

Women and Land

in_focus

CASE STUDY
CAMEROON
MALAWI

New attitudes key to progress in Malawi, Cameroon

Women in many African countries have a legal right to own land, but this often means little in areas where “customary law” prevails. As a result, researchers in two countries have come to believe that women’s security of tenure depends as much on addressing social assumptions as on enacting legal reforms.

At a recent funeral in Malawi, in a part of the country where customary law dictates that only men can own land, came a sign that old attitudes may slowly be changing. When the village chief rose to deliver his remarks, he shared with mourners some thoughts they likely did not expect to hear.

The chiefs act as custodians of customary law and are generally assumed to oppose statutory reforms that seek to extend new land rights to women. But on this day it was different. The chief spoke about the impact of traditional land-inheritance customs that routinely cast widowed or divorced women off the land they had worked with their husbands, rendering them unable to feed themselves or their children. This is an injustice against the wives, mothers, sisters, and daughters in our village, he said, and this should change.

Maggie Banda, a researcher with Malawi’s Women’s Legal Resources Centre, believes this incident illustrates how dialogue and public education can advance an important social reform — one that is crucial not only for the well-being of Malawian women but also for the broader society. Bringing about meaningful change, she believes, is as much about dealing with the impacts that entrenched attitudes have on daily life as it is about changing the law.



Sven Torfinn/Panos

In many African countries, such as Malawi, traditional land-ownership customs are often stronger than the formal laws extending land rights to women.

Two systems coexist

In fact, researchers are acutely aware of the limitations of an exclusively legal approach to land rights. In Malawi, as in several other African countries, civil laws dealing with women’s right to own land coexist with (and almost invariably contradict) a parallel set of customary laws that formalize current interpretations of how society traditionally dealt with these sorts of social issues.

In practice, many countries’ customary laws are stronger than formal, national legal codes. Multiple roadblocks discourage poor women from making their case before civil authorities. A lack of public knowledge of civil laws that allow women to own property mean that disputes are most often settled by local leaders applying customary standards.

And so, Banda says, “we’ve come to see that changing the law and the official policies is not enough. There have been a lot of laws enacted in Malawi — good laws protecting women’s rights — but they are not working. Why? Because the people in charge of implementing those laws often don’t understand why they are important, so their actions are indifferent.”

In addition to pushing for legislative change, Banda and her colleagues have been using research as a tool to raise awareness of land issues among affected parties. The researchers — one of several IDRC-supported teams examining women’s land rights across Africa — have adopted some innovative participatory research methods. For example, researchers sometimes present their findings about land-related conflicts elsewhere in the country, then ask community members to create short theatre pieces illustrating how their own experiences compare.

This approach “has encouraged more discussion of issues that had been regarded as private,” Banda says. “The drama has provided a platform for women and men to deal with issues that before were never discussed.”

Positive findings, practical gains

Local organizations have also been helping women make practical gains. In one case, 10 widows acquired the title to land their husbands had owned — an unheard-of outcome in a region of Malawi where patrilineal inheritance customs excluded wives and daughters from owning property.



Many women in Cameroon lack secure tenure on the land they cultivate to feed and support their families.



Women are vulnerable if they lack legal title to the land they farm, especially in countries such as Malawi where competition for land is fierce.

Then there is the shifting outlook of some men, like the chief who spoke against women’s dispossession at that funeral. Banda concedes that researchers did not anticipate this kind of change of heart when they began their work.

“We found that there are some positive things within the customary structures that can help women realize their rights.”

“Our initial thinking,” she explains, “was that ‘the customary structure is bad, so let’s concentrate on statutory laws.’ But we found that there are some positive things within the customary structures that can help women realize their rights. And some of the chiefs are more responsive than we expected. When they have more information, when they see things more broadly, some of them will stop saying, ‘This is our culture, and we cannot change it.’”

On the other side of the continent, in the English-speaking part of Cameroon, researchers are using a similar multidimensional approach to address women’s access to land. “We work with traditional leaders, politicians, administrators, some civil society organizations, and with women,” says Lotsmart Fonjong of the University of Buea.

As in Malawi, a system of customary law sustains Cameroonian women’s insecure tenure, despite gender-neutral statutory laws. The negative effects are broadly felt. One reason all of society should grapple with this issue, Fonjong says, is that it dramatically affects the way land is managed.

"In Cameroon," he explains, "women are responsible for household nutrition and they work solely in agriculture. They cultivate crops and sell produce in the informal sector to feed their families. But at the end of the day, they don't have security of tenure. So when they have the opportunity to exploit the land, sustainability is not the first question. The first question is, 'How do I maximize this opportunity?' When you don't know how long you are going to be on the land, you are going to cultivate the kind of crops that give you the biggest, most immediate return, regardless of the environmental impact."

"In matrilineal societies, they say women own the land. But do they have the legal document to prove the land does indeed belong to them?"

A patchwork of forces

By tracing the historical evolution of the country's agricultural systems, Fonjong and his colleagues have sought to understand how Cameroon fell into the current situation — and how it can get out of it. The story begins in pre-colonial times, when tribal norms dictated that chiefs and other male elders would act as custodians of the land. Although this system gave men more power than women, women did not appear to be victimized. Land was abundant. Communally owned, it could not be sold by individuals. Men and women were given an equal share of crops.

Colonial rule — first by the Germans and later the French and British — brought in a system of private plantations producing export crops. A new gender divide arose: men worked for wages growing cash crops and women tended subsistence plots to feed their families. Reliance on a plantation economy remained when Cameroon gained independence in 1960-1961. The new administration re-established pre-colonial customs that made men custodians of the land and denied women the right to own property.

This, Fonjong says, has aggravated the problems. With the expansion of plantation agriculture and a ballooning population — from 6 million in 1974 to the current 19 million — competition for land has become fierce. The value of land has soared, providing an incentive for men who hold customary claims and legal title to sell the land. In the past, women who made their livelihoods from that land would move to another plot, but now this is often not possible.

Women hurt by land booms

Back in Malawi, Maggie Banda reports similar land pressure as many city-dwellers look for cheaper homes in rural areas. Women farmers are most affected, even in parts of the country with matrilineal land-inheritance customs. Researchers had expected to find that women there are completely secure. But, they discovered, women must consult uncles and other male authority figures before deciding what to do with their land. As land values rise, male relatives increasingly manipulate the women and sell the land for their own benefit.

A clear solution to this problem is to encourage women to apply for legal titles. "In matrilineal societies, they say women own the land," Banda says. "But do they have the legal document to prove the land does indeed belong to them? Often they don't. Without it, they can wind up losing that land."

Researchers in both countries have made a number of recommendations on how to improve women's land security. The starting point for researchers in Cameroon is to harmonize legal codes so that civil laws, which grant equal rights to women, cannot be undermined by customary law.



Local organizations in Malawi have helped widows acquire title to land their husbands owned.

Giacomo Pirozzi/Panos

Envisioning progress

New proactive initiatives aimed at helping women are also needed, says Lotsmart Fonjong. For example, provisions that give formal, legal title to people who had been informally recognized as landowners invariably favour men, since land ownership had previously been a male right. The pattern could be broken, he says, if the state assigned title to lands under its control specifically to women. Giving women greater representation on the influential Land Consultative Board would also help address power imbalances.

A series of small reforms could also make the land registration system more “woman-friendly.” This can be as simple as including space for two names on land registration forms, to indicate that women can be co-owners of land alongside their husbands. Waiving fees and opening land registration offices in more remote rural areas would also make it easier for poor women to register land.

Fonjong notes that women have also been moving forward independently. Some have formed groups to register and manage land collectively. Others have challenged their exclusion from land ownership before the courts. Meanwhile, attitudes appear to be changing as many men come to accept that women — who are increasingly heads of households and sole breadwinners — should have the right to own land. All of this, the researcher says, “provides cause for optimism.”

This case study was written by Stephen Dale.

The views expressed in this case study are those of IDRC-funded researchers and experts in the field.

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This case study is one of five presented on the Women and Land in_focus website.

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