

16 RELIGION AND LAW: THE PROMISE AND PERILS OF THE CAMEROON LAND LAW

Elias Kifon Bongmba¹
Tanto Richard Talla²

INTRODUCTION

During the last half of the twentieth century, several communities in the Northwest Region of Cameroon, including the villages of Njirong and Ntumbaw in the Ndu Council of Donga Mantung Division, have had land and boundary disputes. In this chapter, we revisit legal issues focusing on the land dispute between Njirong and Ntumbaw, which has existed since 1974. We discuss the impact of the Cameroon Land Law³ on the land dispute between Njirong and Ntumbaw villages. The disputed land is located at Mbawrong, literally the plains of Rong. Njirong and Ntumbaw are neighbours and both are members of the Warr Family of villages⁴ in the Wimbun ethnic group. The dispute started in and around 1974, when the Chief of Njirong, Fon Nganjo I invited the Chief of Ntumbaw, Fon Salifu Kwangsa to come down to Mbawrong and join he the Chief of Njirong, who promised to designate places on his land for the Ntumbaw people to grow rice. The terms used in Limbum was *fa nsu*, which means to give someone a farm, but all informants in the region with whom we spoke agree that this does not mean that the one invited to work on that piece of land now owns the piece of land. He or she has simply been given the right of use, not full ownership. Some of our informers claim that after several invitations, the Chief of Ntumbaw finally accepted the invitation and sent members of the Ntumbaw village who wanted to cultivate rice to go down to

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- 1 Harry and Hazel Chavanne Chair in Christian Theology, Department of Religion, Rice University, Houston, Texas, USA.
 - 2 University of Bamenda, Cameroon. Our chapter is part of our research on "Land and Authority in Postcolonial Cameroon", funded by the Contending Modernity Project of the University of Notre Dame. We thank Scott Appleby, Director of the Contending Modernity Project and Emmanuel Katongole, Coordinator of the Africa section of the Contending Modernity Project for this generous grant. We acknowledge the generous support from the African Consortium for Law and Religious Studies (ACLARS) which made it possible for us to present this paper at the ACLARS Conference in Morocco, 2017. We also acknowledge the valuable suggestions of two peer reviewers and the many suggestions we have received from Dr M Christian Green on the structure and some substantive claims and arguments.
 - 3 GOC Ordinance No. 74-1 of 6 July 1974 to Establish Rules Governing Land Tenure, (Yaoundé, July 1974). This ordinance is hereinafter referred to in this chapter as the "Land Law".
 - 4 The Wimbun community has three families often called Clans, the Warr Clan, the Tang Clan, and the Wiya Clan. Each clan is headed by a chief who is considered first among equals, because the individual villages have their own chiefs.

Mbawrong between 1973 and 1974. Fon Nganjo of Njirong reportedly designated a large parcel of land for them to cultivate rice. Since the two villages consider themselves close relatives of the Warr family of Villages, the members of Ntumbaw village were not asked to pay any fees for the use of the land. Fon Nganjo of Njirong retained legal and ritual control of the land and his traditional closed society Nsingong that serves as guardian of the land, continued to regulate land use and carry out all rituals on the land. In other words, the Njirong people and their Chief continued to maintain religious and ancestral claims to the land and performed their rituals such the rituals that protected the lands of Njirong and Ntumbaw that was carried out by the Nsingong, a closed association of Njirong village. This ritual indicated that religious and ancestral traditions supported the claims of the Njirong people that they were the rightful owners of the land.

It is alleged that sometime in 1974, members of Ntumbaw Village who were cultivating rice on the plot which the Njirong had designated for them, decided to annex that piece of land as part of Ntumbaw land and claimed ownership. Some of our informants tell us that they believe the Ntumbaw people took this action because the land was on the border between the two villages. According to our informants, the Ntumbaw farmers at Mbawrong then called that piece of land “powercam”, a term which the Njirong villages thought was a provocation indicating that Ntumbaw people had used power to annex part of the Njirong land. The contest that began was adjudicated mainly through the Administrative structures of the Government of Cameroon through the Divisional Officer (DO), the Senior Divisional Officer (SDO), and occasionally the Governor of the Northwest Region and the Minister of Territorial Administration. From time to time, the leader of the Warr Villages, the Chief of Mbot, along with the Wimbun Chiefs, intervened to call for a peaceful resolution of the conflicts.

The dispute created what our informants called “enmity” between the two villages. On the eve of the new millennium, it was alleged that the animosity between the two villages had grown so much that some Ntumbaw villagers were organising economic boycott of Njirong village. The first major such blockade in the 1990s was an embargo that was imposed on Njirong Village, such that their women and mothers could not cross over to Ntumbaw Village and grind corn in the corn mills there. As tensions continued to mount, the SDO of Donga Mantung Division decided to implement the Land Law to settle the dispute. He constituted a Land Commission, which is charged by law to resolve land and boundary disputes to meet gather information from both villages and their neighbours and rule on the matter. The Land Commission met in 2004, and after gathering evidence, it ruled that the disputed land at Mbawrong, belong to Njirong Village. The Commission recommended that Ntumbaw Villagers working at Mbawrong continue to work on the land they were given, but also respect the sacred day of Njirong, because the Chief of Njirong was the rightful landlord of the disputed land at Mbawrong. Since the Land Commission was constituted according the provisions of the Land Law, we discuss the impact of that law in light of the land dispute between the villages of Njirong and Ntumbaw and argue that while the Land Law remains a significant

attempt by the state to organise, rationalise, and liberalise land tenure in Cameroon, it has created a complicated situation in the country because of customary law, and religious and ancestral claims to land. Additionally, while the law was a significant improvement from colonial land tenure laws, it has not solved the security problem in many parts of Cameroon.

This chapter, thus, begins with a discussion of the land tenure law Ordinance No. 74-1 of 6 July 1974, which established rules on land tenure; the amendment of 1977 Law No. 19 of 26 November 1983, which affected Article 5 of Ordinance No. 74-1 on land registration under private property law; and Law No. 76/25 of 14 December 1976, which set in place regulations for the Cadastral Surveys designed to designate or in some cases reestablish property boundaries, and Records and Decree No. 76-165 of 27 April 1976, which in turn established the conditions for persons to obtain land certificates and Law No. 96-6 of 18 January 1996, amending the Constitution of 2 June 1972. We focus mostly on the initial Land Law and its impact on the land tenure in Cameroon.

THE LAND LAW OF CAMEROON

On the 6 July 1974, Ahmadou Ahidjo, the President of the United Republic of Cameroon, signed a presidential decree, analogous to an executive order in the U.S., that established the Land Ordinance of Cameroon, hereinafter known as the “Land Law”. It came at a historic moment. Two years before that, the country had voted in a referendum, dubbed the 20 May Revolution, to dissolve East and West Cameroon, and become the United Republic of Cameroon. Before issuing the decree, a questionnaire was distributed in 1973 to gather the opinion of the masses. A member of Ahidjo’s cabinet, the Vice Minister of Equipment, Lands, and Housing, toured the provinces of the country to collect a sample of public opinion on the proposed Land Law.⁵ Sections 20 and 21 of the Constitution of 2 June 1972 distributed the power to make laws between the National Assembly and the president. This division of labour made it possible for the president to enact land legislation. The state bypassed the National Assembly and consulted the people directly on the issue of land reform in 1973.⁶ To maximise his authority in making the Land Law, President Ahidjo received powers from the National Assembly to promulgate the law. These powers were contained in Law No. 73-3 of 16 July 1993, which gave the President the authority to enact legislation on land tenure in the Republic. The initial land reform law had three components: (1) rules governing land tenure, (2) rules governing state lands and (3) concerning the expropriation procedure.⁷ These were accompanied by additional decrees that rendered the ordinances applicable, including decrees

5 Fisiy C. 1992. *Power and Privilege in the Administration of Law: Land Law Reforms and Social Differentiation in Cameroon*. Leiden: African Studies Centre, 25.

6 Fisiy, *Power and Privilege in the Administration of Law*, 24.

7 Ordinance No. 74-1 of 6 July 1974, Ordinance No. 74-2 of 6 July 1974 and Ordinance No. 74-3 of 6 July 1974, respectively.

establishing conditions for obtaining land certificates, concerning national lands management and concerning state lands management.⁸

The Land Law, as it is often called, was therefore seen as a welcome development from the haphazard colonial arrangements, which led the Germans to acquire (some would say deprive) locals of land for plantations and private ownership.⁹ Land not occupied by Cameroonians was considered part of the German Overseas Dominion. Clause 3 of the Treaty of 12 July 1884 stated: "Land cultivated by us (independent kings and elders of the Cameroons) now and the places our towns are built on shall be the property of the present owners and the successors."¹⁰ These would all be consolidated in the *Grundbuch*, which was a record of all registered land and under which the German government accepted additional fees from those who had purchased land from locals. As Cameroonian anthropologist Cyprian Fisiy points out, this was the beginning of Cameroon Land Law, but more importantly, the Bakweri Land crisis, because the Germans acquired about 300,000 acres by 1940.¹¹ When Britain took over the administration of Southern Cameroons after the defeat of the Germans, the colonial administrators stated that land laws dealing with transfer of land and use of natural resources should consider native laws and customs, respect the rights and guard the interest of all people in the area at the time of the transaction and in the future. Land and natural resources could only be transferred between locals, and no one could acquire rights over native land without the consent of the natives.¹²

The British colonial administration granted more control over land to the natives, recognised customary laws, and defined native as "a person whose parents were members of any tribe or tribes indigenous to the Federal (sic) Republic of Cameroon and descendants of such persons and includes any person, one of whose parents were a member of such a tribe".¹³ But the state still had power of land and sold land owned by former enemies to some corporations and religious organisations.¹⁴ In the French-speaking part of the country, the presidential decree of 12 January 1938 gave the state control over what was considered vacant and undeveloped land. Land reform during the colonial times did not really give local leaders control of

8 Decree No. 76-165 of April 1976, Decree No. 76-166 of 27 April 1976 concerning National land management and Decree No. 76-167 of 27 April 1976 concerning State land management, respectively.

9 Ardener SG. 1968. *Eye Witnesses to the Annexation of Cameroon 1883–1887*. Buea: Ministry of Primary Education and West Cameroon Antiquities Commission, 85.

10 Treaty of 12 July 1884 signed by Chiefs of Cameroon and the Germans.

11 Fisiy, *Power and Privilege in the Administration of Law*, 29. See also Mulua HN. 1985. *The Bakweri Land Problem 1884–1961: A Case Study*, MA Thesis, University of Ibadan.

12 United Nations General Assembly, Article 8 of Trusteeship Agreement, 13 December 1947.

13 Buea Archive Qf/a (1964)2, Land and Native Rights Ordinance.

14 Fisiy, *Power and Privilege in the Administration of Law*, 32. See also Ngoh VM. 1973. "The Juridical Nature of Native Land Rights in the Anglophone Provinces of Cameroon", *Annales de la Faculté de Droit et Sciences Economiques de l'Université Fédérale du Cameroun* 6:56; Beb à Don. 1957. *Histoire de l'aliénation des terres au Cameroun*. Paris: Mémoire de DES, Droit.

their land even when colonials recognised native laws and customs.¹⁵ However, the most important development in the case of Cameroon was the Constitution of 1961, which gave the president power to govern by a decree with force of law in certain areas, while the National Assembly would pass laws in other areas. Laws since that time have privileged the position of the national state and government over local control of land. While certain laws regulated and permitted collective registration of land, Decree No. 66-307 of 25 September 1966 qualified the application of land titles with the phrase “*la mise en valeur des terres*” and Arrêté (Order) No. 670 of 30 November 1966 further allowed individuals to register land under the notion of customary rights, and move which weakened customary or corporate ownership of land.¹⁶

In postcolonial Cameroon, the most important development in land law is Ordinance No. 74-1 of 6 July 1974, which laid down the law of land tenure in the country. The terms of reference for Ordinance were the Constitution of 2 June 1972 and Law No. 73-3 of July 1973, which authorised the president to issue an ordinance that would govern land tenure and state own properties in Cameroon. This became known by some as the “Land Law”, largely because presidential orders in Cameroon are considered to have force of law. In colonial times, the decisions of the SDOs were treated as law. The Land Law had four parts. Part one laid out the general provisions of the ordinance; part two spelled the provisions governing private property; part three addressed national lands; and part four set provisions for taxation of landed property.

Part one of the Land Law set down the general provisions that that were considered by most interpreters to be the most the most revolutionary section. First, the Land Law guaranteed that all persons and corporate entities that had land would have the rights and privilege to enjoy their land and dispose of the land as they wish. Second, in what amounted to a major shift in land ownership, the Land Law stated that “the state shall be the guardian of all lands” and that it “may in this capacity intervene to ensure rational use of land or in the imperative interests of defense or the economic policies of the nation.” Third, the ordinance then indicated that should the state decide to intervene, “the terms and conditions of such intervention shall be fixed by decree.”

There are some things that have had a bearing on this Land Law and on land tenure in Cameroon that are important to note. First, the state is a guarantor, meaning that it must make sure that “natural persons and corporate bodies” that have land can enjoy or dispose of it freely. To be a guarantor is to assume a legal responsibility, which implies that one would make sure that something is done and that financial responsibilities are fulfilled; otherwise, the guarantor must step in and fulfill them. One need not read too much into this, except to understand that what is implied in

15 Fisiy, *Power and Privilege in the Administration of Law*, 37. See also Melone S. 1972. *La Parenté et la Terre dans la Stratégie du Développement, l'Expérience Camerounaise: étude critique*. Paris: Klincksieck.

16 Fisiy, *Power and Privilege in the Administration of Law*, 37.

the Land Law is that the state will use its offices and powers to ensure that no one is deprived of land that is rightfully theirs and that individuals cannot be restricted from disposing of land if they chooses to do so.

The second provision of the Land Law is more complicated, because the state assumes the role of guardianship and also can intervene to ensure the rational use of land for national and economic purposes. One of the broad interpretations which spread rapidly in Cameroon after this land ordinance was the view that the state from that time owned all land. A guardian does not own something, even though the guardian has the legal authority to protect what they have sworn an oath to guard and protect. In this case, the state or government, as the duly elected entity that protects the rights of the people and laws of the land, is vested with the authority to guard and protect the constitution of the country as well as all the laws of the country. The state uses those legal instruments to guard the holdings of the members or corporate entities of the political community.

What the term “intervene” refers to is open to interpretation, and in the case of Cameroon, it has been used to refer to many things, including but not limited to the role of the state in settling land disputes. This is a responsibility which state leaders cannot treat lightly. Such intervention, the Land Law claimed, could be undertaken for defence or security reasons, as well as ensure a rational use of the land. Here the term rational use could refer to many things, but let us just assume it means putting land to use that is appropriate for agriculture, business or housing. In the Cameroonian context, this has raised many issues, perhaps the most notorious being farmer-grazier conflicts that have been documented, especially in the Northwest Region of the country. Here, the record of the intervention by the state has been mixed, if anything, and state leaders have been accused of being partial on these issues.

The third general provision simply stated that should it be necessary for the state to intervene, the terms of such an intervention would be set by decree. This provision demonstrates the weakness of presidential decrees because if this were legislation, it would have been possible to state the broad rubrics under which state intervention on land issues would be possible or even required, for example the need by the state to establish immanent domain and take over private property, or for the state to argue that the new use of the land would be beneficial to a large segment of the population.

Private property and land tenure

The second part of the Land Law addressed private property. Article 2 designated categories of land considered private property, registered lands, freehold lands, lands acquired under the transcription system, lands covered by final concession, and lands entered in the *Grundbuch*.¹⁷ Article 3 laid out specifications for registering and obtaining certificates for lands that were already registered, freehold, or

¹⁷ See colonial land policies in Cameroon.

acquired under the transcription system. The Land Law allowed up to ten years and in some cases up to fifteen for land owners to make the necessary legal adjustment to their property.

It is worth noting that even though the Land Law was promulgated in 1974, one could argue that many Cameroonians did not rush to register land. The failure of landowners to register their private property can be attributed to multiple factors that contributed to the weakness of the Land Law, including lack of a national debate. A presidential decree could not cover all the issues that would have been addressed in the process of such a massive transformation of the one commodity that affects settlement and livelihood as land, regardless of how noble the political intentions might have been. Second, the bureaucratic process was arduous and presented an undue burden for land owners. Third, the process was costly. Fourth, the ordinance made it possible for the rich and wealthy members of society to acquire more land. Fifth, and perhaps the most debilitating, is that the new ordinance opened the door for political corruption. Finally, it did not solve one of the most enduring problems in the Grassfields Region of Cameroon, the farmer-grazier conflicts.

With respect to land transfer and forfeiture of land, as well as its sale, the Land Law stated: "all landed property pending before the courts and introduced outside the scope of the registration procedure shall fall within the jurisdiction of the boards provided for in Article 16 below. The dossiers relating to such cases shall be transferred to the said boards when the present ordinance enters into force."¹⁸ This provision set the basis of the Land Commission which decided the dispute between Njirong and Ntumbaw in 2004. Article 6 of the Land Law further provided that the previous process of acquiring land certificates was grandfathered into the law. Article 8 required that deeds that establish or transfer property rights should be prepared by a notary, otherwise it would be null and void. It also spelled out penalties for violation of the provisions of the Land Law. The law defined national lands as public or private property of the state and other public entities which the state should administer national lands to ensure rational use and development. Article 19 of the Land Law stated that the state will collect fees for land certificates, miscellaneous entries in the land register, issuing statements about entries in land register to corporate bodies, topographical, topometric and survey work.

THE PROMISE AND PERIL OF THE LAND LAW

The application of the Land Law in Cameroon has had serious repercussions, because it is both a promise and a peril. First, the Land Law holds promise in many areas. The law sets uniform standards for the acquisition of land throughout the country. It has streamlined the land tenure process and regularised the acquisition of land. Individuals even within large families have control of what they can do with their land if they have complied with the requirements of the law. The law recognises customary and communal rights to land. The chief of the village remains

18 Ordinance No. 74-1 of 6 July 1974, art 5 secs 1 and 2.

the defactor landlord of the land under his jurisdiction. The chief distributes this land to all members of the community.¹⁹

But more importantly, the Land Law has great promise, from our perspective based on our conversation with the people in the area, because the law has set down guidelines for resolving conflicts. The provision that requires the SDO to set up a Land Commission to resolve land and boundary disputes is a positive aspect of the law. The SDO may chair such a commission or appoint someone to chair it. Members of the commission shall include the chief and two nobles from the villages in dispute, and the chief of the neighbouring villages who share boundaries with the two villages in dispute, if those boundaries are contiguous to the disputed area. The other members of the Land Commission include state officials in the division and the divisional delegates for the departments of agriculture, lands and survey, water, animal husbandry, and housing and urban development, where applicable. The SDO appoints one of them to serve as recording secretary of the commission.

In the dispute between Njirong and Ntumbaw at Mbawrong, the Land Commission met in July of 2004 and received submission of legal and historical documents supporting the claims to the land under dispute from both villages. The chiefs of the neighbouring villages of Sop and Ntem testified and argued that they did not share any boundary with the village of Ntumbaw. They stated that they considered Njirong Village to be neighbours, because they share a boundary with Njirong Village. Based on the submissions and testimony of the two villages and the testimony of the neighbouring chiefs, the Land Commission ruled that the land belongs to Njirong. But the commission used its office to order that villagers of Ntumbaw should continue to work on the farms they had on that piece of land, as long as they respected the sacred day of Njirong Village. In other words, Njirong had its land rights recognised, and as a way of meeting the needs of the people of Ntumbaw, they were given the right to use the land for agricultural purposes as long as they recognised that Njirong owns the land and the chief of Njirong is the landlord.

Our informants also told us that if the laws did not make such provisions, Ntumbaw Village which is much larger than Njirong would have overwhelmed Njirong Village and taken away their land. The Land Law, thus, made provision for justice. This was a significant development for Cameroon and especially for the villages of Njirong and Ntumbaw, because they both walked away from the Land Commission with something. that recognition granted authority to the chiefs to regulate land. Unfortunately, Ntumbaw Village did not accept that decision and continued to challenge it. Tensions continued to mount between the two villages and led to more economic blockade of Njirong Village. In 2013, some members of

19 The Court of Appeal of Garoua. Judgment No. 53-L of 26 June 1974. This case is cited in Fisiy, *Power and Privilege in the Administration of Law*, 208. For further discussions and interpretation of Land Law see Monie JN. 1972. "The place of Customary Law in Modern Africa", *Annales de la Fac de Droit du Cameroun*, No. 2; Tawah CC. 1977. "Private Land Ownership in Cameroon", LLB Mémoire, University of Yaoundé.

the Ntumbaw Village, reportedly, attacked members of Njirong Village at Mbawrong and killed Evaristus Shey and wounded several others. Baptist Church leaders in the region intervened, but it was a massive response by the state, which sent soldiers, gendarmes, and police to the region to keep the peace. The legal battles from that violence have not been resolved. Observers pointed out that since the provisions of the Land Law were clear, the state was able to step in prevent the fight from escalating into a major war between the two villages. From this perspective, we agree with those who argue that the Land Law holds promise.

However, the Land Law also holds perils of which citizens must be aware, especially in the context of an all-powerful state. We can only sketch the issues here in brief, because there are two sides of the coin, the religious and the secular. First, the peril of the secular conception of land involves the watering down of the religious and sacred dimensions. It is clearly the case that the liberating dimension of the law also undermines the religious authority of the chief as custodian of ancestral lands. Many ethnic groups in the region believe that land is a sacred trust, because it has been given to them by God through their ancestors. Historical narratives about the settlement of the Bamenda Grassfields indicate that many ethnic groups claimed the blessings of ancestors and God when they settled on the lands they now occupy. God gave them that land as a sacred trust.

In the kingdoms of the Grassfields, the power of the chief is not limited to political-economic matters, but also includes spiritual matters. A chief is the custodian of the spiritual and sacred traditions of their villages and works with different ritual experts to ensure the spiritual continuity of the village. In many of these communities, the land, called by the Wimbun *nsi* (earth) is believed to have its mythic powers. Certain misdeeds, such as incest, murder and destruction of crops, do pollute the land. In the case of murder, the Wimbun people often say "*Nsi a beep ne new*", which means the earth has been polluted and it has taken its revenge against the one who polluted the land. Ritual cleansing is always ordered in these cases to cleanse the person and restore the land and the community to a state of equilibrium. African religious worldviews recognise the ritual power of the earth and the land.²⁰

Fisiy points out that in cases where new groups conquered the earlier settlers and took over control of the land, such as the Bali, Nso, and Kom groups did when they arrived in the Western Grassfields, the new conquerors controlled political power, but the original settlers controlled the spiritual dimension of the land and were the only ones who could call on God and pour libation to the ancestors for protection of the land.²¹ This was not the case in every instance of conquest, because the long wars

20 Goheen M. 1989. "The Earth shall give judgment: Land Leadership and Political Legitimacy in Highland Cameroon", Boston University, African Studies Center: Working paper No. 143; Schoott R. 1988. "Traditional Systems of Social Security and their present-day crisis in West Africa", in Benda-Beckmann F et al. (eds). *Between Kinship and the State: Social Security and Law in Developing Countries*. Dordrecht: Foris.

21 Fisiy, *Power and Privilege in the Administration of Law*, 59.

between the Bali and the Widekum ended differently and because the Bali pushed the Widekum away from some the land and eventually established their gods. Cyprian Fisiy asserts correctly: "Creating a bond with the deities of the land was the most overt sign of a claim to spiritual ownership. However, where land seizure and the establishment of political and spiritual control over the land were adopted, deep-seated distrust and hard feelings have persisted between the initial settlers and the conquest chiefdom."²² Populations that were conquered still maintained a spiritual connection to the land as a way of protecting their livelihood. In the case of conflicts, the landowners consulted the ancestors and God for guidance by pouring libation. At one point in the dispute between Njirong and Ntumbaw, the two parties met at the disputed land at Mbawrong and poured libation to the ancestors and prayed to them to reveal who owned the land. Calling on the ancestors is considered a religious act, because it is believed that God is the one who gave the land to the village and the *nkfu* manages that land on behalf of the ancestors who had lived and gone into the next world when they died.

In the case of a village, members of the village often claim that the land belongs to their ancestors and they hold that land as a trust. People repeatedly claim that their ancestors owned the land and passed it on to them. Even when they sell the land, they often indicate that they are doing it only for the good of the family. The claims and belief that the land belongs to the ancestors are often concretised in rituals which the people practise about the land. The Wimbun villages of Ntumbaw and Njirong that are the subject of this study emphasise the sacred nature of land with rituals that protect the land, observation of a sacred day on which one cannot wait till the ground and regular rituals to protect the land from enemies of people with evil intent.

The sacred office of the chief and his power over the land does not mean his is the actual owner, and thus he cannot abuse the land, because the real owner of the land is the ancestor who bequeathed it to the chief to hold and exercise authority over the land in the visible world as an agent of the ancestor. Elias K. Bongmba has argued that ancestors are elders of the community who lived an ethical life and are believed to exert jural spiritual authority over their descendants who are still alive.²³ In most of the chiefdoms of the Western Grassfields of Cameroon, the area that covers the Northwest Region of Cameroon, people believe that the ancestors, called

22 Fisiy, *Power and Privilege in the Administration of Law*, 59.

23 Bongmba EK. 2007. "Ancestor Veneration in Central Africa", in Lagamma A (ed). *Eternal Ancestors: The Art of the Central African Reliquary*. New York: The Metropolitan Museum of Art, 79-86. There is a large body of literature on ancestors. See, e.g., Fortes M. 1965. "Some Reflections on Ancestor Worship", in Fortes M and Dieterlen G (eds). *African Systems of Thought*. London: Oxford University Press; Uchendu VC. 1976. "Ancestoricide! Are African Ancestors Dead?", in Newell WH (ed). *Ancestors*. The Hague and Paris: Mouton Publishers, 283; Fiawoo DK. 1976. "Characteristic Features of Ewe Ancestor Worship", in Newell (ed). *Ancestors*, 263; Kopytoff I. 1971. "Ancestors as Elders in Africa", *Africa* 41(2):129-142; Mendosa EL. 1976. "Elders, Office-holders and Ancestors among the Sisala of Northern Ghana", *Africa* 46(1):57-60; Diduk S. 1993. "Twins, Ancestors and Socio-Economic Change in Kedjom Society", *Man* 28(3):566.

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bkvubsi (singular *nkvusi*) by the Wimbun people continue to interact with authority over their relatives. The ancestors have authority over the sacred traditions of the community and are the ones who own the land. Therefore, the chiefs own the land by a delegation from the ancestors.

Many people across the Grassfields of Cameroon and in other parts of Africa consider ancestors to be spiritual beings. At their death, these people become ancestors and after their death they continue to exist with other spiritual beings in another world, from which they monitor the lives and activities of the members of their community. These ancestors and founders of lineages are the real owners of the land, and the chiefs who rule in the villages represent them. The rituals that are carried out to bless the land are directed at the ancestors. They are the real guardians of the land. The sacredness of the land is tied to this understanding of the role of ancestors, who themselves represent God to their communities and intercede before God for the members of the community.²⁴

Since the chief's sacred obligation is to represent the ancestors, he distributes the land to the members of the community in a manner that is fair to all. At the level of the quarters of the village, all decisions about land are made by the members of the quarter, and they can only go to the chief of the entire village when they cannot resolve conflicting views of the land. There is complexity built into the traditional system here. In most Wimbun villages, one of the sub-chiefs is designated as *Tawong* (Nso term which means Father of the world; in this case land). In Njirong Village, *Fai Tawong*, is Ndzigamsi, who lives at Mbawrong, the disputed land. He is called the owner of the land of Njirong Village, acting as a deputy of the Chief of Njirong who the landlord is. Ndzigamsi is the one who in place of the chief manages the land and is responsible for all the rituals that appertain to the land.²⁵

The second aspect of the peril of the Land Law is that while recognising local authority, the law effectively took away the local authority that was vested in the chief; an authority which as we have indicated was shared with the different sub-chiefs. The intention and goal of the law were clearly stated: "The State shall be the guardian of all lands."²⁶ Writing about the Nso in Cameroon, Miriam Goheen has argued, "This has undermined both the status of traditional landlords, as alternative avenues of acquiring land are opened up, and the rights of individuals to use land by virtue of birth, as money becomes a requirement for filing for land

24 Chilver EM and Kaberry PM. 1968. *Traditional Bamenda: The Precolonial History and Ethnography of the Bamenda Grassfields*. Buea: Government Printer; Nkwi P and Warnier JP. 1982. *Elements for a History of the Western Grassfields*. Yaoundé: University of Yaoundé; Aletum T and Fisiy CF. 1989. *Socio Political Integration and the Nso Institution*. Yaoundé: Institute of Human Sciences.

25 See further discussion of ancestors and the land in Shipton P. 2009. *Mortgaging Ancestors: Ideologies of Attachment in Africa*. New Haven: Yale University Press, 5.

26 Ordinance No. 74-1 of 6 July 1974, sec 1(2).

titles.”²⁷ Fisiy goes further to claim: “This provision immediately puts the chiefs who claim guardianship over the land as a sacred duty on a collision path with the state.”²⁸ What started to happen was a situation where individuals could begin a process of registering land without the permission of the chiefs and the sub-chiefs. The new process thus abused all the virtues associated with customary law and rules of land ownership. Scholars have discussed the broad decline of traditional authority in the Northwest of Region of Cameroon and all of the developments in the Land Law as a clear indication that the state aims at curtailing their autonomous power of chiefs who ruled as independent leaders within the state since they governed sovereign chiefdoms which prior to the modern nation-state were states in their right, at the level where it matters the most – ownership and tenure.

Fisiy discusses the well-known case of the Fon of Ndu who had generously given large parcel of land the Cameroon Baptist Mission (later the Cameroon Baptist Convention) to establish church and social institutions such as schools. The Fon later wanted some of the lands, but the Baptists refused and asked the SDO of Donga Mantung to rule. The Land Consultative Board (known in Cameroon as the Land Commission) ruled that the land belonged to the Baptist and the Fon of Ndu could no longer assert any rights on the land. In a very sad turn of events, when the Fon of Ndu wondered who owned the land of Ndu Village and the Wiya people since he is the head of the Wiya Clan, the state authorities told him that the government of Cameroon owned the land.²⁹

In the dispute at Mbawrong, the chiefs of Njirong and Ntumbaw, in respect to the traditions of the Wimbun people, asked that they should both meet there and pour libations to the ancestor, because that would determine who owned the land. While the divisional administration scoffed at the idea, they allowed the ceremony to go ahead, with the hope that it could be helpful, even though they did not know how that would change the situation. In a discussion with one of the DOs of the division in December 2015, he told us off the record that when they requested those kinds of “country fashion”, as people tend to call libations in Cameroon, he did not really care about it, but he allowed them to go ahead and do it, because he did not want to be involved. He reiterated that he was interested in the law of the land and that the law is clear that all land is state land – the question is who is the right landlord who manages that land for the state. The Land Law has resulted in political, as well as spiritual disenfranchisement of local and traditional authority. This is well captured in the case of the Kom Kingdom, where the *fon* was barred from selling land to Fulani graziers. Others suggested that he ought to register the land and continue to charge rents, but according to Fisiy, Fon Jinabo II lamented:

What makes my land my land? Is it the piece of paper or the fact that I am Fon of Kom? It does not matter whether I register the land or not.

27 Goheen M. 1996. *Men Own the Fields, Women Own the Crops: Gender and Power in the Cameroon Grassfields*. Bloomington: Indiana University Press, 122.

28 Fisiy, *Power and Privilege in the Administration of Law*, 210.

29 Fisiy, *Power and Privilege in the Administration of Law*, 220.

16. Religion and law: The promise and perils of Cameroon Land Law

Traditionally, all grazing land... is mine, no matter what the Senior Prefect, the Agric Officer, the gendarmes and the government people ... may say. I am the landlord as far as grazing land is concerned ... I have realized that I am like an (earth) worm since I became Fon of Kom and one specifically since the Senior Prefect started ... To warn me. Yes, I am as weak as an (earth) worm ... I am a worm in the midst of ants. On my right, the "tiny chiefdoms" are biting me, on my left the Senior Prefect and his gendarmes. Everywhere around me, there are pressures. Whether I give the land to the Fulani or nor, the Senior Prefect will not only give then but will threaten me with arrest if I challenge him ... Everybody is blaming me as if my successor will not sell the land to strangers ... The land is no longer mine.³⁰

It is clear from the lament of the Fon of Kom that the state had affectively taken away his authority and sacred obligations to the land he thought was his.

Perhaps the only exception to this development has happened in Northern Cameroon, where the local *lamidos* (chiefs) exert what many consider absolute control of political and land decisions. The *lamidos*, wield tremendous powers over the local people and impose their decisions on land irrespective of the Land Law or what political authorities say, precisely because their political power influence has remained steady. Cameroonian politicians have courted them for political gain. They have dominated decisions about land use, even among the autochthonous agriculturalists who had great difficulty getting farmland because they are controlled now by the *lamidos*.³¹

It is important to point out here that in other parts of the country, where the Fulbe are in the minority and to not have such authority as they do in the Northern part of the country, they have been calling for more rights and access to grazing land. The Mbororo Social and Cultural Development Association (MBOSCUA) organised a two-day meeting in Yaoundé in 2012 to call for land rights.³² The goal of the meeting that brought together participants from other African countries was to educate participants on questions of equity, land security and the rights of members of the lower class to have access to land in order to participate in economic development. During the conference, several speakers urged the Fulbe to fight for their rights to grazing land. They criticised large-scale development projects such as "national parks, logging, mining, dam construction" did not help in reducing the vulnerability of the poor, meaning it also took away their land rights.

30 Fisiy, *Power and Privilege in the Administration of Law*, 226. Fisiy argues that the Chief confused his political rights with the "chiefdom lands with the private rights over lineage lands. He used the former as if they also gave rise to the latter, automatically. The Kom people strongly blamed him for that." See footnote 34, p. 226. Our own argument here is that the Fon of Kom was lamenting the larger loss of control of what was once considered ancestral land which chiefs controlled on behalf of their people.

31 Boone C. 2014. *Property and Political Order in Africa: Lan Rights and the Structure of Politics*. Cambridge: Cambridge University Press, 206-216.

32 Moki MS. 2012. "Minority Tribes Advocate for Land Rights", 12 November.

Third, the Land Law and its subsequent amendments have opened up new avenues for abuse of power and corruption for all involved – duplicitous individuals registering land in the name of family members, local divisional administrators, local chiefs and elders who then were invited to serve on land consultative committees charged with inspecting and issuing of land certificates, the new indicator of land tenure in Cameroon following the 1974 Land Law. This is the subject of another discussion.

The political leaders in Cameroon who formulated and promoted the Land Law opted for a secular approach, which has made the role of the traditional leaders challenging, but also compromised the role of ritual experts. In the past, the chief, noble, and ritual experts who controlled the sanctity of the land made decisions about the land, the option of registering land and getting a certificate of land tenure, has diminished the importance of some of the rituals. The person who buys, or acquires land and registers it, has the state to depend on for the protection of his or her land and can ignore the chief or the presence of ancestors. In this way, the state, through its local administrators, has now become the new “Guardians of the Land.”³³ This meant that the ability of local chiefs to make decisions would be curtailed and the guiding principles even on vast open land would be a rational use of the land to be determined largely by political and economic grounds. The Land Law has given local government administrators, such as the SDOs and the DOs, greater authority and control of land registration – a byproduct of the Land Law that has curtailed traditional authority. According to many people we talked to in the Ntumbaw village, rather than help, the DOs have made things much more difficult. This position is understandable, because the DOs have ruled consistently against the position taken by Ntumbaw people that the land at Mbawrong is their land. Instead, they have cited with the Land Consultative Committee that the land belongs to Njirong and the Ntumbaw people think these decisions have deprived them of the right to use and enjoy the land they claim as their own.

Finally, the Land Law adversely affects the poor. The Land Ordinance of 1974, encouraged land grab by the rich and elites and those who have been left behind are not only chiefs and local traditional and spiritual leaders, but the poor. Journalists Yerima Kini Nsom and Lionel Tchoungui have reported this perception in the popular press in the Southwest of Cameroon where in the past chiefs have exerted control over land, but have seen their influence wither away that other victims of the Land Law are the poor.³⁴ They reported in 2014 that Roger Ngoufo, the President of the Cameroon Environment Watch, had argued that the 1974 Land Law encouraged members of the society who are wealthy or have the means to acquire land to use their wealth to acquire more land at the expense of other members of the community. In doing so, the rich deprive the poor of land rights. Ngoufo made

33 See Schoffeleers JM (ed). 1979. *Guardians of the Land: Essays on Central African Territorial Cults*. Gwelo: Mambo Press.

34 Nsom YK and Tchoungui T. 2014. “Cameroon Law Encourages Land-Grabbing”, *Cameroon Post*, 20 August.

those claims to members of civil society as the country began to collect information that could be used to amend the Land Law of 1974.

LAND LAW AND SECURITY

The dispute between Njirong and Ntumbaw at Mbawrong remains a security issue, because some radical youth in the Ntumbaw side still claim that the land at Mbawrong is their land and regularly return to the land at Mbawrong, from which they were expelled after the violence of 2013, to stage protests and try to reclaim it. Youths of Ntumbaw have been accused of carrying out acts of vigilantism against Njirong people by blocking the road to Njirong and also preventing any person from Njirong from boarding public transport at Ntumbaw market square. Some people fear that the climate of suspicion and anger could explode to violence.

Land and boundary conflicts have played out in many places in the Northwest Region of Cameroon.³⁵ In Donga Mantung Division, land disputes have occurred between several villages in the Wimbum area. Since the climate in the North-West region of Cameroon is free from the tsetse fly, the region is home to cattle owners. Over the years, there have been numerous land disputes between cattle owners and farmers, often described in the literature as farmer-grazier conflicts, as mentioned earlier in the chapter.³⁶ The seriousness of these tensions cannot be ignored because in Menchum Division of the North West Region of Cameroon 1750 conflicts between farmers and graziers were reported in the 2004/2005 planting season.³⁷ Most farmers of the area did not consider the political leaders and divisional administration to be reliable in resolving their problems, while most graziers considered them reliable, a demonstration that the state bears some responsibility for promoting and prolonging some of the tensions and the land disputes.

Those conflicts have also been traced to increase in cattle due to better veterinary care in the Mambilla region of Taraba State in Nigeria.³⁸ In Cameroon, where agriculture accounts for nearly one-fifth of Gross Domestic Product and employs about seventy percent of the workforce, the tensions between farmers and graziers remain a major concern. Because of the way they have been adjudicated, one can no longer say that these conflicts are merely a carryover from colonial policies. Reports from Cameroon

35 This section of the presentation is taken from Bongmba EK. 2016. "Land and Authority in Postcolonial Cameroon", Africa at Crossroads Trans-Institutional Program, Vanderbilt University, Nashville, Tennessee, U.S., 28 September. Unpublished Paper.

36 Nkwi WG. 2011. *Sons and Daughters of the Soil: Land and Boundary Conflicts in the North West Cameroon, 1955–2005*. Mankon, Bamenda: Langaa Publishers, 5.

37 Nji MB, Manu IN, Tarla DN and Metoh NJ. 2016. "Assessment of the Farmer-Grazier Dialogue Platform Promotion Committees in Wum Central Subdivision, Menchum Division, North West Region of Cameroon", *Landmark Research in Journal, Agricultural and Soil Science* 3(2):9-17.

38 Blench R and Dendo M. 2004. "The Transformation of Conflict between Pastoralists and Cultivators in Nigeria", *Africa* 2003:1-12. Online at: <http://rogerblench.info/Conflict/Herder-farmer%20conflict%20in%20Nigeria.pdf>

demonstrate that the Mbororo, who are largely cattle herders, have experienced discrimination and feel deprived of space to raise their cattle considering limited availability of land for both farmers and graziers.³⁹ Some of the conflicts have been attributed to the readiness of political and administrative leaders to disregard the laws and act in favour of the graziers, who have more money to buy justice by corrupting administrative officials.⁴⁰

CONCLUSION

We have argued that the Cameroon Land Law promulgated in 1974, at about the same time when the land dispute between Njirong and Ntumbaw started, had the double entendre of being a promising development, as well as potential peril. The Land Law remains promising, because it significantly improved on colonial land policies by setting the legal criteria by which Cameroonians can acquire land tenure. That Land Law also promoted the rational use of land to promote individual and communal development. In the case of disputes, as we have seen in the case of Njirong and Ntumbaw, the law provided a mechanism for adjudicating land claims, because it mandated that a Land Commission be constituted to hear rival claims and issue judgment on who owns the land. However, the Land Law was also a peril, because by making all unoccupied lands into state land, and by investing with the administrative arm of the state as the final arbiter of land disputes, it took away local controls and significantly reduced the power of chiefs to control land. More importantly, from a religious perspective, the Land Law undermined the sacred responsibilities of the chiefs, who managed the land as a trust from the ancestors and God. Under the new law, it was no longer the will of the ancestors, but what could pass the legal test.

39 Cordes K. 2013. "Cameroon Pastoralists Fight for their Way of Life", *Think Africa Press*, 19 September.

40 Désiré SM et al. 2015. "Land Use Conflicts in North West Region: the Case of opposing the Mbororo pastoralist and the indigenous crop cultivators in Tubah Sub Division", *World Wide Journal of Multidisciplinary Research and Development* 1(4):54-65. See also Nji et al., "Assessment of the Farmer-Grazier Dialogue Platform Promotion Committees".