

INSTITUTIONS IN LAND ADMINISTRATION AND IMPLICATIONS ON LOCAL DEVELOPMENT IN THE NKAMBE PLATEAU, NORTH WEST REGION OF CAMEROON

Comment [aa1]: The role of institutions in land management and its implications for local development: A Case study in the Nkambi Plateau, Northwest Cameroon

Abstract

With the growing diversification in land uses, land administration faces numerous challenges in the Nkambe Plateau. Moreover, as a result of population growth, land scarcity, land cover change, and competition between farmers for suitable arable farmland, and grazing land, the ineffective implementation of land statutes impedes local development in the Nkambe Plateau (Nformi et al., 2019; Fonjong et al., 2016). The early migratory movement and resettlement of communities in the Nkambe Plateau, globalization, liberalization, and climate change are the key factors that drive ineffective implementation of land statutes. The main objective of this study is to investigate challenges faced by institutions in land administration and implications on local development in the Nkambe Plateau, North West Region of Cameroon. The study was based on a survey conducted among 200 participants using stratified random sampling technique. Data is analysed qualitatively and the findings suggest that proper land administration and development in Nkambe Plateau cannot be separated. Furthermore, the study holds that, the way forward in proper land administration is for the Government and its development partners to seek means by which the relevant aspects of land administration of the indigenous traditional institutions can be synthesised and synchronized with those of the administrative institutions in order to harness their potentials. This is because any state intervention in proper land administration which is not firmly rooted in the people's culture will not be sustainable. Thus, involving indigenous traditional institutions in the process of land administration offer greater prospects for social cohesion and sustainable development.

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Key Words: Institutions, Land administration, Local Development, Nkambe Plateau

INTRODUCTION

Before colonization, Africans regarded land as an element of nature, just like water, air and fire, incapable of private ownership. People's rights to land were mostly governed by the customary laws. African agrarian communities believed that land was a deity, an identity and an ancestral gift to the whole community. This was contingent upon membership of social groups and on allegiance to traditional authorities, by clearing virgin land or by inheritance, through conquest or first settlement (Odgaard, 2006; Fonjong et al., 2011). Almost all communities in Africa have their Traditional Institutional Systems of land administration, a position that they have maintained up to today (Fombad, 2009; Fonjong et al., 2016). This was the land tenure system that the colonial powers met before introducing new arrangements, which altered the Pre-colonial notions of physical space, political power and even the structures of economic opportunities (Mbah, 2009; Wehrmann, 2017). It is for this reason that up to this day, they still hold claims of their ancestral family and village lands. These new arrangements package included land registration against a fee, which has remained foreign to the agrarian communities of Africans. Again, this disregarded some African practices such as shifting cultivation and their nomadic ways of life, ~~deprived~~ **depriving** them of their rights to hunt or collect wild fruits (Okoth-Ogendo, 2006). Furthermore, the colonial powers appropriated broad administrative powers over African land, in their quest to colonize overseas territories for balance of power and to meet up with the raw material needs of their home industries. This in turn disrupted the livelihoods system of the Africans (Gordon, 1993), as the collective rights of the communities to 'unused' land were not recognized and Africans possessed land only if they settled on or cultivated it. This disturbed social relationships, destroyed sources of livelihoods and has been responsible for the underdevelopment of Africa (Fonjong et al., 2016).

At independence (on 1st January 1960 for the French Cameroon and on 1st October 1961 for the British Cameroon), three land tenure laws tailored after the German *Kronland* Act of 1896 and French 1921 land tenure laws, (Ordinance No. 74-1 of 6th July 1974, Ordinance No. 74-2

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of 6th July 1974 and Ordinance No. 74-3 of 6th July 1974, supplemented in 1976 with three decrees of application) were passed.

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The Federal Republic of Cameroon repealed the statutory recognition of the indigenous traditional land tenure in 1974, passed the Land Ordinance-laws 74-1 and 74-2. The new Ordinance-Laws unified the land tenure systems of the two territories but maintain land title/land certificate at the centre of new national tenure system (Section 1(1) of Decree No. 76/165/76). Land titles and leases, were perceived as more modern than the local systems and became the only legal means of land ownership rights in Cameroon. These two Ordinance-Laws are now complemented by large number of Decrees and Executive Decisions or Orders. Ordinance-Law 74-1 established the State as “guardian of all lands” to ensure “the rational use of land in the imperative interest of national defence or economic policies of the nation”. Cameroon Land Ordinances recognise three different types of land which are regulated differently. These are National, State and Private Lands.

- 1) Private Property, Ordinance No. 74-1 of 6th July 1974, to establish rules governing land tenure Part II, Section 2. The following categories of lands shall be subject to the right of private property:
 - a. Registered land;
 - b. Freehold lands;
 - c. Lands acquired under the transcription system;
 - d. Lands covered by a final concession;
 - e. Lands entered in the *Grundbuch*.
- 2) Public Lands, which consist of privately-held State lands (“*domaine prive’ de l’Etat*”). This included lands acquired by the State for example supporting public buildings, degazetted land and rural land left “unexploited or abandoned” by the owner or custodian (Article 10 of Ordinance-Law 74-2);
- 3) National Lands, which is a residual category and consists of land that is neither private nor public, and is considered as land reserves. This land is administered by the State “for the public good”, the law explicitly includes untitled lands occupied or used

by the rural communities as National lands. National lands are administered by the State to guarantee their use and effective exploitation (Article 14 of Ordinance-Law 74-1). To advise the State in this mission, Land Consultative Committees (LCCs) to be presided by the DO and SDO were established at the Sub-Divisional and Divisional levels respectively.

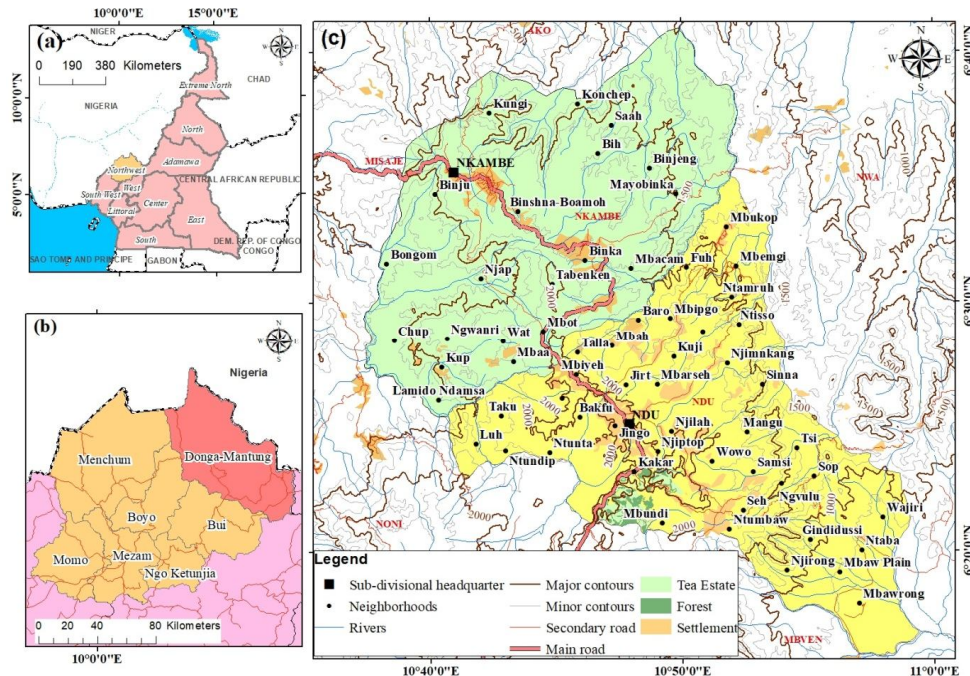
On the other hand the indigenous traditional communities classify land differently, regrouping it mostly into family and village lands. Whatever the case, and by law, all Cameroonian customary communities living on national land, no matter for how long they have lived on and exploited the land without formal titles, have no secured tenure.

The reunification of former British and French Cameroons marked the establishments of Land Commissions which presides over cases on untitled lands (Land Consultative Board which presides over cases on national land, and Site Board Commission which presides over cases on State land), and the legal system (courts presides over cases on titled lands) at the Sub-Divisional and Divisional levels. The decisions of the different boards have to be ratified by the Ministry of Territorial Administration, a process that takes years (Diyamba, 1997). Although, in Cameroon land certificates are the only legal means of land ownership rights, most land access rights are managed informally through the local land tenure system. In this regard, the government in 2005 initiated decentralization and simplified land-titling procedures to encourage Cameroonians to have land ownership rights. However, recent studies depicts that, in practice, land-titling procedures remain long and complicated (AfDB, 2009), implying that there is ineffective implementation of the new land-titling procedures. Thus, since the colonial times land registration and land-titling rates have not significantly increased.

The liberalization period falls within the period after independence. Its uniqueness stemmed from the fact that it is driven by economic liberation that opens the Cameroon to foreign investors beyond those from its former colonial powers of Germany, Britain and France. New investors from the United States, China and other Asian countries emerged in plantation agriculture. Under the present dispensation of high population growth, globalization, climate change, natural disasters and

migration caused by land degradation, and pollution particularly in the countries marked by fragile institutions, weak governance as well as socio-economic and gender gaps (Lambi, 2001; Kimengsi, 2011; Wehrmann, 2017), good land administration is imperative.

Methodology



Map 1: Location of the Nkambe Plateau

a=North West Region in Cameroon

b= Nkambe Plateau in the North West Region

c=A Layout of Nkambe Plateau

Source: Adapted from the Shuttle Topography Mission, <http://www2.jpl.nasa.gov/srtm-visited>, 2019

The Nkambe Plateau lies between Longitudes $10^{\circ}.50'48''$ east of the Greenwich Meridian and Latitudes $6^{\circ}.20'02''$ and $6^{\circ}.41'25''$ north of the Equator, and Longitudes $10^{\circ}.23'03''$ and $11^{\circ}.55'48''$ east of the Greenwich Meridian. It constitutes the area covered by the Nkambe Central (which doubles as the Divisional headquarter for Donga-Mantung) and Ndu Sub-Divisions. Nkambe Plateau shares common borders to the West with Misaje Sub-Division, to the North Ako Sub-Division, to the North-East Nwa Sub-Division, and to the South, South-

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East/South-West Bui Division (Map 1.1). The principal tribal group in the Nkambe Plateau is the Mbum, whose ancestors are believed to have hailed from Tikari in Adamawa, Cameroon. Their local dialect is Limbum. Nkambe Plateau is made up of forty-one (41) communities, with a population of 120.781 inhabitants covering a total surface area of 2112.4km² (United Councils & Cities of Cameroon (CVUC)-visited, 2019), and has a population density of 57.2 persons per km².

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The focus in the Nkambe Plateau was guided by the following considerations. The complex topographic configurations characterized with highlands, lowlands, deep valleys and steep slopes makes it difficult for the local population to find suitable land for arable farming, grazing and settlements. Again, agricultural activities is still rudimentary (poor farming methods such as slash-and-burn, shifting cultivation, overgrazing) lead to soil degradation forcing farmers to invade fertile rangelands in order to maximize production. Most inhabitants in the Nkambe Plateau are peasants with land as the lone source of livelihood. Crop yields remain very sensitive to environmental changes. These have continued to challenge institutions in land administration.

A multi-disciplinary approach for data collection has been employed for this study. Nkambe Plateau might be divided into three clans (Wat, Tang and Wiya) as often claimed, their customs and traditions are homogenous. This necessitates a simple random sampling technique. The sample size was estimated using sample calculation for population using Epi Info 6.04d software (Nana, 2018) to be 200 to achieve the objectives of this study. Field surveys constituted the main technique of data collection. It provided a huge amount of raw data source collected with the help of observation, questionnaires and interviews. The key informant included administrative and traditional authorities and the local population. Some official documents were consulted from the secretariats of the Senior Divisional Officer (SDO), Sub-Divisional Officer (DO), Divisional and Sub-Divisional Delegations. Population statistics were obtained from the North West Regional Delegation of the Economy and Planning, and some files from archival materials, the Land Management Authority, State inspection Office (both at the Division and the Sub-Divisional levels) and National Assembly. Various historical and legal documents were important in verifying and complementing the

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views of the informants. The research was a descriptive and an exploratory study. These approaches were adopted in order to investigate challenges faced by institutions in land administration and implications on local development in the Nkambe Plateau. Data collected were analyzed through the qualitative and quantitative statistical techniques. The results of the analysis were visualized on figure, tables and pie-charts.

Statement of the Research Problem

Although, institutions have played a credible role in the economic development of several East Asian countries (Acemoglu et al., 2001), in Africa, Sub-Saharan Africa and particularly in Cameroon their role is rather weak and ineffective because of the poor enforcement of the rule of law and regulations in force, corruption, mismanagement, the absence of a strong civil society and political interference (Kumssa et al., 2004). The nature of land institutionalization has rendered its access and ownership rights difficult. The indigenous traditional communities continue to hold claim of ownership on national land on the basis of customary ties and acquisition through first settlement or conquest. Furthermore, the approach adopted by the modern administrative institutions has been reactive, highly-centralised and mostly top-down without due consideration to the historical, cultural systems and values of the indigenous traditional communities. Improper land management is associated with devastating consequences and represent an increasingly serious social problem that undermines both the faith of the people in these institutions and their ability to achieve sustainable livelihoods (Sovannarith et al., 2001) which have stagnated local development in the Nkambe Plateau. These creates situations that undermine social cohesion and local development leading to the suspension and destruction of income opportunities, food security, environmental protection and economic power, as the communities are unable to negotiate and protect local interests, livelihoods and welfare leading to land scarcity and rural exodus. The out-migration who is mostly the youthful population, who are the future of development in the Nkambe Plateau, challenges the adage that *'Today's youths are tomorrow's leaders'*. The *raison d'être* is to highlight good practices in proper land administration while

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addressing structural disconnection between the indigenous traditional and modern administration.

Current Institutions in Land Administration in the Nkambe Plateau

According to North (1990), institutions are ‘the underlying rules of the game’. He further classifies institutions into formal and informal. Formal institutions include the written constitution, laws, policies, rights and regulations enforced by official authorities. Informal institutions are (usually unwritten) social norms, customs and traditions that shape thought and behaviour (Leftwich and Sen, 2010; Berman, 2013). Although, the institutions of land administration in the Nkambe Plateau are both the Informal institutions (indigenous traditional institutions) and Formal institutions (administrative institutions) with the latter gaining jurisdiction, more than 80% of the local population still holds ancestral claims to their family and village lands. This implies that land administration in the Nkambe Plateau still hinged so much to the customs and traditions of the indigenous population.

The Informal institutions of land administration are not legally recognized or authorized by the government. Different mechanisms enforced the informal institutions, such as; Traditional council: this council is found at the village level, with a president as the chairperson and a secretary who is elected, whose duty is managing land cases; Quarter meeting: Presided by a Quarter Head to help manage land cases at the level of the quarter; and Family meeting: Presided by a family head to help manage land cases within the family (Figure 1). According to Choudree (1999), informal institutions are deeply rooted in the customs and traditions of the indigenous people, and are the most preferred when it comes to land administration by the local population in the Nkambe Plateau. Field evidence revealed that the local population sees these institutions as less intimidating, less time consuming and guarantor of greater outcome and emphasis is placed on social relationships. Section 16 (2) Land Ordinance No. 74-1/74 and 12 of decree No. 76/166/76 empowers chiefs and their two notables at any time to represent their communities on the LCB. As members of the LCB, they provided vital information, including information relating to boundaries of their communities and cultural and sacred sites during

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Environmental Socio-cultural Impact Assessment (ESCIA). Where the chief and two notables are absent during deliberations, any decision taken will not be binding. The Fon (*'Nkfu'*) upon enthronement was bestowed with all the spiritual powers, which the throne deserved, through initiation into all the sacred societies of the village. This gave him the status of a divine figure with divine powers to communicate with the gods and ancestors of the land who were believed to guide him on how best to administer his people. He was assisted in the administration of his community by a traditional council of elders or wise men and various secret societies such as *'Nwarong'*, which was charged amongst others, with making and enforcing the laws of the land. In addition to these, were also the *'Ngiri'*, an assembly *Nwarong* war lodges like the *Nfu* and *Samba* (Manjong) secret societies, whose membership were healthy men responsible for the security of the society especially in times of war. Their origins date to the times of migration and early settlement when they fought several wars to defend their territory from invaders. Shrines existed within the confines of most palaces to cater for these secret societies and the gods of the land.

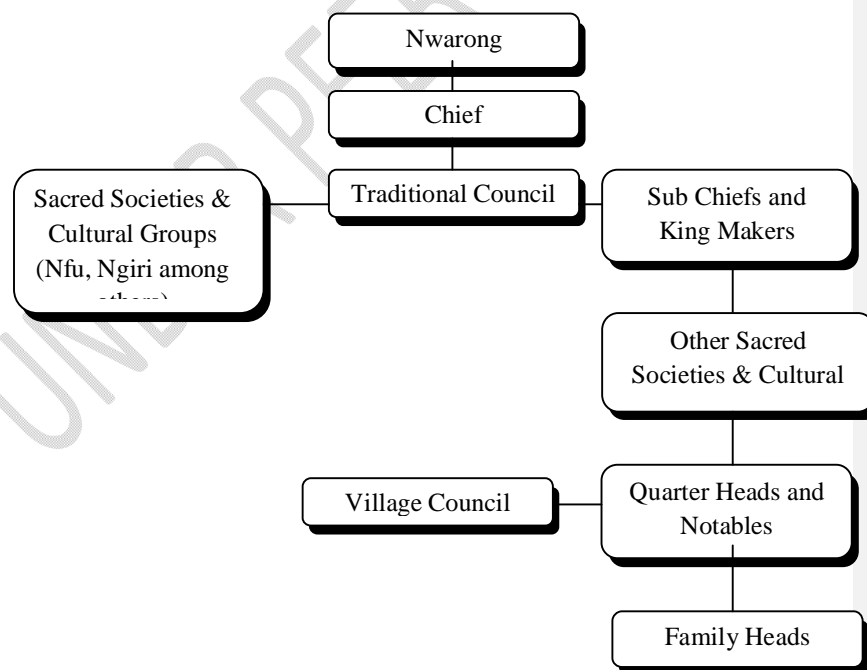


Figure 1: Indigenous Institutional Structures in the Nkambe Plateau

Source: Fieldwork (2019)

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A good number of communities in Mbum land are controlled by absentee chiefs who live and work as civil servants in the cities because they do not like the rural areas. These chiefs only come home occasionally, to take care of village issues unlike their forefathers who lived in the palaces 24 hours every day. Some of them have even gone to the extent of constructing new palaces in the city or transferring the palace from its original site to new sites, on the pretext that, the original site was inaccessible. This abandoned original palaces and their cultural sites, features and artefacts, unattended to be exposed to the destructive natural forces of decay and the looting activities of local thieves. This was the case in Bongala, a quarter in Talla. Chieftaincy crisis caused by rivalry amongst the princes and at times, encouraged by the supervisory state administrators, have also left some communities and their palaces without a chief for years. A case in point is the village of Talla where the throne was vacant since 2005 as a result of internal rivalry amongst the princes.

Again, Christianity which was introduced into Mbum land in the early 1920s, has over the years, gradually, caused a lot of harm to the culture of the area as elsewhere on the African continent. Some of the local converts, who were village priests and guardians of shrines, ceased to perform the responsibilities the indigenous society bestowed on them because of their new status as Christians. They began to despise not only those local people who still valued their culture but also, the venerated cultural materials which were preserved in the shrines, palace museums and cultural reserves (or archaeological/historical sites). A good example is Pa Gwei Ngeh who was the chief priest of the *Dikong* or hunting shrine and also a notable of the *Nwarong* secret society of Bongala Quarter in Talla village. He became a Christian by receiving baptism at the age of 70 years. He then, stopped taking care of the *Dikong* shrine under his control. No replacement was found, and some of its material cultural contents were stolen.

Formal Institutions in Land Administration

These are institutions defined by law and other administrative practices. The formal processes on the face value may be gender and community neutral, they end up marginalizing and neglecting vulnerable communities and women during implementation. Generally, the

government ministerial and department champion the formal process (Section 1 of the Land Ordinance No 74-1 of 5th July 1974 stipulates that the State is the guardian of all lands in Cameroon). As a major player, the activities of the central government are executed by administrative officials who ensure that the directives are strictly implemented at the local level as confirmed by some of the senior public officials interviewed. The Formal Institutions are enforced by state. The state mechanisms that enforces formal institution are the Ministry of State property, Surveys and Land Tenure; Land Commissions (with Land Consultative Board at the Sub-Divisional level and Site Board Commission at the Divisional level); and the Courts (the High Court, Court of First Instance and Customary courts). The Formal institutions continue promote '*Land Title*' as the ultimate claim over private land ownership.

Articles 11 to 21 of Law No. 76/165 of 27th April 1976 and Articles 11, 12-15 (1) (2) (3) of Law No. 76/166 27th April 1976 and other related land tenure makes administrative officials (Sub-Divisional Officers, and Senior Divisional Officers, Regional Governors and the Minister in charge of Lands) central actors in land administration in Cameroon. The DOs by virtue of article (12) of Decree No. 76/166 of 27th April 1976, who establishes the terms and conditions of national lands, is the chairman of the LCB. By virtue of Decree No. 77/245 of 15th July 1977 and as modified and completed by Decree no. 82/241 of 24th June 1982, are considered auxiliaries of the administration, acting as liaisons between the state and the respective communities. This administrative function is supplementary to their traditional roles as custodians of communal land. Article 15 (1) of Decree No. 76/166 of 27th April 1976 is instrumental since it states that the recommendation shall be adopted by a simple majority of members present and shall be valid if the chief and one notable participated in the proceedings. However, cumbersome, costly and slow registration procedure constitutes a major handicap in land administration. This results in unnecessary administrative bottlenecks, undue delays and at exorbitant costs to the parties. Although statutorily the Cameroonian woman has the right to acquire and own land, in practice it remains a huge challenge due to gender inequality in decision making positions and the strong and domineering influence of customary practice in a patriarchal setting.

- In the Nkambe plateau there are no female traditional leaders.
- The designated village notables assigned to sit in the LCBs are all men.

These leaders and notables adhere to indigenous traditional practices, some of which are repugnant to basic human rights, such as: denial of inheritance rights to the daughter, payment of royalties in Fondoms as a prerequisite to obtaining a land certificate contrary to the law in force. Also, most Fons and village notables representing communities during LCB's meetings are ignorant of the legal rules regulating land.

Site Board Commission

Table 1 shows the composition of the SBC which is a body that manages State land between the Sub-Divisions, mostly on boundaries separating Sub-Divisions, expansion of village and allocating land for state use. This institution is chaired by the Senior Divisional Officer (SDO) of the concerned Division. The land tenure system is based on the two Ordinance-Laws of 74-1 and 74-2, and some Decrees and Executive Decisions or Orders.

Table 1: Composition of Site Board Commission

Senior Divisional Officer	Chairperson
Divisional Officer	Member
Mayor	Member
Divisional Delegate of MINDCAF	Member
Divisional Delegate of MINADER	Member
Divisional Delegate of MINDHU	Member
Divisional Chief of Surveys	Member
Chief of the concerned village	Members

Source: Nkambe SDO's Secretariat (2019)

Land Consultative Board

Table 2 shows the composition LCB which is a body that manages communal land that is untitled within the Sub-Division. The DO is the chairperson of the LCB; decisions are taken by consultative talks, and after in-depth field inspections/investigations in front of the neighbours. Because of the frequency of land cases this commission meets every first week of each month. However, extraordinary sessions (ad hoc commission) can also hold where need be. This commission listens,

conduct field investigations and take decisions that are respected by the courts. The LCB is the competent authority to manage national lands.

Table 2: Composition of Land Consultative Board

Divisional Officer	Chairperson
Sub-Divisional Service of Land Tenure	Secretary
Sub-Divisional Service of Survey	Member
Sub-Divisional Service of MINDHU	Member
Sub-Divisional Service of MINADER	Member
Chief/Quarter Head of the Village	Member
Two (02) Notables	Members

Source: Nkambe Central and Ndu DOs' Secretariat, 2019

The village chiefs and two other village leaders (Notables), and one representative each of relevant ministries are members of the commission. Decisions are adopted by a simple rule majority rule. Although, the commission is called consultative, deliberations of LCCs are significant for the attribution of land titles, land concessions and planting of pillars for demarcation. On the other hand, the courts only handle criminal matters on title lands.

Figure 2 illustrate that the respondents mostly prefer Informal institutions (indigenous traditional institutions) 66.7% against the Formal institutions 33.3% as land management/administration is concerned.

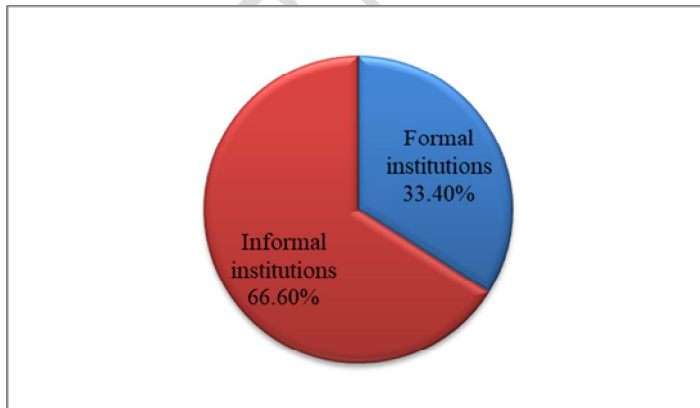


Figure 2: Formal and Informal Institutional Mechanisms in the Nkambe Plateau

Source: Statistics generated from Questionnaire Analysis by Author (2019)

Field investigation revealed that generally, many of these institutions discriminate against the disadvantaged individuals and groups in the

population, especially women, who have historically depended on the land for their livelihood (and even children and Orphans). Consequently, those who argued in favour of informal institutions advanced that they are easily accessible, cheaper, render prompt judgment to land cases, and have won support from the indigenous population, though they are insensitive to gender roles as they also discriminate against the female folks. While the respondents who argued in favour of the formal institutions indicated that, although they are expensive; are the legally authorized institutions in land administration; and have ratified to many conventions that respect, protect and promote human rights and freedoms, democratic principles (Table 3), though its leaves much to be desired as effective implementation of these values has remain challenges to reckoned with. This is because, the local population, irrespective of gender, financial and political status, actively participate in the development process when their interests and rights are respected, protected and promoted.

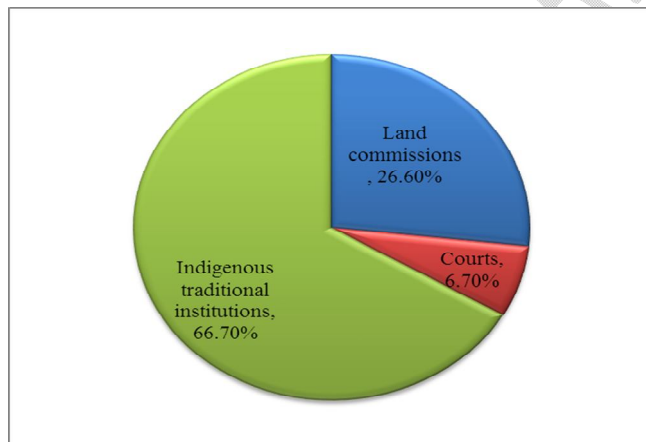
Table 3: Characteristics of Formal and Informal Institutions in Land Administration in the Nkambe Plateau

Aspect	Formal Institution	Informal Institution
- Nature of evolution	- Exogenous	- Endogenous
- Functional and structural arrangement	- Common at state/ national level	- Site specific
- external input and material support	- High	- Low
- Consideration of social and cultural embeddedness	- Low	- High
- Private land ownership		
- Enforcement and monitoring	- State - Legally by state	-Local community - Based on consensual agreement of the community

Source: Adapted from Dash and Behera (2015)

The decisions of the informal institutions were respected for fear of wrath of the ancestor and shame of the recalcitrant deviant by the entire community. The traditions and customs of the indigenous communities,

though unwritten were respected and the people lived in harmony. However, to the well-to-do of the society, land issues is a matter of choice and bargaining power, consequently some parties report their land cases to land commissions (Land Consultative Board, and Site Board Commission) and others to the Courts (Figure 2). Informants admitted that bribes are sometimes given to the law enforcement officials by perpetrators who are the well-to-do of the society. To compare the mechanisms for land administration in the Nkambe Plateau, community members mostly identified with the indigenous traditional mechanisms (66.70%), followed by land commissions (26.6%) and the courts (6.70%), (Figure 3), since the local population are enshrined to their culture, and still hold ancestral claims to their family and village lands. On land inheritance problems such as a widow claiming private ownership on her deceased husband's land, people do not have testament of how their lands should be shared when they joined their ancestors ('No will').



χ^2 -test: $\chi^2=33.709$; $df=4$; $P=0.000$

Figure 3: Mechanisms in Land Administration in the Nkambe Plateau

Source: Statistics generated from Questionnaire Analysis by Author (2019)

Table 4: Frequency of Land Cases Brought Before the Formal Institution Mechanisms for Land Administration (From 2010 to 2019)

Area	Outcomes
Nkambe town	185
Ndu town	115
Peripheral area (rural areas)	45
Total	345

Source: Statistics generated from Questionnaire Analysis by Author (2019)

Informants equally admitted that when they have land issues, they attempted indigenous traditional institutions before turning to the Formal Institutions since it is too expensive to bring a case to a Formal Institutions. What also prevent the local population to take their land cases to the formal institutions is because they do not have land certificates for the lands they claim private ownership upon. Frequencies are high for Warr and Wiya because they harbour administrative headquarters, and have these formal institutions. These low figures for marginal areas because they do not have formal institutions, are poor and ignorant of their operations. In another dimension, in an interview granted to the chairpersons of the Traditional Councils of Fuh, Tabenken and Wat, they admitted that land cases dominate total cases brought before the institutions they chair for hearing.

Discussions

The findings revealed that these institutions were grouped under the informal institutions (also called the indigenous traditional institutions) 66.7% and Formal institutions (also called government/administrative institutions) 33.3% (North, 1990). The informal institutions of land administration included Traditional Councils, Quarter and Family Meetings, while the formal institutions included Land Commissions (LCB & SBC), Courts, and NGOs operating synergy with government of Cameroon on development issues. Furthermore, about 66.6% of the respondents preferred indigenous traditional institutions. They argued that, they were well-structured, easily accessible and decisions could be rendered promptly. This is in contrast with the frequent postponements and bureaucracy common with the administrative institutions, especially as most of these institutions are located in Nkambe town and Ndu town, far away from the peripheral communities. And it requires additional time and transportation costs to access these institutions. The respondents also raised the issue of loss of trust in these institutions emanating from bribery and corruption. This is promoted by the well-to-do of the society, and also because many of these institutions function in gross violation of Human Rights and Freedoms. Thus, it was established

that effective land administration guarantee peace and stability which are favourable conditions for social cohesion and local development.

Many of the respondents admitted that some members of the land commissions have exploitative tendencies. Research findings, equally revealed that some respondents show preference for the administrative institutions as far as land management is concerned. The respondents indicated that apart from the text in force which states that the land commissions' meetings are to be convened once in three (03) months (MINATD, 2019), the land commissions for Nkambe and Ndu meets monthly, and sometimes depending on the severity and intensity of the issues that have cropped up, ad hoc sessions are convened. On the other hand, the Traditional Council meets more frequently, that is every week with that of Ndu on *ntalla*, Wat on *yih* and Tabenken on *ngang* (interviews conducted with the local authorities of these areas, 2019). This has been argued, based on waste of land, labour (as they idle), time, reduction of agricultural productivity through crop damage, abandonment of farms, inadequate harvest and as well, the loss of animal through theft and death, loss of human lives, individual impoverishment and loss of government revenue sources. All these account for the stagnating development in the Nkambe Plateau.

On the basis of effectiveness and efficiency of institutions in land administration, 33.7% of the respondents admitted that these institutions are effective and efficient in land management, while 66.3% of the respondents hold that they are not up to the task in the Nkambe Plateau. The respondents advanced the following reasons for the weaknesses of institutions in the Nkambe Plateau. These include population growth 100%; the increasing number of livestock 100%, inadequate finance 95%; administrative bottlenecks, inadequate implementation of Land Laws and Ordinances, bribery and corruption 94.7%; adaptation to hydrological change 93.3%; land cover change 93%; local farming methods 92.7%; tribalism, favouritism, land grabbing and greed for benefits, 92.3%; speculative land purchases 81.3% and adaptation to climate variability 64.7%. These difficulties sometimes negatively affect land administration, causing the local population not to develop trust in these institutions.

Historically, colonial and post-colonial governance in Cameroon have remained highly centralized. Despite the much talked about 'decentralization', the authority of decision-making and execution of projects, have remained in the hands of those people without sound knowledge of the conditions prevailing in affected communities (local reality), since the Ministry of State Property, Surveys and Land Tenure still resolve some land cases. Additionally, there is no real coordination between the related ministries in the domain of land administration, with each of the ministry acting independently of another instead of working together as a team when it comes to land administration. Government inadequacy in planning and implementation of local development projects such as schools, roads, markets, hospitals, commercial farms among others is particularly apparent. For example:

- 1) Officials directly involved in local projects may lack the sufficient capacity to make better decisions, as most of the well-trained officials preferred to work only in the cities and not in the villages.
- 2) In most cases, workers in the fields only provided information but without the power to act and make decisions without referring to hierarchy located in the sub-divisional, divisional, regional or national capitals far away from the local communities. During this time the local authorities and general population are bound to bear the stress of waiting for feedbacks or instructions from the centre for a problem they do not really have mastery over. The respondents who indicated that the approach adopted by the government towards land conflict resolution has been reactive attribute it to these complexities. This situation has caused the inhabitants in the Nkambe Plateau to adopt an attitude of feeling neglected from the centre of power, thus the need to promote local governance in the country as a whole in the areas of project identification, execution, monitoring, to name just these few.

While 59.7% of respondents admitted that decisions of institutions in land administration were respected, 40.3% respondents thought otherwise. A number of reasons were identified for the non-respect of these decisions which included: embezzlement, lack of proper follow-

up, bribery and corruption (administrative bottlenecks), violation of orders and decisions.

Findings revealed that population increase and pressure on land are on the rise. This, therefore, emphasize the fact that land laws and ordinances designed to manage land tenure systems and protect the environment should be reinforced in a rational way. The key, therefore, to meeting the challenges of pressure on land is to take both the short-term and long-term approaches, and plan for sustainable development. Land development then becomes a management tool in strategic planning alongside financial and quality issues in the search for greater efficiency in the use of land and its related resources, and conservation at the same time.

Improper land management in the Nkambe Plateau affects different groups in different ways. Not only do they generally have a stronger impact on the livelihoods of the disadvantaged population than that of the well-to-do of the society; also they impact differently on men and women, urban and rural populations, farmers and pastoralists; with groups such as squatters, ethnic minorities, widows or orphans being extremely marginalized (Fonjong et al., 2016). These different ways of perceiving the impacts of improper land management have strong implications on local development.

It was found out that though in several occasion decisions and decrees are violated and opposed, the government continue to promote the acquisition of land title as the ultimate way of effectively managing the land. Subject to the provisions of articles 2(3) and 24 of the decree of Land Tenure and State Lands in Cameroon, land certificate shall be unassailable, inviolable and final. If it concerns State lands, the case shall be brought before the Minister in charge of lands, who shall make a final decision. But if it concerns private property, the case shall be brought before the appropriate institutions. Section 5 (new) (3) on the jurisdiction of the courts and the consultative boards referred to in article 16 hereunder in the settlement of landed property cases shall be defined as follows:

- a) The settlement of the following landed property cases shall fall within the jurisdiction of the consultative boards:

- i) Objections to land registration pending in the land services at the time this ordinance come into force;
 - ii) Objections to registration of lands made within the framework of the implementation of the decree provided for in Article 7 of this ordinance;
 - iii) Any claim or conflict of right to property on unregistered lands filed in by communities or individuals before the courts.
- b) All other landed property cases shall fall within the jurisdiction of the courts (Cases of trespasses, destruction of property and disturbance), excepting cases relating to inter-communal land boundary conflicts. (Law No. 19 of 26 November 1983 to amend the provision of Articles 5 of the Ordinance No. 74-1 of 6 July 1974 to establish the rules governing land tenure).

But a majority of the local population does not support these authorized institutions as they continue to hold their ancestral claim to their family and village lands. Recently, land is increasingly becoming an economic asset in the Nkambe Plateau. Land users who are usually without tenure security, have become more and more vulnerable to losing their land to those with greater economic, political or social ability (the well-to-do of the society). Those who suffer first and foremost are subsistence and small-scale farmers who often lose their land and thereby their sole source of income. These elites are absent from their community economic life, as most reside in big towns like Yaounde, Bamenda, Buea and Douala. This situation is even worst when they own the greatest share of the community land and are unwilling to develop or give it out for cultivation. This explains why most of these communities regularly suffer from food shortages. The rising value of land and the increasing competition over it combined with a series of influencing factors such as a lack of democratic institutions or secured land rights, corruption, and patronage systems have given rise to the reoccurrence of land conflicts.

Many people still have ancestral claims on private land ownership and land use rights. Thus, land tenure security and access to land constitute essential preconditions in eradicating poverty and ensuring the realization of fundamental human rights. As a result, the importance of securing land rights ensures the full implementation of existing land laws and the empowerment of local communities to claim the rights to which

they are entitled cannot be stressed enough. Possible mechanisms include “training of law enforcers, building legal literacy at community level or assisting communities to pursue their land rights through the legal system”. Field evidence suggests that most of the land has been acquired on national land without due process.

Indigenous traditional institutions make decisions on the basis of the customary rules and traditions. Such a decision is generally credited with high legitimacy by the community and has a good chance of being respected in practice. Procedural costs of the indigenous traditional institutions are low; they are in all the villages, which make the system easily accessible for everyone. However, informal institutions and the roles they apply often do not comply with national and international standards of equality and non-discrimination because they treat parties differently according to their sex, age, status and position within the community; in most customary systems, women, children, young people and outsiders (strangers) are disadvantaged.

Based on the challenges faced by the institutions in land administration, field report holds that the respondents perceived that population growth 100%; increasing number of livestock 100%; inadequate finance 95%; administration bottlenecks, inadequate implementation of land laws, ordinances, bribery and corruption 94.7%; adaptation to hydrological change 93.3%; land cover change 93%; local farming methods 92.7%; tribalism, favouritism, grabbing and greed for benefits 92.3%; the lack of support for authorized institutions in land administration 92.3%; speculative land purchases 81.3%; and adaptation to climate variability 64.7%. From the analysis presented, there was statistically enough evidence ($P < 0.05$) that institutions in land administration face enormous challenges 83.6%.

The effects of improper land management are even more precarious as institutions in land administration face enormous challenges, which have remained a growing phenomenon. Findings revealed that the implications improper land management on development in the Nkambe Plateau ranged from reduced arable crop farmland and grazing land 96.7%, increased poverty 94.3%, retaliatory acts 92%, inadequate education and medical attention 83%, family separation and lack of participation in development 78.7%, unemployment and rural exodus

75.7% and increased tendency of bribery and corruption 50.7%. Furthermore, the study recorded that the victims who were dissatisfied with land conflict resolution outcomes moved to towns, cities and even out of Cameroon. This deprived the local communities of their productive labour of mostly the youthful population which is the future of local development (Fonjong et al., 2010). The test of hypothesis four which was to examine that land conflict resolution has significant implications on local development. Binary Logistic Regression depicted a significant association between the outcome of land management and local development according to “the Omnibus Test of Model Coefficient (chi-square=28.06; df=12; $P<0.05$)”, supported by Wald Statistics (Wald=79.467; df=12; $P=0.00$ and the likelihood Ratio Statistics (Score=27.108; df=12; $P=0.007$).

Research objective four was to suggest the measures that can be put in place to ensure institutions in land administration are rendered effective and efficient. Findings revealed that these measures include effectiveness of justice 12.8%; effective decentralization 11.2%; development on the land 10.4%; support to indigenous traditional institutions of land administration 8.8%; land titling 6.7%; avoiding retaliatory acts 95.6%; legal education 5.3%; promoting respect, love and unity 5.3%; proper land demarcation 4.8%; involvement in municipal council activities 4.3%; adopting proactive approach to land cases 3.5%; allocation of plots 3.5%; land owners live wills on how their properties are to be shared after they die 3.5%; giving incentives 2.4%; the introduction of two farming seasons and irrigation practices 1.9%.

Conclusion

This study points to the fact that proper land management is fundamental to creating enabling environment for development in the Nkambe Plateau. Furthermore, the study holds that, the way forward in effective land management is for the Government and its development partners, and the local populations to seek means by which the relevant aspects of land tenure systems of the indigenous traditional institutions can be synthesised with those of the administrative institutions in order to harness their potentials. Involving indigenous traditional institutions in the process of land management offers greater prospects for social

cohesion and sustainable development. There are measures which if instituted can serve as effective ways of proper land management and can help move the bar away from the unpleasant consequences of disturbed social relationships, destroyed livelihoods and underdevelopment in the Nkambe Plateau.

- The introduction of agricultural extension workers that can help to improve the productivity of the land will compensate for land scarcity. Such a measure should be followed by a good application and compliance of the land laws of the country. The local inhabitants in the Nkambe Plateau in conjunction with government should be encouraged and assisted to build capacity and skills on non-farm activities (transport, health, industries and education) in order to reduce over dependence on land.
- The study equally recommends that there should be the effective decentralization of powers to the local communities.
- Cameroon's land laws are apparently neutral and in practice biased against women and are the major obstacle for equitable distribution of land between men and women. Thus, it is recommended that Cameroon's land review commission should go back to the drawing board and revise the laws to address the perennial question of inequality in land distribution between men and women.
 - A certain quota of members needs to be reserved for women in the Boards.
 - Extensive sensitization of the rural population needs to be carried out on land rights and acquisition procedures.
 - Traditional leaders should designate female notables (the *Yahs*) to represent their communities at the board's meetings.
 - The Fondoms should review the customary policy of inheritance in favour of the daughter. They should be directly given land in their own right irrespective of their status as married or singles.

References

AfDB. (2009). Cameroon: diagnostic study for modernization of the lands and survey sector. Retrieved September 03, 2022, from <https://www.afdb.org>

- Alula, P. and Getachew, A. (2001). Understanding Customary Dispute Resolution in Ethiopia.
- BUCREP. (2010). Rapport Presentation des Resultats Définitifs. Retrieved February 2, 2023, from <https://www.bucrep.cm>
- Cameroon Chieftaincy Law enacted on 15th July 1977 served with Decree No. 77/245, which organizes chiefdoms.
- Canadian International Development Agency (CIDA) (2011). Country Profile in Ethiopia. Retrieved February 2, 2023, from <https://www.aideffectiveness.org>
- Decree No. 2005/481 modifying Decree No. 76-165 related to obtaining Land Certificate.
- Decree No. 76/165 of 27th April 1976 to establish Conditions for obtaining Land Certificate amended and supplemented by Decree No.2005/481 of 16th December 2005.
- Decree No. 76/166 of 27th April 1976 to establish the Terms and Conditions of Management of National Lands.
- Decree No. 76/167 of 27th April 1976 to establish the Terms and Conditions of Management of Privately Property of the State.
- Diyмба, C. (1997). Interview, Governor's Office Bamenda.
- Fombad, C. M. (2009). Update: researching Cameroonian law. Retrieved December 2, 2019, from <https://www.nyulawglobal.org>
- Fonjong, L. F., Sama-Lang, I. and Fombe, L. F. (2010). "An Assessment of the Evolution of Land Tenure System in Cameroon and its Effests on Women's Land Rights and Food Security". *In Perspectives on Global Development and Technology*, 9(3), 154-169.
- Fonjong, L. F., Sama-Lang, I. and Fombe, L. F. (2011). *Land Tenure Practices and Women's Rights to Land: Implications for Access to Natural Resources in Anglophone Cameroon*.
- Fonjong, L. F., Sama-Lang, I. and Fombe, L. F. (2016). *Large-scale Land Acquisition, Implications for Women's land Rights in Cameroon*, International Development Research Centre.
- Gordon, R. (1991). Laws: in Mann, K and Roberts, R. (1993) (Eds), *Colonial Africa*. Portsmouth, New Hampshire: Heinemann. p. 264. Retrieved January 4, 2019, from <https://www.books.google.cm>
- Kimengsi J. N. (2011). Developing a Tri-Phase Model for Land conflict Resolution in some conflict Ridden Parts of the North West Region of Cameroon. *Paper Presented at the 17th International Interdisciplinary Conference on the Environment (Session 18), 29th June to 3rd July, 2011, Kona, Hawaii, USA*.
- Kumssa, A. M. and Isaac, M. (2004). The Role of Institutions in the Development Process of African countries. *International Journal of Social Economics*,

Comment [aa16]: These references are not used in the main .script.

- 31(1), 840-854. Retrieved January 11, 2023, from <https://www.researchgate.net>
- Lambi, C. M. (2001). 'The Impact of Human Activity on Land Degradation in Some Highland Regions of Cameroon: Implications for Development,' in Lambi, C. M. (2001) (Eds.), *Environmental Issues: Problems and Prospects*. Bamenda: Unique Printers.
- Land tenure and surveys system in Cameroon, laws, ordinances, decrees, and orders, circulars and instructions, MINDAF 2008.
- Law No. 19 of 26th November 1983 to amend the Provisions of Article 5 of the Ordinance No. 74-1 of 6th July 1974 to establish the Rules Governing Land Tenure.
- Law No. 76/25 of 14th December 1976 to establish Regulation Governing Cadastral Survey and Records.
- Law No. 80/22 of 14th July 1980 to repress Infringements on Landed Property and State Lands.
- Mbah, E. M. (2009). Disruptive colonial boundaries and attempts to resolve land/boundary disputes in the Grasslands of Bamenda, Cameroon. *African Journal on Conflict Resolution*, 09(3), 11-32. Retrieved February 16, 2023, from <https://www.accord.org.za>
- Ministry of State Property, Surveys and Land Tenure (2014). Land Tenure, State Land and surveys Procedures Manual volume 1 of National Land and Individual Private Property Procedures Action Matrices, Officials, Timeframe and Cost in Consonance with Procedural Steps.
- Ngeh, R. N.; Balgah, S. N., Fonjong, L. and Nformi, S. C. (2019). "Understanding the Nature, Challenges, and Prospects of Land Conflicts and the Implications on Local Development in Ndu Sub-division of Cameroon". *Project Book, Chapter 6. Natural Resource Endowment and the Fallacy of Development in Cameroon*. Langaa Research & Publishing CIG, 147-170.
- North, D. C. (1990). *Institutions, Institutional Change and Economic Performance*. Cambridge University Press, Cambridge.
- Odgaard, R. (2006). Land rights and land conflicts in Africa: Tanzania Case. Country Policy Study. *Copenhagen, Danish Institute for International Studies*.
- Ordinance No. 74-1 of 6th July 1974 to establish Rules Governing Land Tenure.
- Ordinance No. 74-2 of the 6th July 1974 to Establish Rules Governing State Lands.
- Sovannarith, S., Sopheap, R., Utey, U., Rathmony, S., Ballard, B. and Acharya, S. (2001). *Social Assessment of Land in Cambodia: A Field Study-Working Paper 20*.
- UNDP. (2004). United Councils and Cities of Cameroon-National Office (Cvuc.cm/national/index.php/fr/carte-communale/region-du-nord-ouest/90-association/carte-administrative/339-ndu-visited 1/5/2023).
- Wehrmann, B. (2017). *Understanding, Preventing and Solving Land Conflicts: A practical guide and toolbox*, (Revised/Second Edition), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Bonn and

Comment [aa17]: These references are not used in the main .script.

Comment [aa18]: These references are not used in the main .script.

Eschborn, Germany. Retrieved December 20, 2022, from <https://www.escri-net.org>

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