

The Bakweri Land Restitution Process: An analysis of the Procedure to Return Land to the Bakweri in the Buea Area

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Abstract

The expropriation of native land and the establishment of private plantation agriculture in the Cameroon Mountain region during the period of German colonial and British trusteeship (up till the late 1940s) and the subsequent incorporation of the latter as a public company by the British handed (as the Common Wealth Development Corporation to become Cameroon Development Corporation over the years) down to successive governments in Cameroon has been the object of claims for restitution over the years. These protracted claims lasting from the 1940s to the 1990s resulted in a government led restitution process in the 1990s that has been marred by trends towards new types of problems over equity in redistribution, an apparent re-alienation, exclusion and marginalization of the supposed beneficiaries either collectively as constituencies, kin groups and social categories (women, youth, poor, vulnerable) or as individuals. This article seeks to investigate this restitution process in order to have a better understanding of the process as laydown and practice. The study combined ethnographic, documentary/archival and social survey designs, which led to the exploitation of administrative text and correspondences and ethnographic interviews with stakeholders in the restitution process (administration at national and local level, local elites and authorities, and the management of CDC) were carried out. The findings revealed that absent of a legislative act or the fact the current modalities is limited especially on issues of redistribution have marred the entire process. It has given room for manipulations, corruption and the problems of re-alienation of the ceded lands by influential persons.

Key Words: *Land Restitution, Cameroon Development Corporation, Bakweri Land Claim Committee*

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Background

Prior to the 1914-1918 war, the territory that would later be Cameroon was a German Colony and at that time a number of German companies had occupied fertile native lands and established estates and developed them to produce various export crops. After the defeat of the Germans in Cameroon, these estates were taken over by the British Administration. The Custodian of Enemy Property placed the former German estates on the market and ultimately, they were mostly repurchased by their former German owners. Thus, the German companies were operating inside a British Trust Territory. Between the years 1939 to 1945, during the period of the Second World War all the Plantation owned by German companies were reclassified under the Custodian of Enemy Property until 1946, when the Cameroon Development Corporation (CDC) was set up as a statutory body to manage and develop the former German Estates on behalf of the Government. In all these negotiations to buy or sell indigenous ancestral land, the local people were never consulted, rather they were an exclusionist's policy that excluded these natives from their lands Konings (1993), Fisiy (1992), Tande (1999).

The German era of Kamerun⁴ saw the introduction of large agricultural plantations. These plantations required large pieces of land for cultivation of crops on a large scale, the methods used during colonial period to acquire these lands led to the rise of nationalist movements reclaiming the return of the lands (Harrison, A. (Ed), 2006). There were frequent violent manifestations against colonial institutions demanding the return of indigenous land. The colonial response to the 'land issue' was reflective of pervasive racism within the colonial government and the political influence of the settler community. In 1891, the Bakweri of Buea, under the leadership of the legendary Chief Kuva Likenye, the only Bakweri chief who had established a measure of military control over some of the surrounding villages defeated a German expedition to re-occupy Bakweri land in the fertile and volcanic soils around Mount Cameroon taken by the Germans. The Germans later returned and defeated Chief Kuva Likenye, this led to the Germans sizing more than 100,000 hectares of Bakweri land around the Buea area (Konings 1993, Courade 1982).

The corporation came into existence with the passage of two ordinances in December 1946. The first ordinance, the Ex-Enemy Lands (Cameroons) Ordinance no. 38 (1946), provided for the acquisition of the ex-German plantation lands which had been vested in the Custodian of Enemy Property for the duration of the Second World War. Under the terms of this ordinance, the governor of Nigeria, who was responsible for the administration of the Southern Cameroons, was to declare them 'native lands' and hold them in trust for the

⁴ This was the spelling of present day Cameroon during the German era 1884-1916

common benefit of all the inhabitants of the territory. (Ardener et al. 1960, Konings 1993, Njoh 2002).

The creation of CDC has generated employment for both men and women, it has constructed roads, supplied water and electricity, built and staffed schools, awarded a substantial number of scholarships, provided medical care for a large proportion of the local population, and has stimulated the supply of goods and services to itself and its workers. It played a key role in the commercialization and modernization of peasant production in the 1950s and in the establishment of regional smallholders' oil-palm and rubber schemes since the early 1960s (Ardener 1958; Konings 1993). Despite this development strive of CDC, they have been a continuous demand from the Bakweri native for the return of their ancestral lands and for compensation to be paid for the use of the land (Beckford, 1972).

To the Bakweri however, the land issue continued to be a matter of priority, especially since the government made full use of the powers it had been granted by the 1974 land law to confiscate increasing amounts of native land in the name of 'the imperative interest and defence of the economic policies of the nation. Exactly 20 years later, when it announced the privatization of the CDC, the government would learn that the aspiration of the return of the Bakweri ancestral land like the legendary phoenix, was merely lying in wait before rising again at the appropriate moment. A new spring of Bakweri elites championed the fight this time around under the banner of the Bakweri Land Claims Committee (BLCC) (Njoh, 2002).

Shortly after the presidential decree of July 1994 announcing the privatization of CDC became public, the Bakweri addressed a Memorandum, signed by 125 Bakweri Chiefs, Notables and Elites, to Cameroon's President voicing their opposition to the privatization exercise for fear that it would adversely affect their rights to their ancestral lands occupied by the CDC plantations (BLCC, 1999). They petitioned the Cameroon government not to privatize CDC because the land CDC is operating is native land and have to be return to them. A complaint was filed by the BLCC on behalf of the Traditional Rulers, Notables and Elites of the indigenous minority peoples of Fako Division (the "Bakweri") against the government of Cameroon. The complaint was dated 4th October 2002 and received at the Secretariat on 8th and 15th October 2002. At its 32nd Ordinary Session held from 17th to 23rd October 2002 in Banjul, The Gambia, the African Commission on Human and Peoples Right considered the complaint and decided to be seized thereof (Njoh, 2002).

Problem Statement

After a long and protracted spell of complaints over the lands occupied by the Cameroon Development Corporation, couple with the government's shadow response to these complaints. The BLCC on October 2002 behalf of Traditional

Rulers, Notables and Elites of the indigenous minority Bakweri People of Cameroon Sue the State of Cameroon at the African Court of Human and People's Right over the ownership of the CDC leasehold land and government action to privatization of CDC, thus converting the land into private ownership. The BLCC in their petition accused the State of Cameroon for violating provisions of the African Charter on Human and Peoples' Rights, more specifically the Bakweri rights over ancestral land occupied by a State-owned agro-industrial corporation, the Cameroon Development Corporation (Mbuagbo et al., 2003) .

In 2003, the government started the restitution process by laying down procedure for a third party to obtain land from the CDC under decision number 0000797/2.5/MINUHD200, 03 March 2003. According to Mbua (2011) this decision providing for non-natives, to acquire free holds of native lands in Fako is unlawful and a monumental fraud because it contravenes the 1974 land ordinances. The BLCC has strongly condemned this government approach of restitution that it creates run for re-alienation and corruption. Over the past 15 years, they have been a good number of Bakweri villages in the Buea area (Bova, Bwitingi, Bojongo, Bokwai, Bonakanda, Bomaka, Boanda, Wondongo, Liongo, Molyko, Lysoka, Muea, Bolifamba, Bulu, Tole, Small Soppo) have benefited from the land restitution process. In some cases abandoned villages emerges with new leaders claiming for land surrender (Monono, 2016). Therefore, it is very important to investigate the restitution process and examine the problems arising from the process.

The return of land to Bakweri villages have been marred with lots of controversy, which often bring to the question if the designated population really benefit from the returned land, there is a presumed re-alienation of the land by some government official, power brokers and chiefs. Many natives point an accusing finger to the corrupt nature of some administrative officials, who are big beneficiaries of the process contrary to Circular No. 003/CAB/PR of February 8, 1982, which prohibits administrative authorities from acquiring national lands in their areas of command. This situation is casting doubt over the entire process and they have been lots of media reports⁵. With complaints and the conflicts arising from the process, the Minister of State Property and Land tenure in Circular No. 008/MINDCAF/A100 of August 8, 2014, suspended land surrender in Donga Mantung Division in the Northwest, Fako, Manyu and Meme in the Southwest and Menoua in the West Region. This action clearly shows the lay down procedure is failing and government is aware there is need for a better procedure to surrender land.

In all this confusion, the people feel excluded and many have been yet benefited directly from the land ceded to their communities. This exclusion or

⁵ The Post Newspaper publications on the land restitution process.

mismanagement of ceded lands is seemingly being perpetrated by administrative official with the complicity with some traditional rulers of resurrected chiefdoms. In a memo by a Fako elite and International Legal Consultant, Mbella Ikome Ngongi to the Senior Divisional Officer for Fako Division, titled "*Land Surrender by CDC to the Indigenes of Fako: the Obligation and Challenges of Preserving Fako Ancestral Lands for Fako Indigenes and Posterity*" and copied among other authorities, the President of the Republic of Cameroon Paul Biya, the petitioner talks about minority and land rights and makes proposals for the immediate redress of the dismal situation. According to Ngongi, the Government of Cameroon has an obligation to protect the people of Fako who are innocent victims of these reckless and unlawful disposition of their ancestral lands by some irresponsible chiefs and government officials (Ngongi 2013, Molua 1985).

Data from the Cameroon Development Corporation indicates that about 90% of held lands in the Buea area have been restituted to villages in the sub-division. With this return it is important to investigate the sustainability of the ceded land to the people and examine how this has changed their livelihood. A good number of studies have been carried out about the Bakweri land issue on area of examining the claims, the right to land ownership by the Bakweri, land reforms policies and the right of women to own land. Other studies too have examined the Bakweri Land crisis and the Bakweri Land Claim Committee but in all these studies it has failed to integrate the restitution process of the lands held by CDC and claims by the natives (Konings 1993, Nyamnjoh, 2001, Fanson, 1989, Njoh 2000, Njoh 2003, Kale 2003). The understanding of the process of restitution is key in exposing the underline conflicts over ownership which has led to presumed re-alienation of land restituted.

Study Area

The Bakweri

The Bakweri are said to have migrated to their present locale on the slopes and foot of Mount Cameroon from an area east of the mountain in the mid-18th century. By the time the Germans arrived Cameroon in the late-1800s, the Bakweri were already completely, but sparsely, settled in the region around the mountain stretching from the south-western slopes of the mountain to the creeks on the outer reaches of the Atlantic Ocean. It is important to note for the purpose of the discussion in this chapter that the population of Bakweri has always been relatively small in comparison to other indigenous Cameroonian groups. Also, the Bakweri have traditionally been very thinly spread and organized in small clusters over their ancestral lands. At independence, the Bakweri were estimated to be at most 16,000. As a polity, the Bakweri were largely fragmentary and acephalous. Thus, unlike some of their hinterland counterparts, pre-colonial Bakweri society was neither centralized nor possessed powerful paramount chiefs (Dillon, 1990). Presently, the Bakweri

are grouped into sixty-three villages, each of which is headed by an autonomous and independent chief (Kale, 2003).

Geographical location

Buea is the capital of the Southwest Region of Cameroon. The town is located on the eastern slopes of Mount Cameroon with an altitude of 1000m above sea level and a surface area of 870sq.km and has a population of about 200.000. Buea was believed to have been found by Eye Njie Tama Lifanje, who came from Bomboko clan behind the Buea Mountain. He was a hunter in search of game and on fateful day he founded Buea, there were no animals to be hunted, only a vast piece of hospitable land that could provide accommodation for him and his family. Eye Njie then migrated to the settlement and named it “Mwea” meaning hospitable land for farming.

Buea was the colonial capital of the German Kamerun from 1901 to 1919, and the capital of the Southern Cameroons from 1949 until 1961. The German colonial administration in Buea was temporarily suspended during the eruption of Mount Cameroon from 28 April – June 1909. In 1916 the Germans were defeated during the First World War and ousted out of Cameroon, Buea began the capital of British Southern Cameroon until 1972 when Cameroon began a Unitary Republic of Cameroon. The city still has a handful of colonial era buildings, notably the palatial former residence of the German governor, Jesko von Puttkamer. Other German colonial buildings are still standing, but some of them suffer from lack of maintenance and old age.

Originally, Buea's population consisted mainly of the Bakweri people. However, due to its position as a university town and the regional capital, there are a significant number of other ethnic groups. The town is known for its receptive population living in a cosmopolitan setting with a constellation of 85 villages. Because of its location at the foot of Mount Cameroon, the climate in Buea tends to be humid, with the neighborhoods at higher elevations enjoying cooler temperatures while the lower neighborhoods experience a hotter climate. Extended periods of rainfall, characterized by incessant drizzle, which can last for weeks, are common during the rainy season as are damp fogs, rolling off the mountain into the town below. It has a rich volcanic soil which is good for farming, subsistence farming as a source of livelihood for many families. Majority of those involved in food crop production are non-indigenes, who often rent their farmland to cultivate thus increasing cost of production and reducing the profit margin. The production of food crop like maize, potatoes, cocoyams, yams, plantains and vegetable. Most of this fertile plains and slopes in Buea Sub-Division is occupied by the agricultural plantations of the CDC, Tole Tea Plantation and other plantations covering vast area of land (Matute, 1990).

Methodology

A combination of ethnographic, documentary/archival and social survey designs resorting to a study of documentation and conducted interviews with some key informants and stakeholders in the restitution process (administration at national and local level, local elites and authorities, and the management of CDC) was employed. Key informants selected using the non-probability purposive sampling method was used in this article. This sampling technique was selected because the selection of persons to be interviewed was based on how knowledgeable on the issues of CDC and the native Bakweri. The research collected primary data from interviews, fieldwork, observation and unpublished documents such as minutes of meeting, general assembly of the corporation, administrative correspondences.

Theoretical Review

The Tragedy of the Commons refers to a scenario in which commonly held land is inevitably degraded because everyone in a community is allowed to participate in the shared resources of the held land. It was embraced as a principle by the emerging environmental movement, the tragedy of the commons is quite a pernicious myth. Garret Hardin's main purpose was that only answer to the tragedy of the commons was to move all common lands or rights to the use of land into private ownership thereby establishing clear property rights (Hardin, G 1968).

The concept and phrase originated in an essay written in 1833 by the British economist William Forster Lloyd, who used a hypothetical example of the effects of unregulated grazing on common land in the British Isles. (Lloyd, 1833). The concept became widely known over a century later due to an article written by the American ecologist and philosopher Garrett Hardin in 1968. In this modern economic context, commons is taken to mean any shared and unregulated resource such as atmosphere, oceans, rivers, fish stocks, or even an office refrigerator.

The tragedy of the commons states that individuals acting independently and rationally according to self-interest behave contrary to the best interests of the whole group by depleting some common resource. This theory fit the research the Bakweri land restitution process which the restitution of former common owned land which is now national lands held by the CDC. The term is taken from the title of an article written by Hardin in 1968, which is in turn based upon an essay by a Victorian economist on the effects of unregulated grazing on common land. Certain questions result from the concept of the tragedy of the commons according to Ian Angus (2008). They are as follows:

- *Will shared resources always be misused and overused?*
- *Is community ownership of land, forests and fisheries a guaranteed road to ecological disaster?*

- *Is privatization the only way to protect the environment and the third world poverty?*

Investigating the Bakweri land restitution process, we attempted an answer to the question whether the indigenous shared land was misused, how is the restitution process being implemented? Does it give room for self-interest to supersede collective interest? Hardin used the word tragedy as Aristotle did, to refer to a dramatic outcome that is the inevitable but unplanned result of a character's actions. It is the inevitable result of shared use of the pasture, freedom in a common brings ruin to all. (Lloyd, 1833). The tragedy of the commons concept is often cited in connection with sustainable development, meshing economic growth and environmental protection, as well as in the debate over global warming. It has also been used in analyzing behavior in the fields of economics, evolutionary psychology, anthropology, game theory, politics, taxation, and sociology. However, the concept as originally developed has also received criticism for not taking into account the many other factors operating to enforce or agree regulation in this scenario.

Hardin pointed out the problem of individuals acting in rational self-interest by claiming that if all members in a group used common resources for their own gain and with no regard for others, all resources would still eventually be depleted. Overall, Hardin argued against relying on conscience as a means of policing commons, suggesting that this favors selfish individuals often known as free riders over those who are more altruistic. There have been accusations of illegal selling of ancestral land and communal land by chiefs and administrative officials have multiplied in Buea over the years. Equally, the reappearance of villages and the multiplicity of chieftaincy dispute and controversial chiefs whose principal objective is to request for land surrender from CDC and sell, is causing indigenes of Buea to be landless and their only hope is to ask for more land surrender. Reason why this theory will help have an understanding of the process and make critical appraisal of the process and if done differently could it have reduced the problems arising after the lands have been restituted back to the communities.

Findings

The decision to set up a procedure to reconstitute CDC leased land was as a result of the decision of the ACHPR. The case before the commission registered Bakweri Land Claims Comm. v Cameroon, Comm. 260/02, 18th ACHPR AAR Annex III (2004-2005), was heard during the Thirty-Sixth Ordinary Session holding from 23 November – 7 December 2004 under the Chairmanship of Salamata Sawadogo. The final resolution, called for an 'amicable settlement' of the matter under its auspices. The African commission did not outrightly state who was the winner or loser in the matter. While acknowledging the strong case of the BLCC and the need for a peaceful settlement of the matter, the Commission also avoided to act as a court of first instance, substituting national

courts. The BLCC openly welcomed the decision and were ready to enter into negotiation with the government. They believed it was time for the Government of Cameroon to prove to the African Union that it is willing to make a good faith attempt at an "amicable settlement," as recommended by the commission and availed its good offices to both parties (ACHPR, 2002).

Formal Procedure for the Request and Acquisition of Land held by the Cameroon Development Corporation

On the 3 March 2003, the then Minister of Town Planning and Housing, ADJI Abdoulaye Haman signed an *Order No. 000097/2.5/MINUH/D200 DU 3 Mar 2003 Fixant la Procedure d'examen des demandes d'attribution formulees par des tiers et portant sur les terrains domaniaux loues par la Cameroon Development Corporation (CDC) aupres de l'Etat du Cameroun*. This arrete was signed while the case between the BLCC and the government of Cameroon was at the ACHPR.

The Order contain nine (9) articles; the first article outlined that every person (physical or moral) who wishes to benefit from the restitution of state land held by CDC should send a written application to the Minister of State Property. This written request should be accompanied with; the complete project to be realized and should be deposited at the Divisional Office where the land is solicited. In return the Divisional Officer will deliver acknowledge, that the document have been deposited and he will then transmit the document to the Senior Divisional Officer within fifteen (15) days giving his opinion on the file requesting for the restitution of a piece of State land held by CDC.

The article 2 prescribes that; to study the request for land, the Senior Divisional Officer (SDO) forms a commission and request then to meet within fifteen (15) days. The commission comprises of: The SDO or his/her representative (President), The Divisional Chief of Service for Land (Rapporteur), the members of the commission are; The Divisional Delegate of Housing and Urban Development, The Divisional Chief of Survey, The Divisional Chief of Service Housing and Urban Development, The Divisional Delegate of Agriculture, Head of the Ministry or Directorate concern with the Project, The Mayor where the land is situated, Three representative of CDC, Traditional ruler and one notable where the land is situated and the applicant who is an invitee with no deliberation rights.

The mandate of the commission is spelled out in article 3, the commission is charged with;

- *Identify the solicited piece of land*
- *Evaluate the value of the piece of land vis a vis CDC usefulness of the land*
- *Identify the families concerns if the file concerns extension of a village*
- *Gather all useful information on the compatibility of the project with the land requested*

- *Write an affidavit (process-verbal) of the working session comprising the opinion of the commission and signature of its members.*

For the commission to accompany its mission outline in article 3, the commission has to take into account the constraints linked to the necessity of;

- *The extension of towns and villages*
- *Installation of other economic operators carrying out activities not in competition with CDC*
- *the respect of state engagement within the framework of the privatisation of CDC*

The end working session for the SDO to transmit all the documents to the Board of Directors of the Cameroon Development Corporation for their opinion. After opinion of the CDC Board, the SDO will forward the documents to the Minister in charge of State Land for a decision. In a case where the final decision of the minister is favourable, article six (6) says the minister will instruct the Regional Chief of Lands to prepare “Deed of Surrender” of the selected site. The deed will be signed by CDC and the minister in charge of lands, passing the rights of the parcel of land from State Private land to the applicant in conformity with decree No. 76/167 of 27 April 1976. In the case of rejection of the application, article eight (8) says the minister will notify the parties implicated.

The commission as outlined in article 2 of the Order fixing the members of the commission excluded the Divisional Officer’s even though, applicants are required to deposit their application at the Divisional Officer of the area the land is requested for onward transmission to the SDO. The order was not too explicit as to the procedures and function of the commission, this made the commission to often act as the Land Consultative Board which by Ordinance No. 74-1 of 6 July 1974 as well as Article 12 of Decree No. 76-166 of 27 April 1976, is the main structure that advises the Minister on Land Matters. The order did not even make provision for issues of disputes and how it can be solved. The configuration of the commission to study the files for demand of CDC held land are similar but for the addition of the SDO as chairperson, the Mayor of the area the land is being requested and the applicant as observer. The vacuum of a clear procedure in the Order made it that elements of the Ordinance No. 74-1 of 6 July 1974 as well as Article 12 of Decree No. 76-166 of 27 April 1976, are highly applicable in studying files for those asking for CDC lands

Eleven (11) years after the signature of *Order No. 000097/2.5/MINUH/D200 of 3 March 2003*, another guideline was signed with the aim of reinforcing the latter and prevent conflicts likely to arise from the process. Circular Letter No 00008/MINDCAF/A100 of 08 August 2014 to bear on specific provisions underlying procedures to surrender State lands exploited by the Cameroon Development Corporation (CDC) signed by Minister Jacqueline KOUNG A BESSIIKE, Minister of State Property, Surveys and Land Tenure.

The circular was sent by the minister because her attention has been drawn to the malfunctioning plaguing procedure to surrender state lands exploited by the Cameroon Development Corporation (CDC) to customary communities, in connection with the drafting of deeds of surrender and their implementations. These problems according to the minister were being caused by the non-respect of Order No. 000097/2.5/MINUH/D200 of 3 March 2003, especially as regards the composition of the Site Board Commission whose working sessions are often attended by incompetent person, who were not the original members designed but their representatives. They is also the problem of systematically disregarding the Opinion of the CDC Board of Directors. The minister also decries the fact that application from Traditional Rulers are generally motivated by the need for public interest amenities but in the actual fact, the surrendered lands are mainly used for private interest and the real beneficiaries are left out in the process.

Another issue raised in the circular is the issues of the exorbitant cost that is being levied, which do not comply with the regulation in force. The costs incurred are generally borne by economic stakeholders who are rewarded in kind by grants of lofty portions of the land surrendered, thus promoting illicit and premature sale of the lands to the detriment of the customary communities. The non-respect of the procedure according to the circular also effect territorial contour and boundaries of traditional chiefdoms, especially when villages extend beyond their rightful boundaries, the drafting of applications for non-availability of surface area of land, the introduction of applications by the Chiefs whose appointment do not comply with the regulations in force or on behalf of villages which do not really exist. Concerning the implementation of deeds of surrender, the minister in her circular also outline many cases of abuse which are actually being perpetrated. This clearly shows that the order to surrender had so many loopholes, issues like grabbing of land by a minority to the detriment of members of the beneficiary customary communities.

According to the former Sub Divisional Officer of Buea Kouam Wokam Paul, the claims of the natives is that CDC had occupied their land and there are in need of land to expend their settlement. But, the DO in an interview stressed that it is not CDC who took the land but colonial masters and numerous companies during colonial rule. Thus, some communities had no shelter and some were asked to expand what they have already. This is the reason why some communities are asking for a compensation, while some are asking to be relocated. The idea for the return of lands is to ensure equity, justice and development which is normal, even to revive the communities.

The Restitution Process in Practice

The process starts with the community itself, they have to apply through the D.O or directly to the S.D.O, with motivate for their application. Most often the motive is for expansion of their village or relocation. Apart from villages any

other third party that need land for development can also address their applications. The D.O will receive and can do some investigations to see how genuine it is, before sending the file to the S.D.O. In turn the S.D.O may do his own enquiry before calling for a site board commission. It is only after the commission chaired by the SDO that the complete file is then forward to CDC and then CDC will respond if the said land is available. If yes, the CDC will do another survey, so see if there are crops and in such cases the community will have to compensate CDC for the crops. If there are no crops, the area will be curved out and the complete file passed to the CDC board to give it proposal before the Minister signs the deed of surrender. CDC board may approve. If yes, they will send to the S.D.O and the S.D.O will send to the minister for a decision to proceed the lands to communities.

According to the former D.O of Buea,

“the administration do not want to interfere so much in the process because it is the peoples land, they are just there because of injustice exercised by some chiefs, traditional council head and others against the common man. Chiefs at times do not give the correct amount of lands to the community or families. The chief and the community are involved in the reception of the land. Generally, the land is given collectively, it is the chief who then share in to various communities and if it is well organised, it should be equitable shared among families and each family head should distribute to all homes in the family. The chief have a land committee in charge of sharing the lands but it depends on how effective they are. The administration is supposed to pay attention to the sharing but mostly, they reserve themselves because they are accused of grapping lands, at times, they allow the village committee to do it and only intervene when there are some problems from those who might not have been satisfied”.

According to the former chief of Survey for Fako, the process of acquiring the lands is expensive, at times about 200 pillars are needed which the community needs to buy, A team of surveyors who work for a month, plotting the area and even if the community have the money to pay, it is not from their pocket. This calls for contributions from the villagers or registration as some villages will call. This often calls for exclusion for those who can't afford to pay the levy. What some villages do to raise the money need to follow the procedure is look for sponsors⁶. This sponsors whom they need to pay back in kind generally with lands even the surveyors are been paid at times with lands. The surveyors are government workers but the government may not have the necessary equipment, thus the village have to buy or rent the private equipment of surveyors.

The procedure of restitution is not smooth and it being presented in the Order

⁶ this are rich individuals who can give money for the land process to be complete and in return land is been given to them

or how the administrative officers will present. The case of Bokwango village, is one of many other villages who have applied for land surrender and years after they have not gotten hold of the piece of land. The chairperson of the Bokwango traditional council and chairperson of the land surrender committee to acquire a piece of land for the expansion of the village, pointed out that the village with an estimated population of over 6000 inhabitants, applied since 2013 to the senior divisional officer (S.D.O) for Fako who at the time was Mr Bona Ebege Francois. The S.D.O left office 2 or 3 years later without issuing a prefectural letter to the committee but they had spent close to 2.5 million francs. At the time the former S.D.O was about to leave office, there was a ban on the land surrender and as such, the whole commission that oversaw the follow up of these lands found themselves wanting, as to what explanation to give the villagers.

The Chairperson explained that when the Ministerial suspension on land surrender was up-lifted, the village had to start the process all over. They wrote a reminder and paid 500,000FCFA to the SDO appealing for a prefectural order for them, after a commission was appointed and they paid 1,500,000FCFA. The commission went to the site and they had to give each member of the commission financial compensation for logistics and total amount spent on this was close to 4,000,000FCFA. The site board commission recommended 40 hectares of land for the village since 2014 and 1.5million was paid for boundary pillars to be planted.

Finally, on the 16th of January 2019, a final demarcation of parcel of land document came from the CDC. It indicated that 30 hectares was approved rather than the 40 initial which they had collected monies and paid for. In total the village has spent more than 20million FCFA. They were asked to pay another money for the final demarcation of 30 hectares. This situation of reduction of hectares initially planned and demanded is usually a big problem for village land committees to process with the sharing and the money paid were without receipted. The community is crying that with all the monies paid they can't believe so it is not easy to acquire this lands.

The chairperson said in relation to contribution

“each person was asked to contribute 50,000FCFA but the villagers’ contributions only amounted to 4.3million FCFA and the rest of the money was from sponsors to be paid back. The 1.5million left to be paid is to come from a sponsor and will later be paid with a piece of land when the process is completed”.

A layout plan was needed afterwards which also requires money. Even after the finally plan, the village still awaits the minister order to allocate them the land. Before this, some money need to be paid to the SDO who will forward the documents to Yaounde for the ministerial Order. Often the villages after the

letter of the SDO forwarding the file to Yaounde, they immediately start occupying the land because it is fixed that it has been surrendered to them.

The problem the village committee for the land surrender faced was the allocation of hectares because they had been working on 40 hectares thinking that if they give the financiers a maximum of 10 hectares, the villagers can be comfortable with 30 hectares but with the 30 hectares given, what will be left after allocating the 10 hectares to the investors will not be enough for the villagers. To this effect, distribution is difficult and conflict may arise. Chief Njie Mandenge, [traditional ruler of Wonjia village located within the Muea court area in Buea Sub Division] said,

“the piece of land applied for is always reduced because of the many demands from other communities and the government as well needs lands for their layout, low cost housing, hospital, market and other issues”.

The Wonjia village has a particular case from other villages. The village was completely deserted for more than 70 years. It was transformed into farm lands of plantain, palms, coconut, cassava and coffee. According to the chief, he had the duty to rehabilitate the village and the only way he could do that was to have land surrendered by CDC so that his people will use the proceeds from the sales of the land to rebuild the village. He thinks Wonjia goes into records as the first village to have been rehabilitated in Fako division and buttressed by the fact that the governor of the Southwest region in 2016 paid an official visit to Wonjia to appreciate what they did with the lands that was surrendered to their community. It is thanks to the land surrender that the village have more than 80 houses in the village.

The land surrender has helped the villagers individually because most of them have owned houses today, something they would have ended up not having if not of the land surrendered. However, some good ventures end up in problems. Some villagers were not comfortable when the chief imposed on them that the land and proceeds from it had to be deployed to develop the village. They had as interest to sell the land and leave. He made mention of a notable (anonymous) who told him to take about 2 to 3 hectares of land from the ones given to them and set up a mini cite in Molyko but he was challenged by saying that was not the essence of the lands and that his vision was to bring back a village where all the villagers agreed he be the chief. He went on by saying that it will not be proper for him to be a chief without a chieftom so generally he disagreed with and a few others who disagreed but 95% of the population were in support of his vision.

Conclusion

Problems that often arise from this are poor sharing, land grabbing, uncompleted procedures because at times CDC gives the permission and the village go ahead to occupy the land just to find out that another village have

been given the same land or maybe the decision is to reduce the number of hectares. The action of going ahead exploiting the land before the ministerial decision has also been a major problem, Chief Ewili was imprisoned because CDC approved the village land as requested and the chief went ahead sailing before the ministerial order. Unfortunately, that piece of land, another village had applied and the Minister had given her approval. This overlapping of decision or approval over pieces of land is because sometimes the procedure is being bypassed by the stakeholders.

The land surrender policy which could have been a blessing to the local people, have rather turned to be an issue of conflict. This is because they have been an illegal acquisition of native land by some high profile personalities, this act is often facilitated regrettably by the custodians of the cultures and traditions of these same people. Many press reports have agreed to the fact that it is with the complicity of the chiefs and officials of the Divisional Delegation of state property, surveys and land tenure that huge portions of native land 'indiscriminately' being grabbed by chiefs and administrative officials.

In 2016, Mr. Tambe Tiku [South West Regional Chief for the state National Commission on Human Rights and Freedom] and Barrister Ngongi, led a delegation to the then Prime Minister Philemon Yang to bring to his knowledge the "callous and atrocious manner in which land grabbing was taking place in this area (Fako)". The outcome of this visit was the setting up of a commission of inquiry by then minister of State Property, Surveys, and Land Tenure Jacqueline Kounou à Bessike to look into the Fako land crisis. Some officials of the South West Regional Delegation of State Property, Surveys and Land Tenure, the Chief Mathias Esuka Etonge of Molyko, Late mayor of Buea Ekema Patrick Esunge and others were also summoned by the National Anti-Corruption Commission (CONAC) for questioning on the use of land surrendered by the CDC. This followed a previous visit to the South West Region by CONAC officials and subsequent investigations into the land crisis in the region.

According to Mr. Kebbi Ekwile [Property Manager CDC] CDC land surrender scheme is managed in line with modalities laid down by ministerial text in 2003. He explains that all applications for land surrender are directed to the administration via the Divisional Officer of the sub division where the land is located for onward transmission to the SDO. The SDO, he says upon receipt sets up a site board commission for review of the application- a commission which he says usually includes representatives of the CDC and that upon completion of the entire process of land surrender as prescribed by the Ministerial text, the CDC no longer retains control of the land and cannot be responsible for the management/mismanagement of the land. "Once the land has been handed over to these communities, it ceases to be the responsibility of the CDC to decide what becomes of the land. It is the responsibility of the state

and these communities and not the CDC. He stressed that due to some of the problems of the 2003 order, in 2014, there was an addendum to the 2003 ministerial text on land surrender which says communities must show evidence of land use after the surrender but this is done to the administration and not to the CDC.

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