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Cultivating gender insensitive land tenure reforms and harvesting food insecurity in cameroon, sub-saharan africa

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ABSTRACT

Effective reform pathways for addressing women's access to land and tenure security in Africa are yet to be found despite their role in feeding the population. With the adoption of the AU Declaration on Land Issues and Challenges in Africa (2009) and the launch of the African Land Policy Centre (2017), hopes were high that existing precarious women's access to land, tenure and food security might be transformed to opportunities. Prevailing discourses, however, still advocate for land reforms attuned to gender equality with a neo-classical chord. Gender parity-oriented reforms are less robust and prone to producing ambivalent outcomes vis-à-vis women's tenure challenges and aggravate food importation. This study uses evidence from two communities in Cameroon, and Africa to show that gender-sensitive land tenure reforms are crucial in the strive to guaranteeing women's access to, control and land transfer for appropriate use and for bringing the second High 5s to fruition.

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1. INTRODUCTION

Pitfalls of continuous dependence on gender insensitive/neutral Land tenure reforms (LTRs) from the global policy of gender equality and effort to replace customary tenure system (CTS) with a statutory neoclassical microeconomic system is gradually being perceived through the prism of precarious access to land, tenure security for women and food security in sub-Saharan Africa (SSA) (UNDP, 2006; Fombe et al., 2013; Slavchevska et al., 2016 and Chigbu, Paradza, and Dachaga, 2019). Access to land refers to the ability to use land and other natural resources, to control the resources and to transfer the rights to land and take advantage of other opportunities (Raihan, Fatehin and Haque, 2009). Among local communities it is based on custom and traditions, and the ways in which community leaders assign land use rights to members. Land is primordial for food production, shelter and community development, and therefore, access to it becomes an important aspect of household, community, and national decision-making powers (FAO, <http://www.fao.org/>).

Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. It is a bundle of rules developed by societies to allocate property rights over land, grant use access and control as well as responsibilities and restraints. Tenure can be freehold, leasehold, conditional, collective, and communal. Different land tenure arrangements may be more or less favourable to women's access to and control over land in different societies. In SSA, access to common or community land is often important for collecting non-timber forest products by women and girls. Tenure security is the certainty that a person's rights to land will be recognized and protected by others. Sources of tenure security include the community, specific user groups and associations, governments, the administrative state, the formal legal system and coercive structures (FAO, <http://www.fao.org/3/y4307e/y4307e0>). Gender equality has clouded reform pathways for women's access to land, tenure and food security. Discourses of this concept are characterized by differing interpretations that create confusion and attempts at translating theory into action produce ambivalent and sometimes paradoxical outcomes in the land governance arena (UNDP, 2006) with severe dependency impact on LTRs in SSA (Mlambo, 2016). In Africa, each time State bureaucrats are called upon to effect LTRs, they thought of nothing better than leaning over backwards and lifting from past European texts that have little in common with the problems that reforms ought to address (Ngwasiri, 2001). These historical inadequacies keep replicating, impacting gender access to land, tenure and food security.

Food insecurity is a situation that exists when people lack secure access to sufficient amounts of safe and nutritious food for normal growth and development and an active and healthy life (FAO, 2010 and De Muro and Mazziotta, 2011). EU Commission (2017) argued that secure access and land rights for women contribute to the realisation of fundamental human rights, improve food and nutrition security, and reduce poverty in rural areas. This is critical in SSA because women feed the household and are the most affected by land grabbing and titling, which stifle food production and security.

Gender insensitive/neutral LTRs in SSA, emerged from two philosophical underpinnings, which by their character are not gender-responsive (Chigbu et al. 2019). Endogenous LTRs initiated by some African States are intended to correct historical land distortions, dispossessions and inequality experienced under the colonial and Apartheid regimes (Adams, Sibanda and Turner, 1999 and Mlambo, 2016) as grounded in the theory of us-versus-them.

We have repeatedly told the world that the on-going land reform programme seeks to redress land imbalances deriving from the history of colonialism in this country. It is also meant to transform the agricultural set-up, which we inherited from colonial governments', President Robert Mugabe of Zimbabwe in 2001, cited by Mlambo (2016:89).

Conversely, LTRs initiated from beyond Africa are tailored to replicate the western style land tenure system, which hinges on individualising land ownership by granting private property rights and creating an enabling environment for Europeans to access Africa's land (Deininger, 2003). This exogenous approach is grounded in the neoclassical microeconomic theory. Land being a primary input for agriculture, and the backbone of economies in SSA, it became the centrepiece of the narrative in national economies, while land titles were intended to tackle land tenure insecurity (Razavi, 2003). This theory is too narrow to analyse the evolution of African land tenure systems and deviates from the broader model of African land tenure which is communitarian gender role-driven with equity components (Platteau, 1996). Current LTRs veer from evidence-based social and cultural determinants of Africans, are conceptually biased and inappropriate in analysing customary land issues, thus, their implementation remains herculean (Elahi&Stilwell 2013 and Chimhowu, 2019). The Working Group of the International Federation of Surveyors (FIG) argued that lack of in-depth understanding of Africa's land issues caused well-intended LTRs to fail (Komjathy and Nichols, 2001 and Holden and Otsuka, 2014) exposing the land to "elite capture" at the expense of poor and vulnerable small farmers, predominantly women (Holden et al. 2013 and Deininger and Byerlee, 2011).

Endogenous and exogenous approaches target priorities different from viable and inclusive land governance mechanisms for women and men that stimulate access to land and security (Cotula et al., 2004 and World Bank, 2015). No doubt, prevailing ambivalent outcomes vis-à-vis the particularities of women embodied in the bundle of gender roles (Chigbu et al. 2019). Though theoretically gender parity-oriented LTRs are plausible, they are perceived as a war against patriarchy, particularly as women's interest in land is more politicized today and contested (Razavi, 2003). This perception reflects the differing interpretations of "gender equality" that creates confusion with some people tending to conflate gender with women (UNDP, 2006).

2. METHODOLOGY

Cameroon is found in Central Africa sub-Region in SSA with a population of 25.3 million inhabitants (<https://www.worldometers.info/>, 2019) and has a surface area of 475 650 km². Its neighbours are Central African Republic, Chad, Equatorial Guinea, Gabon, Nigeria and the Republic of Congo. Cameroon is Africa in miniature with 5 key agro-ecological zones for food and cash crops cultivation on land accessed mainly through customary arrangements.

A scoping study based on qualitative data sourcing was carried out through a review of policy documents and peer review works on gender-related LTRs, oral histories from four focus group discussions (FGDs), two per fondom, with 6 to 8 participants per focus group. Data from FGDs were recorded as unanimously agreed oral historical facts to facilitate coding. Four interviews, two in Ambelle Clan and two in Nso Fondom in the North West Region of Cameroon were also granted. FGDs and interviews targeted sex-roles, food and cash crops production in the communities and the relationship between African communitarian value systems and statutory tenure arrangements

associated with gender derivatives. Gender valuation languages, and their implications on decision-making processes, land access, control, management and transfer, customary law institutions (CLIs) guaranteeing tenure security and adjudication were also targeted. Informal discussions with three interviewees, one from each of the State ministries (Ministry of Agriculture and Rural Development (MINADER), Ministry of State Property, Surveys and Land Tenure (MINDCAF) and Ministry of Women's Empowerment and the Family (MINPROFF)) also provided additional oral histories.

2.1. Data processing

Data were processed using in vivo codes as per the themes expressed in oral histories (Strauss, 1987 and Cope, 2003). Interpretation of the coded tenure narratives emanating from the different primary qualitative data sources for their connections to the theoretical framework of tenure reforms, led to the identification of themes in the data generated. The themes explored emerged from access to land, security of tenure, gender equality, equity, roles, rights, responsibilities, food insecurity, competitive agriculture, decision-making power and participation as specified by the 2009 African Union (AU) Gender Policy, the 2012 FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT) in the Context of National Food Security, and the 2017 AU Declaration on Land Issues and Challenges.

Oral histories generated by the participants were directly compared in the write-up to existing literature on land tenure reforms, gender access to land and tenure security, and food security in Cameroon and sub-Saharan Africa by extension as provided by UN affiliated agencies, the AU, EU, Swiss Agency for Development and Cooperation (SDC) and scholars. Such comparison was for purposes of identifying harmony and discord in the data set in order to shed light on the correlation between gender insensitive land tenure reforms and food insecurity in Cameroon and sub-Saharan Africa where communitarian values are determinant in land governance and food security (Razavi, 2003 and 2005; Deininger, 2003; Cotula, et al. 2004; Wily, 2011 and 2011a; Elahi and Stilwell, 2013; Chigbu, Schopf, de Vries, Masum, Mabikke, Antonio, Espinoza, 2017; AfDB, 2018; Chigbu, Izugbara and de Vries, 2018; Chimhowu, 2019 and Chigbu, Paradza and Dachaga, 2019). In this respect, relevant quotations were used in some parts of the write-up to explain and clarify the results on the implication of gender-responsive tenure reforms, women access to land, and land tenure and food security in SSA. Other qualitative data from FGs were transcribed and analysed using content analysis to identify the main themes from discussions with the participants in order to shed light on the issues under investigation.

2.2. Results and discussion

The resilience of women's access to land and tenure security in SSA, will seldom be achieved through statutory reforms within a foreseeable time scale. Reviewed literature indicated that LTRs in SSA evolve beyond the realm of customary system which is operational in Africa. Majority of Africans live according to a system of customary land law, which by not being recognized by African States, becomes more problematic and opaque, in practice (World Bank, 2015). There is harmony between literature and oral histories that LTRs have failed to secure women's access to land in SSA (Table 1).

Access to	DRC	Ethiopia	Ghana	Kenya	Liberia	Mozambique	Sierra Leone	Tanzania	Uganda	Zimbabwe
Land	0,5	0,5	0,5	1	0,5	0,5	1	0,5	0,5	1

Bank credit	1	1	0,5	0,5	0,5	0,5	0,5	0,5	0,5	0,5
Other property	1	0,5	0,5	0,5	0,5	0,5	1	0,5	0,5	0,5

Table 1: Discriminatory women’s property rights in some SSA countries (Source: Adapted from ActionAid, 2010:6)

According to ActionAid (2009), none of DRC, Ethiopia, Ghana, Kenya, Liberia, Mozambique, Sierra Leone, Tanzania, Uganda and Zimbabwe has statutorily secured above 1% access to land for women. Paradoxically, all these countries cited including Angola, Benin, Burkina Faso, Malawi, Mali and South Sudan, have recognized customary rights to land by law and women’s equal rights in their constitutions in compliance with international human rights standards and obligations (UN Human Rights Charter and CEDAW) (UN, 1995; UN, 2000 and ECA, 2017). For instance, despite the 2007 laws in Sierra Leone on traditional marriage registration and divorce and on the transfer of property, which allows for women’s acquisition and use of assets as individuals and women’s rights to inherit without the agreement of the enlarged family (ActionAid, 2009), respectively, only 1% of women in the country has access to land. Professing statutory and practising unrecognized customary system attests to the absence of an entente between State authorities and custodians of CLIs. The consequences are that donors keep investing in gender equality driven LTRs, which are less responsive in SSA to guaranteeing women’s access to land and tenure security, while neglecting the customary system, which is more responsive.

Interviewees were unanimous that gender equality implies putting the woman and man equal before the law, societal and cultural roles, rights and responsibilities, a premise that veers from their communitarian value systems (CVS) due to gender peculiarities. Women incarnate peculiar traits, and therefore, still feed Africa despite statutory challenges of access to land and tenure security. These testimonies affirm communitarian inalienable access to land for women. ActionAid (2010) opined that tenure arrangements within the traditional system have always been inclusive of men and women, where male landowners with large land holdings take responsibility for ensuring that all community members including vulnerable groups, have access to land. In Tigre/Amhara area of the North in Ethiopia, male and female descendants of the founder of the geneology have equal claims to family land (Gilks, 1975). In Nigeria, land acquisition for men and women is largely through inheritance (Oriaghan, 2018). In South Sudan, though the Constitution, the Land Act and the newly adopted Land Policy, assert that women can own land, customary law does not recognize women’s property ownership. In SSA, what appears important is the quality of negotiations with CLIs for consensual gender equity reforms, and not imposition of LTRs, or the mere recognition of customary system in law.

CLIs such as the Fon, lineage heads (Shuufai and Fai in Nso), village traditional council, men’s regulatory society (arkom, kwifon, nwerong) and women’s regulatory society (takemben) wield a lot of influence over land and constitute guarantors of tenure security at community level. The Fon is the custodian of land and in Nso he acknowledges the rights of a lineage head over a tract of land held in trust by handing him a calabash (sho-oh ngven) filled with palm wine and a peace plant dipped into it (Shuufai Yungkui and Eka Jacob, pers. com, photo 1).



Photo 1: Cultural symbols

The traditional landlord of Mbockenghas, Tankiy, Shuukov and Senti (Shuufai Yungkui) holding the Nso traditional symbol (sho-oh ngven). A: Calabash B: Peace plant C: Entrance to his shrine in Meluf. Photo by Tatak J.B, 25/10/2007 at 11am

The lineage head has only defacto tenurial rights as only ancestors are the real owners of land. He shares the land to community members for farming receiving a token of a fowl (FCFA1500) and a calabash of raffia palm wine (FCFA500) (Enchaw, 2009:221-224). The sho-oh ngven is endowed with symbolism and confers to a traditional landlord the powers to pour libation using the wine to honour the connection with the gods of the land who through surreptitious means guarantee tenure security for whosoever acquires land following proscribed norms.

Oral histories were unanimous that all food crop farms in Ambelle and Nso were accessed through customary arrangements. Husbands provide farmland to their wives as the first asset from their estates, daughters-in-law inherit from mothers-in-law through bequest, beg from other people including their parents. This female bequest inheritance involves food crop farmland and domesticated trees associated with women such as njangsang (*Ricinodendron heudelotii*), bush mango (*Irvingia gabonensis*), bush onion (*Garcina kola*). The wife of a newly wedded couple, accompanies her mother-in-law to the farm for grooming in farming and communitarian values of African women. She also discovers the boundaries of all the farms of the mother-in-law and in her absence, the daughter-in-law automatically inherits the farms and trees. If the mother-in-law has many sons, she shares her farms and trees therein among the wives of the sons even in anticipation. Upon return, a young man who was out of the village, claims his land rights over the farm(s) cultivated by his mother. This is a conflict pre-emptive measure particularly in polygamous homes and is justified by matrilineal nomenclature at birth though mother's name never appears on identification documents.

Girls rarely inherit from their fathers but while in marriage and need food crop farmland, the father can provide on condition that she cultivates only food crops on usufruct basis. Violation of these terms leads to expropriation as protracted conflicts and court cases ensued from similar transactions when neglected. Unmarried women continue to cultivate their mothers' farms while divorced trace

their roots to their mother's. Similarly, women's ability to cultivate and feed the household and tackle her chores usually spread across the day, and are issues which reforms are yet to address, a female interviewee in MINPROFF¹ attested. In corroboration, literary narratives posited that women use the land acquired through these customary transactions at their discretion. But because they were usually responsible for providing food for the household they tended to use the land only for that purpose and therefore, were unable to grow crops for sale, particularly as they constituted an important source of farm labour to malefolk (Adams and Turner, 2017). The informant ascribed to gender equality reforms for issues of fundamental human rights and gender equity reforms in response to land and agriculture. This is in line with African CVS and it is probably within this context that Razavi (2005) noted that the interface between gender and land is contextually specific and cannot be adequately addressed through all-purpose global policy prescriptions. It is obviously for this reason that the ACHPR in its Article 15, recognizes the right of "every individual" to work under equitable and satisfactory conditions and to receive equal pay for equal work.

Statutorily, SSA women do not have access to land and live in tenure insecurity. Their customary claims to land, however, enable them feed Africa, indicating that statutory narratives of women's access to land in SSA are inappropriate (Razavi, 2003). Oral histories affirmed that land was sacred, not sold or bought but allotted to community members by lineage heads regarded as traditional landlords with defacto rights over tracts of land held in trust. These philosophical underpinnings must have been the building blocks of the tutorat mechanism for land access as observed in West Africa and other parts of SSA (Chauveau, Colin, Jacob, Delville and Le Meur, 2006). Oral histories also captured the tutorat mechanism for women's access land in SSA. Oral narratives indicate that through tutorat mechanism, women in refugee camps in SSA are always the first persons to access land for crop cultivation. The most recent cases concern displaced persons from the two English speaking regions of Cameroon to French speaking parts of the country such as the Mungo Division in Littoral and Noun Division in the West Regions, and to neighbouring Nigeria. Their displacement, willingness to survive and solidarity necessitated the transfer of land rights between natives and the incomer women for food crop cultivation within the framework of customary tutorat relationships. Women's role in land control and transfer is crafted in CVSs. From oral histories, men make the house and women the home where women control the farms they cultivate for home consumption and men control those they cultivate for income fetching in compliance with communitarian gender roles and language valuation. This is in consonant with the theory of fair distribution of tasks within the household and reforms based on such communitarian gender equity, prove more gender-responsive. In this perspective, ActionAid (2010) posited that protecting women's food sovereignty and building their capacity in the agricultural sector is an essential precondition to achieving the 1st Millennium Development Goal, which ties with the second High 5s. Oral histories alleged that land transfer by women through bequest and the degree of confidence that the beneficiaries will not be arbitrarily deprived of the rights they enjoy over the land and the economic benefits that flow from it is provided by CLIs. Formalizing such rights will provide an enabling environment for the land to be leased and used as collateral without necessarily converting customary tenure to statutory tenure for investment purposes (ECA, 2017). These are eloquent testimonies that gender insensitive reforms

¹Ministry of Women's Empowerment and the Family (MINPROFF)

stifle avenues for robust LTRs prone to enhancing women’s access to land, food security and food importation guardrails in line with Feed Africa.

Oral testimonies from MINDCAF² and MINADER³ representatives hailed gender equality land reforms in Cameroon as provided by Land tenure, state land and surveys procedures manual. The provisions encourage large scale agriculture for all, irrespective of sex, and is land title-bound. They remarked that Circular No. 001/CAB/PM of 1 April 2014 establishing the procedure governing access to land by investors in Cameroon outlines conditions which are too technical and costly for the small farmer, particularly women. Large scale agriculture is mainly for export and the crops cultivated are seldom staples in SSA. Wheat and rice cannot replace yams, corn fufu, millet, sorghum, cocoyams and plantains for the Africans. In Nso, informants said that no matter what they eat, if corn fufu is not eaten it means they are starving.

Emphasis on cash crops predisposes Cameroon and SSA to food insecurity as large scale agriculture takes place in rural areas where land is still abundant “Young Rural Entrepreneurs: Land is Available” (MINDCAF, 2016:1)(appendix 1), dispossessing rural women of food crop land accessed through customary arrangements (Deininger, 2003 and Fombe et al. 2013). This implies miniaturisation of smallholder farming and the growth in medium scale farms leading to growing inequality and potential social differentiation (Wily, 2011 and Chimhowu, 2019) and remains a vector for food insecurity and food importation (fig. 1) in Africa (AfDB, 2018 & 2019).

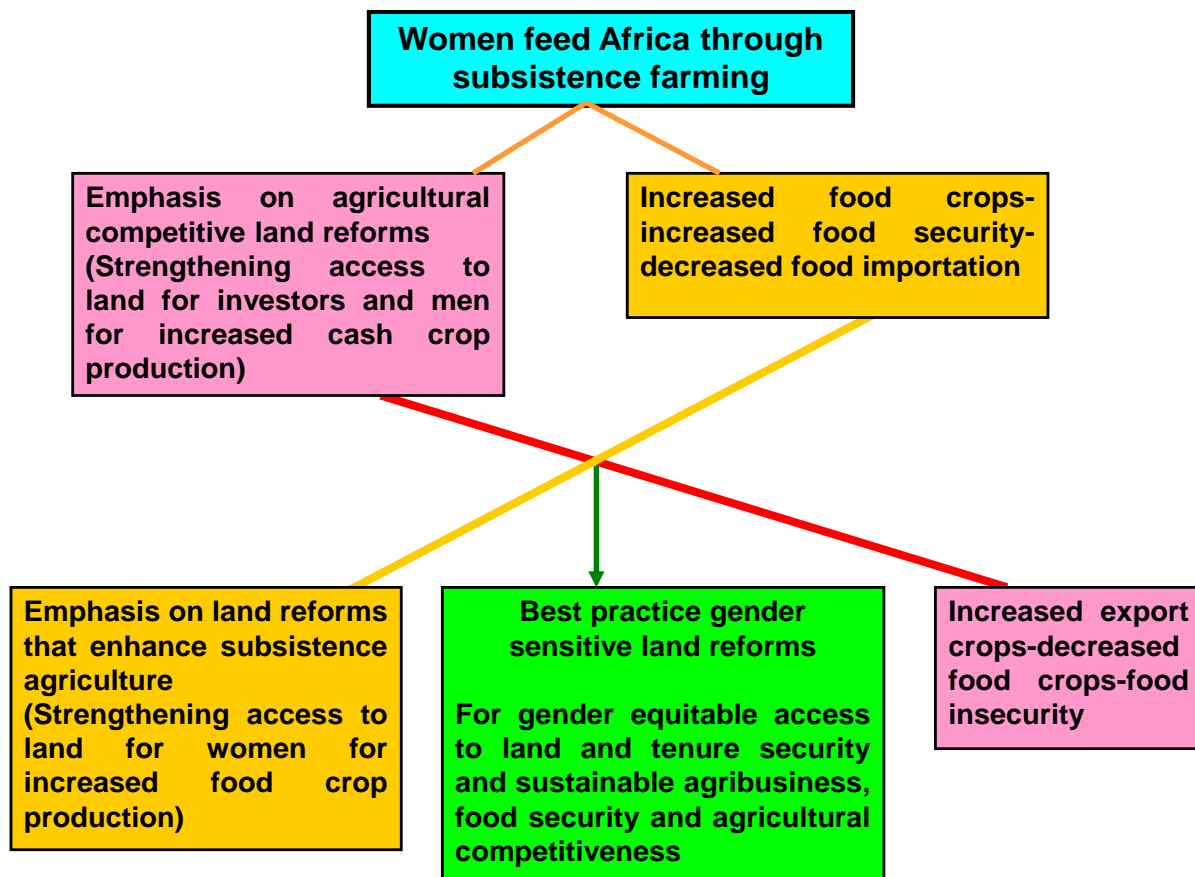


Figure 1 : The land steward model

² Ministry of Agriculture and Rural Development (MINADER)

³ Ministry of State Property, Surveys and Land Tenure (MINDCAF)

The model shows a direct relationship between emphasis on market-oriented agriculture reforms and food insecurity, and emphasis on reforms that strengthen women's customary access to (land stewards) and food security in Africa. In line, as Uganda strategises to increase coffee, cotton, tea and tobacco exports, its food imports steadily increase. In Senegal, agriculture generates 18 percent of GDP, while 55 percent of cereals consumed (mainly rice) is imported and Nigeria imports about US \$3-5 billion worth of food annually (FAO, www.fao.org/). This situation has been succinctly described as paradoxical following enviable human resource and environmental potentials (abundant fertile land, climate and a dominant female population) in SSA for food production and security.

3. CONCLUSION

Our literature review suggests a missing link in gender sensitive LTRs and food security in SSA. Over dependence of Africans on land policy pronouncements from international development agencies has debilitated CLIs in SSA and riddled the CTS. Ensuing LTRs show a strong convergence of opinions on two counts: 1) That gender equality LTRs are indispensable for women's access to land, tenure and food security. 2) That African agriculture is not competitive at global level. So far, such LTRs have failed to check women's access to land and tenure security, and rather, aggravated food insecurity and food importation in SSA. Narratives of gender equality constitute a strong disincentive for robust gender-sensitive LTRs that enhance subsistence agriculture through which women feed Africa as observed in Ambelle and Nso. Emphasis on export crops implies siphoning labour from food crop farms to those of cash crop while amplifying land grabbing, food insecurity and importation in SSA, particularly as climate change has its toll. A major policy and institutional best practice shift grounded in building land policies and laws on social, cultural, and traditional practices that enhance women's food production capacity within the context of African communitarian gender roles, rights and responsibilities is urgent. Such a policy shift will strengthen customary law institutions and non-monetarized land transfer mechanisms such as tutorat, which are more legitimate and flexible within the framework of African communitarian value systems for gender-equity prone reforms.

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6. ADDITIONAL READING

- i) Gender and Land Governance
- ii) Gender and Land Governance: The new Guidance Sheet
- iii) The Impact of Land Property Rights Interventions on Investment and Agricultural Productivity in Developing Countries: a Systematic Review
- iv) Land tenure in forests a matter of food security, experts contend
- v) Why has Africa become a net food importer?

7. KEY TERMS AND DEFINITIONS

Food importation: The movement of mainly cereals and livestock products from outside Africa to the various countries in the continent at costs which are draining a huge proportion of the financial resources of Africa

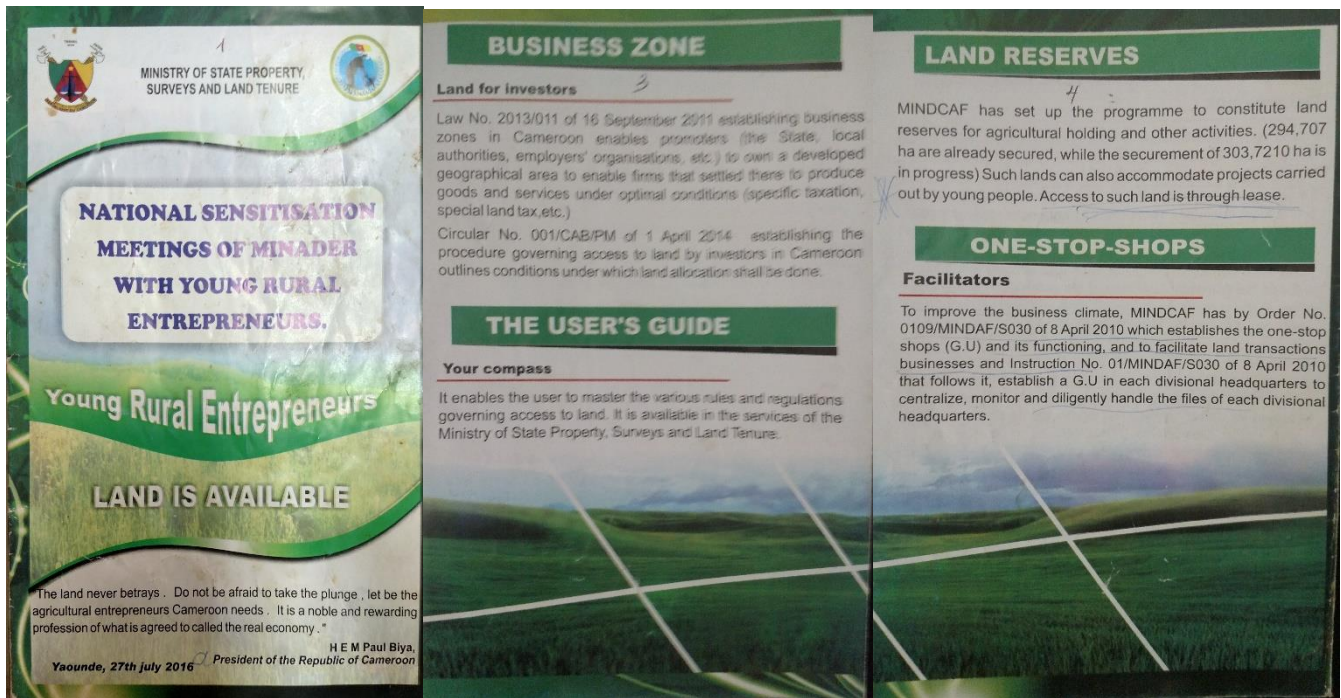
Food security: It is a measure of the availability of adequate amounts of nutritious, safe, and culturally appropriate food to all, at all times and individuals' physical and economic ability to access it

Gender-insensitive land reforms: They are statutory intervention programmes of land access, land tenure security, land control and transfer that consider men and women as equals and do not take the cultural, socio-economic, political and physical peculiarities of women into consideration

Tenure security: It is the certainty that a person's rights to land will be recognized and protected by others such as individuals, community and state and non-state formal and informal legal institutions.

Women access to land: It is the ability of women to use land and other natural resources, to control the resources and to transfer the rights to land and take advantage of other opportunities

8. APPENDIX 1: Accessing agribusiness land in Cameroon



Rural land is losing its subsistence food crop rule to agribusiness investors as statutory gender equality reforms put women's access to farmland in peril