*, Inglis J. considered that, "...a wife is still regarded as part of her husband's property. That...is underscored by the payment of dowry on marriage and on the refund of same on divorce."<sup>31</sup> Even so, customary law considers land ownership to rests upon the entire community as a whole, thus, a 'whole' in which women do not form a part? To affirm this assertion, the husband is considered to hold land on trust for the entire family or community.<sup>32</sup> Having seen the relegation against women in terms of decision-making on land ownership both under custom and early colonial regimes, one is poised to repose upon the various legal dispositions that exists today for the assessment of the extent to which a balance in gender in terms of decision-making for land ownership especially in indigenous communities could be attained. This is so given that, indigenous communities faces a double challenge in terms of decision-making for land ownership with the state and other stakeholders imposing upon them, coupled with women who hardly benefit protection of community law, plus land rights advocates who sometimes faces threats, intimidation, kidnappings, arbitrary detention and judicial harassments of various sorts.<sup>33</sup>

garden..." see more from Holy Bible, (1984), New International Version. International Bible Society, Genesis 2:15.

<sup>30</sup> Ibid, also see, Ngwasiri, C. (1986), Jurisdiction over Land Disputes in Cameroon. In *Cameroon Law Review*, 2<sup>nd</sup> Series, nos. 31-32, Yaoundé; Ngum, I. (2004), Rethinking Female Succession to Property in Cameroon – The decline of Customary Law? *Recht in Africa*. Pp. 121-132; Danpullo, R. (2005), Women, Property and Inheritance: The Case of Cameroon. *Recht in Africa*. Pp. 143-161; Enonchong, P. (1993), Public Policy and Ordre Public: The Exclusion of Customary Law in Cameroon. *RADIC*, vol. 5, no. 3, pp. 503-524; also see Enonchong, N. (1999), Jurisdiction over Disputes Relating to National Lands in Cameroon. *RADIC*, vol. 11, pp. 100-128.

<sup>31</sup> Appeal no. BCA/62/86 (unreported).

<sup>32</sup> See Chief Justice Renner's Report in the Privy Council case of *Amodu Tijani V. Secretary Southern Nigeria*, (1921), 2 AC 339.

<sup>33</sup> Akama, S. and Adamu, Y. (2020), Legal Protection of Land Rights of the Mbororo Community in Tadu: Are the Land Rights of Minority Settlers Adequately Secured under the Current Land

#### 4. The Opportunities for Enhancing Gender Balance in Decision-Making on Land Ownership for IPs within Contemporary International Law

Cameroon had long engaged in the signing, ratification and implementation of international Conventions, some relating to the articulation of human rights especially the rights of Indigenous Peoples (IPs) to land ownership. Notwithstanding, domestic arrangements within the legal domain have been engaged towards ensuring gender balance in diverse spheres not leaving out decision-making in terms of land ownership which constitute a fundamental element in terms of enhancing human wellbeing in the country as a whole.

##### 4.1. Human Dignity

The Preamble of the Universal Declaration of Human Rights (UDHR) (1948) begins thus, "whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Referring to all members of the human family is inclusive and entails the equality of all humans. As such, non in the human family according to article 2 of this Declaration deserves to be discriminated upon based on race, colour, sex, language, religion, political, social origin, birth or status. While this is so, article 2 of the ILO Convention No. 168 concerning Indigenous and Tribal Peoples (1957) further emphasizes that, governments need to take actions to enable indigenous populations benefit on an equal footing from the rights and opportunities which national laws grants to the other segments of the population by promoting equal socio-economic and cultural development for human wellbeing and national integration.<sup>34</sup>

Indigenous peoples are noted for their uniqueness in terms of culture, language, belief, territorial identity among others. If they are said to be identified as such then the question many do ask is why is their right to land often constitute bone of contentions? Contentions which usually make one to think indigenous peoples have rights lesser to others in the same communities. At this juncture one turns to agree with Titanji's arguments for the courts' decision in *Mabo and Others V. Queensland 175 CLR 1, FC 92/014* otherwise known as *MABO no.2* that, 'indigenous people would always retained their land rights if they are considered to retain traditional customs, beliefs and practices that created the substance of their difference and if these customs are not repugnant to equity.'<sup>35</sup> Another example worth emulating is that of *MCMehra V. Kamal Nath and Others, 1 SCC 388 of 1997* where the Indian government estopped Span Motels Pvt Ltd a private company from encroaching into the banks of the Beas River with impunity. Here, it was held that

Tenure Dispensation in Cameroon? *National Journal of Real Estate Law*, Vol. 3, Issue 1, pp. 61-77.

<sup>34</sup> Also see article 2, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), (2007).

<sup>35</sup> Titanji, E. (2017), op cit.

protecting local land ownership rights remains government priority.<sup>36</sup>

#### 4.2. Participation in Decision-Making

If gender issues continue to be raised in terms of land ownership, it is mainly because decision-making seem to have been confiscated and where available, discriminatory, not only against indigenous peoples but also for women in such societies. As article 1, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 puts it, 'discrimination against women constitutes the distinction, exclusion or restriction made on basis of sex, and any impairment to the enjoyment by women of political, economic, social, cultural or civil human rights on equal footing with men.' While this is so, article 15 further have it that, 'states must take into account the special problems faced by rural women plus the significant roles they play in the survival of the families.' In this wise, states needs to ensure that, women, just like the men participate in decision-making concerning rural development especially concerning their land interests and land reforms.

Paragraph 13, Beijing Declaration, (1995) posits that, *Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace.*

Similarly, Paragraph 35 calls on the need to:

*Ensure women's equal access to economic resources, including land, credit, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their capacities to enjoy the benefits of equal access to these resources by means of cooperation.*

The above have been agreed upon and engaged as targets to be achieved by 2030 within the Sustainable Development Goals (SDGs). Goal 5.5 is poised at ensuring women's full and effective participation and equal participation for leadership at all levels of decision-making in political, economic and public life. Thus, the need to undertake reforms by governments including that of Cameroon to give women equal rights to economic resources, the access to ownership and control over land and other resources and guarantee their rights to inheritance among others.<sup>37</sup> On similar stand, Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters otherwise considered as Aarhus Convention (1998) holds that:

<sup>36</sup> See Nyongkaa, K. (2018), The Role of Multilateral Environmental Agreements in the Protection of Human Rights in Cameroon: An Example of Biodiversity Related Conventions. Thesis Submitted for the Partial Fulfilment of Requirements for the Award of Ph.D. in Law. University of Yaoundé II, P. 284.

<sup>37</sup> See further Goal 5(a) – (c).

*In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health or wellbeing, each party shall guarantee the rights to access to information, public participation in decision-making, and access to justice...<sup>38</sup>*

Furthermore, Agenda 21 Plan of Action (*blueprint*) to the Rio Conventions (1992), especially the Rio Declaration recognizes the right to participate in decision-making as cornerstone to effective respect to human rights most especially those of IPs and women, who constitute the greatest vulnerable populations in most societies including that of Cameroon. The Rio Declaration draws special attention to the right to participate to land ownership, basis for environmental security and sustainable development in its Principle 10. As such, a clarion call has been made towards the need to involve women (Principle 20), youth (Principle 21), and IPs (Principle 22). The integration of women in all development activities in accordance to Agenda 21 cuts across its chapter 24, youths-chapter 25 and IPs-chapter 26. Moreover, the *blueprint* emphasizes the commitment and genuine involvement of all social groups for the achievement of real social partnership for attaining a sustained development which remain ideal for states developmental policies. Thus, the fundamental prerequisites for the achievement of sustainable development include no other factor but a broad public participation in decision-making.<sup>39</sup>

#### 4.3. Ownership of Property

While condemning the recurrent discriminatory practices against women, CEDAW in its article 2 urges governments to pursue policies which seeks to encourage principles of equality of men and women especially within the national constitution, encourage legislations which prohibit discrimination against women by ensuring legal protection and effective remedy against discrimination. For this to be effective therefore, there must be a refrain from public authorities themselves and other institutions in engaging in any form of discrimination against the women folks especially when it comes to owning properties. Thus, local customs and practices geared towards discrimination should be corrected through existing laws and national legislations. But then can this in any way be realized in a context where women are sometimes considered as property themselves or part of their husbands estates? The respond to this can be in the affirmative when one examines the appeal judgement rendered by Justice Arrey in *Alice Fodje V. Ndansi Kate*

<sup>38</sup> Article 1, Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, (1998).

<sup>39</sup> Piccolotti, R. (1999), Agenda 21 and Human Rights: The Right to Participate. Available at: <http://wp.cedha.net/wp-content/uploads/2011/05/Agenda-20-y-Derechos>. (Consulted, 21<sup>st</sup> September, 2020). Also see Cancado, T. (1995), Relations between Sustainable Development and Economic, Social and Cultural Rights: Recent Developments. In: Human Rights, Sustainable Development and Environment. IIDH-BID, (2<sup>nd</sup> Edition). Pp. 357-378.



(Appeal no. BCA/45/1986). In that case, while the Bali customs and tradition holds that upon divorce a woman has no right to possess any of her ex-husband estates including the lands upon which she farmed while in marriage, Justice Arrey reversed that rule by according to the petitioner claims over the matrimonial home, thereby breaking the long-standing customary law position of the people. By so doing, Justice Arrey seemed to have leaned upon English law especially the Matrimonial Homes Act 1983 and rightly so by virtue of the Southern Cameroons High Courts Law 1955. Also, in *Zamcho Florence Lum V. Chibikom Peter Fru & Others*, the Supreme Court in quashing the decision of the North West Appeal Court did not only upheld the right of the appellant to own land but also rights over her late father's estates against her brothers, while establishing that the Appeal Court's judgement was against natural justice, good conscience and equity for a woman to be denied the right to inherit or administered an estate.<sup>40</sup>

On its part, the UDHR further consolidates the right to own property including land for both men like women in its article 17. This is to the effect that:

*"Everyone has the right to own property alone...in association...and no one shall be arbitrary deprived of his property."*<sup>41</sup> While this remain an avenue for consolidating women right to ownership, article 3, International Covenant on Economic, Social and Cultural Rights (ICESCR), (1966), emphasizes that states should undertake to ensure the equal rights of men and women towards the enjoyment of all economic, social and cultural rights geared at promoting land ownership beside others as further upheld by article 14, African Charter on Human and Peoples Rights, (ACHPR) (1981) in the following words: *"the right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws."*

#### 4.4. Access to Information, Fair Trial and Justice

Ensuring gender balance in decision-making towards land ownership especially within Indigenous Communities enhances human rights not only because equality between men and women could be achieved but also because through it serious societal issues could be attained including food security, social stability, and above all family unity. For these to be met however, the UDHR considers in its article 26 that, *"everyone has the right to education including the women folks."* This is so given that education could engender knowledge on the right to equality before the law, access to competent tribunals as well as fair and public hearing. In like manner, article 7, the ACHPR upholds that:

*Every individual shall have the right to have his cause heard. This comprises: (a) right to an appeal to competent national organs against acts violating*

<sup>40</sup> See more in Fonjong, L. et al. (2009), *The Impact of Land Tenure Practices on Women's' Rights to Land in Anglophone Cameroon and Implications on Sustainable Development*. Final Technical Report No. 5, University of Buea. Pp. 14-16.

<sup>41</sup> Article 17(1) and (2), UDHR, (1948).

*his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; (b) right to be presumed innocent until proven guilty before a competent court of law; (c) right to defense and right to be defended; (d) right to be tried within reasonable time by an impartial court or tribunal; (e) no one may be condemned for an act or omission which does not constitute a legally punishable offence..."*<sup>42</sup>

While the above opportunities could be enforced at the national level to guarantee not only the rights of IPs to land ownership, it could equally be tailored towards the achievement of gender equality among such communities. As such, when Cameroon obtained reunification in 1972, the opportunities for crafting effective land legislations were seized and since then the legal landscape relating to land law have been on a constant evolution. By 1974 a land Ordinance was adopted in three parts numbered 1, 2, and 3. Three years later, Decrees of application were put into place which in no lesser manner defined, guaranteed and enforced the rights to land ownership with gender issues almost finding lasting solutions therein especially as the Constitution holds such in high esteem.

## 5. National Land Legislations and Institutional Initiatives Towards Achieving Gender Balance in Decision-Making and Ownership Over Lands

World leaders are today more than ever before determined to reduce significantly around the world human dreaded poverty, hunger and malnutrition found to constitute major challenges towards achieving human wellbeing amongst the human populations. As such it has been agreed upon, and sacredly weaved within the SDGs that, 'extreme poverty needs to be curbed by 2030 especially amongst those living on less than \$1.25 a day.'<sup>43</sup> To attained this, there must be a degree of sincerity to ensure that men and women especially the poor and vulnerable have equal rights to economic resources, basic services, ownership and control most especially over land and land resources. This in a bid could accelerate and double agricultural productivity capable of enhancing incomes among women, IPs, farmers especially at the family level. What better way to enhance this and improve upon living standards, if not by creating sound policy frameworks particularly at the national level based on pro-poor and gender sensitive development strategies to support government actions in ensuring human wellbeing at all levels in society. As such, which are the various legal and institutional frameworks which could effectively channel gender balance and guarantee the attainment of effective land management and ownership in Cameroon?

### 5.1. The Constitution, (1996)

The Cameroonian Constitution has been laid down following law no. 2008-1 of 14<sup>th</sup> April 2008 to amend and supplement some provisions of law no. 96-6 of 18<sup>th</sup> January

<sup>42</sup> Also see article 15 CEDAW, (1979).

<sup>43</sup> See Goal 1, SDGs, (2015).

1996 to amend the Constitution of 2<sup>nd</sup> June 1972. In Paragraph 3, Preamble of this Law, Cameroonians have resolved to harness their natural resources including lands without any discrimination to ensure the wellbeing of every citizen in the country. While asserting as such, the nation constitutes to undertake efforts at protecting and promoting the family, considered as the natural foundation of human society in view that women most especially be protected.

From the above, one can sense the willingness to enhance gender balance as men and women without discrimination are bound to be protected vi-a-vis their properties including land. Thus, in Paragraph 8, line 10 of the Preamble of the same Constitution, ownership has been considered as “...right guaranteed to every person by law to use, enjoy and dispose...no person shall be deprived thereof, save for public purposes...subject to the payment of compensation...” More so, article 26(2)(d) lines 4 and 5 concerning legislative powers further urges the needs legislate on land tenure, state land and other natural resources.

### 5.2. The Land Ordinances, (1974) and their Decrees of Application (1976)

While projecting the rights of all natural persons as well as corporate bodies to own, freely enjoy and dispose land, the State asserts the position of guarantor of all lands in Cameroon.<sup>44</sup> In this wise, State’s intervention in the exercise of rights over national lands on which individuals and communities lives, cultivate, pick and gather resources is worth remarkable. In brief, national land in accordance with article 15(1) and (2) of Ordinance no. 74-1 of July 6 1974 establishing rules governing land tenure include ‘lands occupied with houses, farms, plantations, including grazing lands and those upon which there is human presence and development not living out lands considered to be free of any effective occupation.’

If national lands are truly those upon which one finds local communities, and over which the State has engaged to ensure the full protection of the latter, then it is but sincere to wonder why it is still upon same that one finds gross violations and gender disparities in terms of access and enjoyment. The State is guardian of these parcels on behalf of all citizens no doubt, yet, she is considered the number one violator of rights over such. Arguably, this may be so considered given that, the said enjoyment of rights which ought to be naturally embedded within local way of life is now considered to be granted. Article 17(3) puts it this way: “subject to the regulations in force, hunting and fruit picking rights shall be granted...until such a time the state assigned such lands to a specific purpose.” The word ‘granted’ is indicative of the fact that rights are no longer naturally endowed, but given. Thus, any given right can be taken at any time by the giver as further proven by the words “until such a time the state assigned such lands to a specific purpose.” If rights over national lands become conditional then one needs to question gender balance claims over such lands as it is clear that any state of affairs considered

<sup>44</sup> See article 1(1) and (2), Ordinance No. 74-1 of 6<sup>th</sup> July 1974 to Establish Rules Governing Land Tenure in Cameroon.

undefined could be object of disputes including gender-based. It is rather regrettable that community rights are put on the margin within the law which ought to have been the ‘balm’ through which such communities find solace and total protection.

One hopes further dashes off when Decree no. 76-166 of April 27 1976, to establish the terms and conditions of management of national lands considers that the Divisional Officer (D.O.) shall single-handedly appoint members of the Land Consultative Board. According to article 12 paragraph 6 of the said Decree, the village chief and only two elders of the village where land is found shall constitute members of land consultative board. This has been further consolidated within Decree no. 2005/481 amending some provisions of Decree no. 76-165 relating to conditions for obtaining land certificates. Cognizant of the *high-handed* powers Divisional Officers wield over their ‘subjects,’ one wonders if the village chief, majority of whom are illiterate could adequately channel the aspirations of the people especially women whose opinions hardly counts when it comes to land management and ownership in many communities. While this is regrettably so, women are found to remain the major bread-winners of their families most especially the rural women whose knowledge on land management, yields improvement and family welfare remain inadequately exploited.<sup>45</sup>

### 5.3. National Environmental Management and the Forestry Legislations

Law no. 94/01 of January 20, 1994 engraves the legislation for forestry, wildlife and fisheries activities in Cameroon. This law recognizes different stakes in the rights that may be exercised for forest ownership including the State, local councils, village communities and private individuals, yet, laying emphasis on customary rights recognized as being that of the local populations not only to harvest but also to use forest, wildlife and fisheries products freely for their personal and common development.<sup>46</sup>

In order to protect and enhance a gender-based management of such natural endowments, a service in charge of promoting the management of forest resources in accord with village communities comes up with a management plan. Such plan then determined the degree of rights to be exercised by the various stakeholders not leaving out the women, generally considered as the *bread-winners of the family*.<sup>47</sup> To enforce these, the judicial police officers with general jurisdictions as well as those with special jurisdictions including sworn officials of the services in charge of forestry and wildlife on behalf of various

<sup>45</sup> See more in Mitchell, R. (2006), Property Rights and Environmentally Sound Management of Farmland and Forests. In: Bruce, W. et al. (edition), Land Law Reforms: Achieving Development Policy Objectives. The International Bank for Reconstruction and Development/ The World Bank, Washington DC. P. 180.

<sup>46</sup> See sections 7, 8, 24, 30 and 34 of the Law.

<sup>47</sup> Egbe, S. (2001), The Law, Communities and Wildlife Management in Cameroon. Rural Development Forestry Network. Network Paper 25.



stakeholders shall investigate, establish and prosecute related offences that go against inscribed rights and norms.<sup>48</sup>

#### 5.4. The National Decentralization Law Engaged

Decentralization in Cameroon has been concretized through the adoption of Law no. 2019/024 of 24<sup>th</sup> December 2019 on the bill to institute the general code of regional and local authorities. According to the law, power including decision-making powers would be devolved and shared between local authorities at the levels of regions and local councils as specified in section 19 of the law. This therefore constitute an avenue through which the rights of women concerning land ownership could be channeled. Possibility for this lies in the fact that section 40(1) offers the opportunity to natural persons, women and women groups inclusive to make proposals on measures that could be undertaken at local levels to enhance development including land management and ownership. This has been further made easy given that, as early as 1990, laws were being adopted to foster the rights belong to associations,<sup>49</sup> demonstrate and hold meetings.<sup>50</sup>

#### 5.5. The Poverty Reduction Strategic Paper (PRSP)

The PRSP for Cameroon was adopted in 2006, and under its first three year programme, government identified the significant roles of the rural economy to national development. To this effect, priority measures were defined to mitigate the effects and impacts of major constraints identified to retard rural growth. Such identification came at a time when government's priority was set towards ensuring food security and self-sufficiency for families and for the country, increases rural income and the lives of rural people and to make better and more sustainable the use of natural capital as the basis of agricultural production. However, these could hardly be realized without an efficient management of the rights that attached to land ownership among rural populations while ensuring harnessing its gender-sensitive elements.

In overcoming such challenges, a Rural Development Strategic Plan (RDSP) was not only laid down, but anchored on six strategic areas of action. These include among other things, need to improve upon land rights for sustainable development of farming, livestock, fishing, wildlife and forestry. At this level, it was identified that, significant steps needs to be taken through specific programmes such as the development of Village Palm Groves, the Plantain Revival Programme (PRBP), rice growing revival project especially for the Logone Valley, Upper Noun Valley Development Authority (UNVDA) and the National Roots and Tubers Development Programmes (PNDRT) among many others.<sup>51</sup>

<sup>48</sup> See sections 141-165 of the Forestry Law (1994) and Part IV, Law no. 96/12 of 05 August (1996) on Environmental Management.

<sup>49</sup> See Law no. 90/052 of December 1990 on freedom of communication as amended by Law no. 96/04 of 16 January 1996.

<sup>50</sup> Also, Law no. 90/053 of 19 December 1990 and Law no. 90/055 on public meetings and demonstrations.

<sup>51</sup> See the International Monetary Fund (IMF), (2008), Cameroon: Poverty Reduction Strategic Paper. A Progress Report no. 08/1. Also available at: <http://www.imf.org> (consulted, 19<sup>th</sup>, September, 2020).

## 6. Some Challenges, Conclusion and Recommendations for Enhancing Gender Equality in Decision-Making for Land Ownership and Management

Most governments are faced with the pressing need to devolve decision-making over land management and governance including natural resources as a whole to their local communities. In this endeavor, Cameroon is not an exception, yet in so doing, gender issues emerged. As such, in other to complete the process of power transfer to local communities over natural resources management including land commenced by the State of Cameroon in her Land Legislations adopted in 1974 and 1976 plus the 1990 liberty laws, the 1994 Forestry Laws and their Decrees of Application, not leaving out the adoption of the law on Environmental Management in 1996 among others, there is need to invest necessary efforts in enhancing gender parity in every developmental initiatives as a continuous process. Yet, in doing this, challenges abounds.

### 6.1. Major Challenges

The Cameroonian Constitution has defined within its articles 43, 44, 45 procedures for adopting and implementing international legal instruments in a rather clear manner. While this is so, several possibilities for the enforcement of these laws and other adopted national legislations exist. Even so, a settled land management policy expressly oriented towards achieving total inclusion and satisfactory involvement of all citizens without distinction as a right still remain far-fetched.

The fact that local customs and tradition of most communities in Cameroon consider women as some sort of *outcasts*, terming them properties worth owned and outsiders when it comes to decision-making over sensitive matters including land ownership only tend to fuel the frustrations which already lingers around the enjoyment of land resources in the country. This should not be overlooked because women do not only constitute some 5.2 billion of world's populations of 7.8;<sup>52</sup> they remain major bread-winners for the worlds' populations especially in rural communities. If such matters are not adequately settled, yet the government pushes ahead with the so-called decentralization of decision-making then, the so much-preached *all, inclusive* and *equal* as spelt out by the law would only be on paper rather than in action.

Moreover, land tenure system in Cameroon permits for land management by the Consultative Board (LCB) via national lands management. The hope which seems to glitter from this may be dampened by the fact that the D.O. is the one to single-handedly appoint members and then merely include the village chief - majority of who are men and basically two leading members of the community which would hardly be women. This can be justified as in most local communities, leadership rests in the hands of men and so little wonder if

<sup>52</sup> See United Nations World Population Facts (2019). Available at: <http://www.population.un.org> (consulted on the 28<sup>th</sup> of September, 2020).

the leading members' concept would include women, and even if it does, one further ponders and fears their opinion would hardly create any meaningful impacts. However, if joint resources management could truly constitute an integral part of good governance, then, rights and privileges must be shared to that end on an equitable basis including tenure and decision-making powers.

More so, local communities find themselves upon lands which they consider theirs, yet, their interests seem hardly preoccupying to public authorities when decisions are being made on such lands, talk less of women's, thus, creating a situation of insecurity over land ownership. Although the law provides for compensation to communities ousted from lands, the use of terms like, *permanent crops and dilapidated* as criteria for exemption to benefits seems worrying. This is so given that what may be dilapidating to the government might be vital to poor local community members not leaving out food crops which sustains the populations, but which might fall short of permanent crops.

## 6.2. Conclusions and Way Forward

While it could be considered that women and the rural communities as a whole remained insecure in the land they occupy, the land tenure legislations provide some sort of protection though shallow on the fact that compensation could be payable for loss of permanent crops and occupancy on national lands when required by the State for developmental purposes. Not only that the law fails to recognize customary land holding as private ownership right, land registration in Cameroon remain somewhat remote, complex and to an extent expensive.<sup>53</sup> Lands on which communities rights are being anchored no doubt remain the national lands. Yet on these parcels, the State, private individuals, and other moral persons grab rights herein even with impunity at the detriment of women and other community members who remained unrecognized and often relegated to the background with very little to offer. The outcome for all these remains that women would be made landless, poor and feel dejected upon lands which once were theirs. This situation had once been considered by a Tanzanian Court of Appeal to reducing women and local communities as a whole 'to squatters on their own lands.'<sup>54</sup>

However, the government should embarked upon education for women and the girl as have already been earmarked within the Rural Women Development Programmes, enshrined within the country's Poverty Reduction Strategy Paper and constitutes a chief developmental goal for the country's emergence plan by 2035, found to be championed by several Non-Governmental Organizations (NGOs) beside the State of Cameroon.

Land initiatives should be liaised with other environmental legal frameworks. In this light, community interests to land including women's should be couched to the legal construct of community forests. By so doing, communities and women

in particular would be recognized as legal persons in their own rights. This therefore obviates the need for communities to create legal entities, which though expensive and encourages elite capture, found to be detrimental for community development, could channel better the rights and views of all citizens in the community no matter their social status. At this juncture, the drive towards decentralization could be effective entry point. As such, the domain-centered approach in the forestry sector could enable various community stakeholders including women to identify forest lands within their communities upon which their livelihoods depends, adopt simple zoning to earmark farm expansion zones, forest production zones, and protection zones.<sup>55</sup> In this wise, there would be a dramatic boost focused upon ordinary citizens including women not only as frontline conservators but also as managers of land resources.

Right to justice should be guaranteed for all including women in practice and not just in theory. To this effect, land disputes could be handled by all instances including the Supreme Court. This is to be encouraged given that, law no. 2006/022 of December 29, 2006 already lay down and establishes the competence and functioning of the administrative courts to include land related disputes as could be seen in *Suit no. 312/88-89 of September 18, 1987, in the case of Mbarga Raphael vs. the State of Cameroon*, wherein the plaintiff, through his counsel seized the administrative court demanding the annulment of ministerial order no. 0211/Y.7/MINUH/D300 of April 20, 1987, issued by the then Minister of State Property and Land Tenure to modify title no. 10839/Mfoundi. Here, the court held that, the Ministerial Order in question was not only *ultra vires*, but illegal, and as such annulled the Order on grounds that it violated provisions of Decree no. 76/165 of April 27, 1976 on the issuance of land title as had been earlier considered above.

Also, while more women should be appointed to the position of D.Os and S.D.Os and why not governors in Divisions, Sub Divisions and the Regions respectively, right to inheritance of women at customary levels should equally be upheld. This could enable gender considerations in decision-making over land rights especially at the level of the LCBs where the Civil Administrators in conjunction with local representatives takes decision on land ownership and management rights. As such, women at these levels should not only be hand-picked by power that be, but should be educated on issues relating to human rights as a whole and the rights of women in particular, most especially local or rural women in local communities, while empowering them to involve in disputes settlement at different levels by the State.

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<sup>53</sup> See Alden, L. (2011), *Whose Land is it?: The Status of Customary Land Tenure in Cameroon*. Centre for Environment and Development. The Rainforest Foundation, FERN, UK. P. 11.

<sup>54</sup> Ibid.

<sup>55</sup> Tamasang, C. and Kaspas, N. (2018), *Conservation Buffer Zones, Human Rights and the Environment under the Cameroonian Law*. In: Ruppel, C. & Kam, Y. (ed.), *Environmental Law and Policy in Cameroon: Towards Making Africa the Tree of Life*. Presse de l'UCAC, Yaoundé.

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