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“HOW CAN A PROPERTY OWN A PROPERTY” REJECTING FEMALE RIGHT TO INHERITANCE UNDER CUSTOMARY LAW IN CAMEROON: A CONTINUOUS FRUSTRATION PLATFORM VIOLATING FEMALE RIGHT TO PROPERTY IN CAMEROON

This paper enunciates that women continues to experience rampant violations on their inheritance right to property in Cameroon. The continuous violations of women in Cameroon on their right to inherit property leave us with no doubts in ascertaining truly that the legal explanations protecting women in the country are questionable. In answering the above hypothesis, a doctrinal research method is used. From the established demonstration expounded, one can acclaimed that women right protection in Cameroon is distressing and a painful with the need of an acceptable correctable platform. The various law has to be re-examined and restructured if the objective of the law really should be obtained.

Keywords: *women rights, violations, legal examination, Cameroon, protection.*

Original article

INTRODUCTION. Under the Married Women Property Act of 1976, women have the same rights as men to initiate and finalize a divorce when issues of property are concerned. Divorce can be granted by mutual consent, breakdown of community life or fault, whereby the grounds for fault may include adultery or domestic abuse. In practice, divorce by fault of adultery or domestic abuse may be much more difficult to obtain given the discriminatory civil law surrounding such acts. Men are deemed to commit adultery only if the act occurs in their home; whereas women can be deemed to commit adultery regardless of the location. This is the situation under Criminal law, but the situation is not the same in Civil law. Under Civil law, a woman once establishes the grounds provided under Section 1(2) (a) of the Matrimonial Causes Act 1973, it is enough to amount to adultery. The situation here is that proof of adultery is difficult to establish using direct eye witness that is why the law has presented certain grounds that once proven can be presumed of committing adultery. Some of these grounds include; undue familiarity, venereal diseases, previous convictions, letters, confession, birth of a child and other relevant conditions. A judge is not required to grant a divorce on the ground of domestic abuse, which is not criminalized by the law. Under customary law in some communities, husbands can divorce their wives in a traditional court without being required to pro-

vide justification for divorce. Specifically, the civil code stipulates that the separation of the parents has no influence on parental authority, and each parent shall respect the bonds of the other parent in the raising of the child. The court however may make decisions on the best interest of the child as it deems appropriate.

With regard to division of property, in the event of the divorce, the marital assets are divided in accordance with the ownership regime chosen at time of marriage which can either be separated or co-owned property regime. For the latter, the property should be equally shared after a divorce. This however is not the case in practice and Cameroonian women are often pressured to renounce their property rights. International law and other relevant instruments have laid out a clear foundation for women’s rights to property and other productive resources guaranteed in various international human rights instruments. it therefore becomes the responsibility of every State in ensuring the respect of this fundamental right by all without restriction, by adopting protect appropriate measures towards the full realization of the right. States are also required to ensure equal access to property and other productive resources for both women and men.

PURPOSE AND OBJECTIVES OF THE RESEARCH. The fundamental objective of this work is that of ascertaining and questioning the place occupied by the law when dealing with

issues of female right to inheritance. There has been lots of euphoric color and encouraging legal claiming that there is some aspect and degree of protection offered by the various legal dispositions as to the need in recognizing the very essence of female rights as to property as far as issue of inheritance is concerned. There is a continuous violation of this fundamental right as to ownership in matters of female inheritance even though the law has provided adequate protection without discrimination. This aspect of feasible discrimination in this part of human right has twinkle the plethora of questions, where among them is that of questioning the adequacy of the law when experiencing constant violations of this fundamental female right? This is really a matter of confused facts.

METHODOLOGY. It will rather be improper in justifying the above violations without having an inside of the methodology used. How do we come to conclusion that female rights as to inheritance have been violated by the various available laws when one cannot demonstrate this hypothesis? In answering the above question and portable hypothesis one will be tempted in showing methodology which in all its ramifications can be analytical and doctrinal. There will be that need in establishing the essential platform establishing that the laws has posit a platform for the recognition of female right to inheritance. This platform can be seen from the international level especially the Universal Declaration of Human Right 1948 stating in its article 3 about the need of equality and non-discrimination in matters relating to human right protection. Apart from this main law, laws, treaties and relevant convention has equally be established all demonstrating the essence of protecting female rights to property as of inheritance. To show how serious this right is, the State of Cameroon has enacted other national laws like the Cameroon Constitution of 1996, in its preamble should that this right is a fundamental one in need of protection and recognition. As if this is not enough, other legal dispositions like the Penal Code, Land Registration Ordinance of 1977, the 2011 Civil Status Registration Ordinance, The Southern Cameroon High Court Laws of 1955 and many others. One can bear in mind here that the problem is not just enacting compendium of relevant laws and texts, but the issue here is that of implementing these laws. The continuous violations of this fundamental human right on the part of the women shows some doubt and questioning credibility of the available laws. One thing that one needs to understand here is that it is one thing in enacting laws, and the other in respecting these laws. There is really a problem experienced.

RESULTS AND DISCUSSIONS

Universal Recognized Right with great potentials initiated in relevant Human Right Expectations

Various human rights instruments guarantee women's equal rights related to access, use and control over property. A concrete example is that stipulated by the Universal Declaration of Human Rights, in its article 2, setting up the principle of non-discrimination, including based on sex, in the enjoyment of rights guaranteed in the Declaration. Among many other rights, the Declaration recognizes the rights to property, food, housing and education concertizing this great declaration is the International Covenant on Civil and Political Rights, in its article 3, guarantees equality between women and men, and it prohibits discrimination based on sex, among other grounds, in its article 2. The Covenant also recognizes the rights to life, private and family life, liberty and security of person, equality before the courts and tribunals, information, freedom of movement, association, assembly and expression, freedom from torture and cruel, inhuman or degrading treatment, self-determination, equal protection of the law, participate in public affairs, and remedies. Article 3 of the International Covenant on Economic, Social and Cultural Rights similarly calls on States parties to "undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant" and prohibits discrimination based on sex. The Covenant also recognizes the rights to food, housing, education, health, culture, work and association (trade unions). The Convention on the Elimination of All Forms of Discrimination against Women calls on States parties to end discrimination against women in laws, policies and practices, including through the adoption of temporary special measures. Its article 2 obliges States. All these laws and instruments put in place is to make us understand that, women occupies a great place in every society operating under the canopy of a legal euphoria that potential in exercising its rights through the acquisition of property. there is lots of incompatibility when we see countries going contrary to international commitments to which most countries have agreed. Under the Convention on the Elimination of All Forms of Discrimination against Women 1979, for example, signatories commit to ensure "the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property"¹.

¹ Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December

Further, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa states that "*a widow shall have the right to an equitable share in the inheritance of the property of her husband*", including the right to continue to live in the matrimonial home, and that "*women and men shall have the right to inherit, in equitable shares, their parents' properties*"¹. The latest Security Council resolution on women, peace and security, Resolution 1889 (October 2009), recognizes the need to ensure women's livelihood, land and property rights in the context of post-conflict peace building. In addition, under MDG 3: Promote gender equality and empower women², the international community has committed itself to gender equity that includes inheritance and property rights (Goetz et al., 2009, p. 122).

Officiating the position under Cameroonian Law

It may be observed that Cameroon's property system is characterized by what many will consider as good and wonderful laws by affected with great potential "bad" tradition (Ossome, 2014, p. 155). This is an allusion to the enactment of property reforms especially those pertaining to land applicable in existing customary laws that legalize land issues in the country. In other words, the land proprietorship system is attached in a chastely male-controlled setting in Cameroon. The debate concerning women's property rights has for decades remained an unanswered and argumentative issue in many academic debates, despite the country's obligation in guaranteeing property rights and ensuring gender equality for everyone, including women should be highly recognised and practice to the fullest. Its main fundamental laws composed of the 1996 Constitution of the Republic of Cameroon and the 1974 Land Ordinance in Cameroon in its entire ramification and tendencies are not in any instance or circumstance considered as gender-biased. Both

laws have ensured that the right to property for citizens should really be guaranteed. Let's us have a good screening of the Preamble to the 1996 Constitution which stipulates that [...] *the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights [...]*³.

An unpretentious and vibrant explanation of this provision means that the Constitution prohibits any and every form of discrimination based on gender deterring people from enjoying their rights. As a matter of emphasis, the Constitution further provides that ownership shall mean the right guaranteed to every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law⁴.

A thorough reading of this provision implies that all people in the country with the women inclusive have exclusive rights not only to access and use but also to exercise absolute right of ownership over property, including land. Interestingly, the Constitution has expressly stated that "the State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law"⁵. By implication, there is no legal justification as to why women should be denied the right to own and control property based on customary beliefs (Fonjong, Sama-Lang, Fombe, 2012). Since land symbolizes economic and political power, granting indigenous women the right of ownership would help empower and enable them be active drivers in all development processes and would encourage them to improve their productivity (Fombe et al., 2013, p. 76). Cameroon on a greater extend has affirmed its attachment to ensuring equality in rights by invoking the fundamental principles enshrined in the Universal Declaration of Human Rights⁶, the Charter of the United Nations and the African Charter on Human and

1979 // United Nations : website. URL: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx> (accessed: 11 February 2022).

¹ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the African Union on 11 July 2003 // African Union : website. URL: <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa> (accessed: 11 February 2022).

² United Nations Millennium Declaration, adopted on 8 September 2000 // United Nations : website. URL: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Millennium.aspx> (accessed: 11 February 2022).

³ See para 4 of the Preamble to the Constitution of the Republic of Cameroon, 1996 to amend the Constitution of 2 June 1972 as amended in 2008.

⁴ See para 5(19) of the Preamble to the Constitution of the Republic of Cameroon, 1996 to amend the Constitution of 2 June 1972 as amended in 2008.

⁵ See para 5(2) of the Preamble to the Constitution of the Republic of Cameroon, 1996 to amend the Constitution of 2 June 1972 as amended in 2008.

⁶ Universal Declaration on Human Rights (1948) // United Nations : website. URL: <https://www.un.org/sites/un2.un.org/files/udhr.pdf> (accessed: 11 February 2022).

Peoples' Rights¹, including all duly ratified international conventions related to these instruments². In principle, international law is law and self-executing in Cameroon. For instance, Article 45 of the 1996 *Constitution* states that [...] *duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement* [...].

Based on the content of this constitutional provision, the application of any international instrument in Cameroon is automatic (Njieasam, 2017).

Article 17 of the UDHR guarantees everyone's right to property and call on states to refrain from practices and policies that deprive anyone, indigenous peoples and women included, from enjoying this right. In a similar vein, Articles 18(3), 19 and 21 of the African Charter on Human and Peoples Rights emphasise the need to refrain from all forms of discrimination against anyone and the right to freely dispose of one's property. Articles 2(f)(g), 5(a) and 16(h) of the Convention for the Elimination of all Forms of Discrimination Against Women 87 crowns it all by calling on states to eradicate customs and practices that violate women's rights. It also imposes an obligation on state parties to adopt effective and appropriate measures to ensure that all women exercise the right of ownership, acquisition, administration and disposition of property indiscriminately. Even though the above provisions do not specifically refer to indigenous women, the wording "everyone" or "all people" can be interpreted to include indigenous women. It has been argued that these provisions serve as a vital step towards securing the right to land of indigenous women. Related studies reveal that building on CEDAW, indigenous women anticipate finding a connection between international human rights instruments promoting their rights, and local values and practices that improve their rights, most especially their rights to land³.

¹ African Charter on Human and Peoples' Rights (1981) // African Commission on Human and Peoples' Rights : website. URL: <https://www.achpr.org/legalinstruments/detail?id=49#:~:text=The%20African%20Charter%20on%20Human,free%20doms%20in%20the%20African%20continent> (accessed: 11 February 2022).

² See para 5 of the Constitution of the Republic of Cameroon, 1996 to amend the Constitution of 2 June 1972 as amended in 2008.

³ Gender and Indigenous Peoples' Human Rights // United Nations : website. URL: <http://www.un.org/esa/socdev/unpfii/documents/>

Assessing aspect of Inheritance in Cameroon: A non-negotiable platform on Women Protection and Treatment

The Civil Code provides women with equal rights to inheritance as men. This extends to daughters as well as female surviving spouses. Reinforcing equality in inheritance laws, a Supreme Court decision formally recognised the right of women to inherit in 1993. At the time of writing, however, there are no laws prohibiting disinheritance or property grabbing, and there is lack of legal protections for widows.

In practice, despite having the statutory laws in place, land inheritance is governed by traditional or customary laws which vary among ethnic groups. In many communities, customary law regards women as the property of their husband and prevents them from inheriting from their husbands. In other regions, customary widowhood rites, including levirate which forces a widow to marry a male relative of the deceased husband are widely practiced, infringing upon women's right to inherit.

There has been enormous debate about women's rights in general and that of widows' particularly, has been of much concern to women, policy makers and universal organizations alike. In an archetypal traditional African environment, the woman practically sees herself in an essentially male-dominated environment. The various customs that obtain in most African countries, the institutions that regulate day to day life are controlled by the men-folk. In this way, women have very restricted rights. Upon the breakdown of a customary law marriage through death, the widows in most instances are considered by many communities in Africa as an object of inheritance, but of the fact that such practice is contrary to the law cases abound which show that this practice is instead gaining ground. The tendency is that upon divorce, the woman has little or no rights over property. A concrete example is experienced in the case of *Achu v. Achu Inglis, J* posited that (Temngah, 1996, p. 350): [...] *Customary law does not countenance the sharing of property, especially landed property, between husband and wife on divorce. The wife is still regarded as part of her husband's property* [...].

Law 81-02 of 29 June 1981 on Civil Status Registration in Cameroon, s. 77(2) of which provides that: [...] *In the event of death of the husband, his heirs shall have no right over the widow nor over her freedom or the share of property belonging to her* [...].

BriefingNote6_GREY.pdf (accessed: 11 February 2022).

The situation of customary law is silent on women rights, but courts seem to apply and follow these practices. In the case of *Alice Fodje v. Ndansi Kette*¹ seems to suggest the contrary view. In this case, the parties were married in 1952 according to the native laws and customs of the people of Bali. The marriage was blessed with eight children. In 1981, the appellant left the matrimonial home. The respondent took a second wife. In 1983, the respondent petitioned for divorce in the Bali customary court. His prayer was granted. No order as to property adjustment was made.

As a result, the appellant appealed. Justice Arrey in a dramatic manner held that the appellant should occupy one of the three houses, and also collect rents from the other two. But the decision seems to be an isolated authority on its own merit.

Presence of Written Law versus Customary Law provoking continuous controversies declined of reconciliation

Both written and customary law are sources of law in Cameroon and it will be wrong, or perhaps out of context to settle either for the superiority of written law because it defines the quantum of admissible of customary law or the customary law rules simply because most of the cases are hardly brought to court. Nevertheless, the people do accept the customs as binding, notwithstanding legislative enactments to the contrary.

Understanding the Phenomenon of Written Law in Women Right Protection

Written law consists of all laws enacted by the legislative arm of our State which are binding as soon as they have been promulgated by the Executive arm of the State. And of course, mindful of the bi-jural nature of the Cameroonian State, all constitutional enactments have alluded to, and accepted foreign law: namely English and French laws. Of particular interest to us is English received law which consists of (a) the Common law; (b) the doctrines of equity, and (c) statutes of general application which were in force in England on the 1st day of January 1900².

J. Inglis, in the famous case of *Enongenekang v. Enongenekangs*³ has emphasized the bi-jural nature of the Cameroonian state. In application of

the principles above, the Cameroonian legislature expressly enacted Ordinance No. 81-02 of 29 June 1981 which deals partially amongst other matters with the question of property. This piece of legislation has failed both in its intent and spirit to give guidelines to this disturbing issue of property adjustments between husband and wife upon the breakdown of marriage. As a result, recourse is made to foreign or foreign inspired laws. In the Anglophone provinces of Cameroon, all Acts pursuant to Section 11 of the Southern Cameroons High Court Law 1955 are applicable⁴. In this respect, the *Married Women's Property Act 1882* is instructive. It provides in Section 1(1) that: "A married woman shall be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a feme sole, without the intervention of any trustee".

The recent decision of Lord Denning in *Midland Bank Trust Co. and Another v. Green and Another* throws a lot of insight on this matter. This is what Lord Denning says: "Nowadays, both in law and in fact, husband and wife are two persons, not one. They are partners-equal partners-in a joint enterprise, the enterprise of maintaining a home and bringing up children. Outside that joint enterprise they live their own lives and go their own ways".

The dictum above is reinforced by the position that English law knows no community of property⁵ and the famous dictum of L. J. Romer in the case of *Cobb v. Cobb* in reference to section 17 of the *Married Women's Property Act 1882* when he said that: "I know of no power that the Court has under section 17 to vary agreed or established titles to property. It has the power to ascertain the respective rights of husband and wife to disputed property, and frequently has to do so on very little material, but whereas here, the original rights to property are established by evidence and those rights have not been varied by subsequent agreements, the court cannot in my opinion under section 17 vary those rights"⁶.

Section 17 would have been redundant after the divorce had been pronounced since its provisions would have ceased to apply because it refers to "husband" and "wife". To cure these illnesses, the *Matrimonial Proceedings and Property Act 1970* in its section 39 allows an application within the period of three years to be made by either party notwithstanding that their marriage

¹ *Alice Fodje v. Ndansi Kette*, Appeal No, BCA/45/86, (unreported).

² S. 11 of the Southern Cameroons High Court Law, 1955, which says court in Anglophone Cameroon will practice Common Law rules, the Doctrine of Equity and Statute of General Application before 1900.

³ Suit N° HCSW/28MC/82 (unreported).

⁴ Section 11 of the Southern Cameroon High Court Law 1955 guarantees the application of foreign law in Anglophone Cameroon.

⁵ *Pettitt v. Pettitt* [1969] 2 All E.R. 385, H.L.

⁶ *Cobb v. Cobb* [1955] 2 All E.R., p. 700.

has been dissolved or annulled. Cameroonian courts are content with applying the principles adumbrated above with caution. In the various local cases, effect has been given to local statutory enactments particularly the 1981 Ordinance. In substance, it provides that a married woman can exercise a trade different from that of her husband¹ and can operate a separate bank account². Indeed, if the woman purchases property with her income or sums from her account, ownership and title rest in her name. Consequently, in *Moussi v. Moussi*³ the court ordered that items of moveable property bought by the wife but still in custody of the husband be handed over to her. In the same strand of reasoning the High Court of Buea held in *Body Lawson v. Body Lawson* that each spouse should continue to have ownership of property purchased in their respective names.

Are Women Measured as a Heritable Property?

The fact that the bride-price is seen to concretize the union between two families rather than two individuals has far reaching consequences. The death of the man does not normally terminate the marriage, as it is possible, with the consent of the woman, for her to be attached to another member of the family in marriage.

It was an old Jewish custom for the “levir” or brother of a deceased to take over his wife in order to produce a son for the latter and perpetuate his name. The objective in customary law is different. It assuages the widows’ incapacity to succeed and Professor Elias writes that the union is “a scheme of social insurance against neglect and hunger for the deceased’s dependents.” In *The Estate of Agboruja* it was explained that the basis of the custom was to ensure the continued maintenance of the widow and her children and was not repugnant as contended by the widow; unless it could be shown that the new husband was wicked towards that family when the deceased was still alive. The male relative becomes a new father for the children and is responsible for their upbringing as if they were his own children.

The term widow inheritance is commonly used giving the impression of compulsion. Widows have always had the option to refuse to take a relative of the deceased as husband without thereby forfeiting the right to maintenance by the family if they remain in the family. The true signif-

icance of the expression is not necessarily that the successor inherits the widow as wife, but rather the responsibilities towards her, which were initially those of the husband. An Ashanti proverb cited by Rattray says that “The one who takes the gun of the deceased also takes the widow”. The gun symbolizes the means of livelihood and one cannot take it away without assuming the responsibility to feed the mouths that depended on it.

Therefore, whether the widow becomes a wife to the successor or any other person depends on her consent. This was emphasized by a West African chief who described the situation as follows: “If somebody dies any member of the family can go secretly to any of the wives and find out if she would marry him. If the woman agrees, there is a customary present which the relative gives to the woman. If there is agreement between the woman and the man, the man is to go and inform the oldest person in the family”. In his study on the Bali tribe in Cameroon, it is established that widows generally have three options. They could return to their parental homes, remain in the home of the successor under his guardianship as a widow, or become the wife of one of the relatives of the deceased. Where she elects to return to her parental home the bride price must in principle to be returned, although the right may be waived by the family. Where she chooses to remain in the husband’s compound as a widow, with or without children, the obligation to refund the bride price is removed and she is entitled to maintenance from the husband’s family. Indubitably therefore, the consent of the widow is necessary especially as article 77 (2) of the Civil Status Registration Ordinance No. 81-02 of 29 June 1981 provides that “In the event of the death of the husband, his heirs shall have no right over the widow, or over her freedom”. When there is consent the matter cannot get to court, and in fact we came across a case which is representative of the actual situation. In *Asane Florence v. Ndeh Thomas* the plaintiff’s mother and three other widows were taken over by her “uncle” when their husband died. Other children were born of these unions and the defendant was one of them. In the case, however, the point in issue was not the levirate marriages but rather whether the plaintiff was to succeed to property as the child of her biological father or of the father by inheritance.

The courts generally castigate levirate marriages as being contrary to natural justice, equity and good conscience. Thus, in *David Tchakokam v Keou Magdaleine* it was stated that “any custom which says that a woman or any human being for that matter is property and can be inherited along with a deceased’s estate is not only repugnant to

¹ S. 74(1) of the 1981 Ordinance.

² *Enie v. Enie*, suit N° HCSW/65MC/83 (unreported); *Body Lawson v. Body Lawson*, suit N° HCF/128Mc/86 (unreported); *Jones v. Maynard*, [1952] 1 All E.R. 802.

³ Suit N° NCF/115MC/87 (unreported).

natural justice, equity and good conscience, but is actually contrary to written law”.

In the light of what is said about the bride-price and levirate marriages it is clear that the “woman as property” theory is in sharp decline. The process was started in the divorce case of *Fodje v. Kette*, described by Professor Ngwafor as “a famous first,” because Arrey, J. granted the wife the right to occupy the matrimonial home as well as collect rents from two other houses. An appeal against that decision to the Supreme Court is still pending. This could just be indicative that the highest judicial authority considers the case to have been rightly decided. The equality of sexes is a matter of public policy proclaimed in the preamble of the constitution. The principle is also enshrined in article 2 of the African Charter on Human and Peoples’ Rights, which has been ratified by Cameroon. In this respect the high judicial body overruled a decision of the Bamenda court of appeal in *Chibikom v. Zamcho Florence* in which a married woman was held not have the capacity to administer her father’s estate.

The Complexities of Female Inheritance as to Properties in Cameroon

However, in Cameroon, this is a rare and isolated situation to reiterate, female children may only inherit property in the absence of suitable male heirs, if they are brothers or relatives. This situation has changed for the fact that Cameroon has ratified human right instruments as to recognizing female rights, emphasizing that even the females can inherit property. Thus, it may not be presumptuous to conclude that had the defendants not abused the administration of the estate the daughters of the deceased would not have shown any interest whatsoever in it. The daughters had found themselves forced to seek administration over the estate for reasons not associated with discrimination. Nonetheless, the court was swift to identify gender discrimination in the custom under consideration, which denies female children the right to intestate succession.

Similarly, in the infamous legal drama of *Chibikom Peter Fru & 4 Ors v. Zamcho Florence Lum*¹, the Supreme Court was called upon to rule on a patriarchal custom that denies a married daughter the right to succeed on the intestacy of her deceased father. The deceased died intestate in 1985 and was survived by several wives and children, most of whom were males. However, the

eldest of these children, Zamcho Florence Lum, was a female. Upon the death of her father, she applied for a next of kin declaration before the Mankon Customary Court. The court temporarily declared her next of kin of the estate of the deceased until a “proper” successor was selected in the near future from among the boys proven within family circles to be worthy of controlling the estate of the deceased. On the strength of the next of kin declaration, she was then awarded letters of administration by the Mezam High Court. However, in 1989, some members of the family, including some of those who had supported her application to be made next of kin at the customary court, brought an action at the High Court requesting, among other things, the cancellation of the letters of administration granted to her. The trial judge dismissed the application but ordered Florence to render accounts of her administration of the estate to the Administrator General. Dissatisfied with the rejection of their request, they lodged an appeal against the verdict of the High Court to the North West Court of Appeal, sitting in Bamenda, the regional capital. The Court of Appeal allowed the appeal and disqualified Florence from administering the estate. Aggrieved by the decision, Florence proceeded on further appeal to the Supreme Court. The Supreme Court annulled the decision of the North West Court of Appeal and referred the matter for hearing and determination before the South West Court of Appeal, sitting in Buea, the regional capital. Previously, (before December 2006), in entertaining appeals, the Supreme Court of Cameroon operated through the doctrine of *renvoi*. Once it received an appeal from one of the ten regional Courts of Appeal in the country, rather than determining the appeal on its merit, it would issue legal recommendations and refer the matter to another coordinate Court of Appeal for determination. With respect to appeals coming from one of the two Anglophone regions of the country, as was the case in this appeal, the Supreme Court would remit the appeal to the Court of Appeal of the other Anglophone region. Based on the provisions of Law No. 2006/016 of December 29, 2006 (to lay down the organization and functioning of the Supreme Court), the Supreme Court no longer entertains appeals through the process of *renvoi*. Appeals are determined based on their merits.

The Supreme Court’s referral was based on two recommendations: first, the North West Court of Appeal violated the preamble of the constitution by discriminating against Florence as a female and, second, a custom that prohibits married women from benefiting on the intestacy of their parents is repugnant to natural justice, equity,

¹ Supreme Court Judgment No. 14L of February 14, 1993. In the South West Court of Appeal, it was registered as Suit No. CASWP/17/931: reported in Cameroon Common Law Report (CCLR), 1997, 213–223.

and good conscience and, thus, offends the provision of Section 27 of the SCHL, 1955.

The South West Court of Appeal was requested to consider the original appeal filed against Florence in the North West Court of Appeal and the main issue was the allegation that she was not a fit and proper person to administer the estate of her deceased's father.

CONCLUSION. The common doctrine remains that everyone was created equal in the eyes of humanity and thereby needs equal treatment and protection irrespective of the status acquired. The jubilation and publicities have been

welcome with comfortable legal necessities ranging from the international, regional, and even national human right instruments as to the need in ensuring that every human must be treated with respect in the enhancement and safety of their basic rights in which women remain a constant privilege in all aspect of protection. It therefore becomes infuriating and embarrassing that women's rights protection in Cameroon continue to be seen as a ramshackle aspect of no contemplation, thereby questioning the reasons why these laws were created in the first place since they cannot render satisfactory protection to women.

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НГУИНДИП Н. Ч. «КАК МОЖЕТ СОБСТВЕННОСТЬ ВЛАДЕТЬ СОБСТВЕННОСТЬЮ» – ОБРАЩЕНИЕ ЖЕНСКОГО ПРАВА НА НАСЛЕДОВАНИЕ ПО ОБЫЧНОМУ ПРАВУ В КАМЕРУНЕ: ПЛАТФОРМА ПОСТОЯННОЙ ФРУСТРАЦИИ, КОТОРАЯ НАРУШАЕТ ПРАВО ЖЕНЩИНЫ НА СОБСТВЕННОСТЬ В КАМЕРУНЕ

Отмечено, что женщины продолжают испытывать массовые нарушения права на наследство собственности в Камеруне. Постоянные нарушения права женщин в Камеруне на наследование собственности убеждают нас, что юридические объяснения по защите женщин в стране сомнительны. Для ответа на вышеперечисленную гипотезу использован доктринальный метод исследования. На основе изложенного материала утверждено, что защита прав женщин в Камеруне является тревожной и болезненной из-за необходимости приемлемой платформы, которая может быть исправлена. Разные законы должны быть пересмотрены и реструктуризированы, если закон действительно хочет достичь цели.

Ключевые слова: права женщин, нарушения, правовая экспертиза, Камерун, защита.

НГУИНДИП Н. Ч. «ЯК МОЖЕ ВЛАСНІСТЬ ВОЛОДІТИ ВЛАСНІСТЮ» – ЗАПЕРЕЧЕННЯ ЖІНОЧОГО ПРАВА НА СПАДКУВАННЯ ЗА ЗВИЧАЙНИМ ПРАВОМ У КАМЕРУНІ: ПЛАТФОРМА ПОСТІЙНОЇ ФРУСТРАЦІЇ, ЩО ПОРУШУЄ ПРАВО ЖІНКИ НА ВЛАСНІСТЬ У КАМЕРУНІ

Питання захисту жінок стосуються не тільки питань дизайну моди, але й заохочуються та обумовлюються відповідними положеннями про права людини та правовими інструментами. Захист жінок на кожному етапі закону є важливим елементом основних принципів прав людини навіть у питаннях, що стосуються звичайної практики. Враховуючи вищевикладене, йдеться про те, що жінки є власністю, тому майно не може їм належати, що є типовим порушенням фундаментального права людини на власність, яке закон закріпив без будь-яких аспектів дискримінації та розрізнення. Ситуація, в якій жінки володіють власністю в Камеруні, була злісно зневажена, особливо в межах практики звичаєвого права, оскільки жінки продовжують стикатися з величезною ганьбою та приниженнями в аспекті захисту їхніх прав. Постійне ігнорування статусу жінок у питаннях, що стосуються власності, дійсно вплинуло на позицію закону, оскільки жінки продовжують бути товаром в очах суспільства. Відповідаючи на вищезазначені занепокоєння щодо таких порушень прав жінок, виникла необхідність сформулювати методологію, яка є більш аналітичною, розглядаючи такий аспект: чи поважається те, що передбачено законом щодо власності на майно, коли йдеться про права жінок. Суть цього методу полягає в тому, щоб продемонструвати ефективність закону як гарантії захисту, наданого жінкам, коли йдеться про практику, яку вони зазнали відповідно до звичаєвого та статутного права.

Ключові слова: права жінок, порушення, правова експертиза, Камерун, захист.

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