

2010

Institute for Research and Debate on
Governance and Columbia University School
of International and Public Affairs

Team:

Sandra Belaunde,
Maria Cortes,
Jonathan Hogstad,
Enrique Ku,
Kode Nascimento,
Leah Trzcinski.

Advisor: Jacqueline Klopp

Contact: irg_workshop_2@googlegroups.com
or jk2002@columbia.edu

LAND, LEGITIMACY AND GOVERNANCE IN CAMEROON

Acknowledgements:

We would first like to express our gratitude to our research advisor, Professor Jacqueline Klopp, for her guidance and insight at every stage of the research and writing process. We would equally like to thank Séverine Bellina and Michel Sauquet of the Institute for Research and Debate on Governance, in addition to Jenny McGill and Melissa Giblock who together made the project possible. The team extends its sincerest gratitude to all of our partners in Yaoundé and in the Littoral region who gave their time and valuable insights to the study: Elizabeth Atangana of CNOP-CAM, Halidou Demba of Action Aid, Prudence Galega of MINADER, Bernard Njonga and Simon Bing of ACDIC, Antoine Justin Eyebé of UICN, Christine Andela of COSADER, Andre Marie Afouba of CANADEL, Fred Eboko of IRD, Aline Hortense of PROPAC, Daniel Hamaha of RELUFA, Jean-Pierre Imélé of Biotropical, Caroline Ngo Basso of SPM, Paul Jeangille of Filière Bananière d'Exportation du Cameroun, Dr. Gilbert Baluba affiliated with the Institut Pan-African Pour le Développement, Prof. Guy Songue of the University of Douala, John Forchu of the Ministry of Labor, Kifon Emile of the Institute for Governance in Central Africa - Yaounde, Ernest Mboda of the Catholic University in Yaounde and Mr. Raoul Belibi of the MINDAF. We would also like to express our sincere thanks to Jacques Bakalon and the Institut Panafricain Pour le Développement, for both the scholarly and logistical support provided to us during our time Douala. In addition, we would like to thank Professor Ambe Njoh at the University of Florida and Anschaire Aveved, a PhD student at Columbia University, for their early guidance in this project.

Contents

I. INTRODUCTION	5
Organization and Motivation of the Paper.....	7
Methodology	8
II. THEORETICAL FRAMEWORK	10
Legal Pluralism.....	10
Evolution of Legal Pluralism in Africa	14
Theoretical background - Legitimacy	16
Societal beliefs and legitimacy	18
Input dimension of legitimacy.....	19
Output dimension of legitimacy.....	19
International dimension of legitimacy.....	20
III. LEGAL CONTEXT OF LAND LAWS IN CAMEROON	23
Historical context for land laws	23
Current legal framework governing land	25
Administrative Structure and Key Actors.....	28
Traditional Authorities and the Land Consultative Boards	29
IV. CAMEROON CASE STUDY	33
A. Regional Background.....	33
Pre-Colonial Rule	33
Colonial Rule.....	34
Present Day	35
B. LAND PROCESSES AND GOVERNANCE IN CAMEROON	36
1. Customary Law Trumps Civil Law.....	36

Fruit Farmers, Land Transfers and Private Companies	38
Winners and Losers of a Competing Legal System	39
2. Societal Beliefs, Legitimacy & Land Processes	40
Uses and Meanings of Land	40
The Roles of Traditional Authorities	42
3. Input Legitimacy: Competing Normative Orders & Land Negotiations in the Littoral	45
Representation.....	45
Accountability.....	47
Transparency and Debate.....	48
4. Output Legitimacy	50
5. International Legitimacy	53
A tempered modernization ideology.....	55
Interpreting history.....	56
Premodern vs. dignified and capable.....	57
Production, distribution and power	59
V. CONCLUSION AND RECOMMENDATIONS.....	64
Appendices.....	67
Appendix 1: Procedural diagram for land certificate application.....	67
Appendix 2: Timeline of Historical and Legal Developments pertaining to land law	68
Appendix 3: Contact List	71
Bibliography.....	77
Interviews:	85

I. Introduction

A critical examination of who gains access to land and how, including both the formal and informal processes, is one important avenue for understanding the state and questions of legitimacy in Africa. Access or exclusion from land directly affects human development, livelihoods and survival both in urban and rural areas making land tenure a high stakes issue. Processes around land allocation strongly affect the management of critical resources: land, in addition to the resources found underneath or upon it such as minerals or forests. Hence, the way a state constructs land rights is tied to the extent to which a state responds to the diverse needs and demands of its population. Further, land in many African communities is not just a resource but is imbued with different values and meanings that can lead to tensions in the way the state formally and informally manages land, for example, as a commodity, patronage resource or a key source of livelihood which is embedded in local cultural meaning.

The way the state manages varied and complex contestations over land and competing conceptions of land can contribute to problems of state legitimacy. Hence, land and the processes around its allocation and use become key arenas for exploring the dynamics of legitimacy and a plurality of normative conceptions and orders that affect the performance of the state in the eyes of its citizens. One central aspect of land governance in Africa, linked to its colonial and pre-colonial past, is the presence of a plural legal framework, which comprises different mechanisms for solving similar situations based sometimes on state generated law and other times on different normative orders. Complicating this picture even further is the presence of substantial informality and the presence of a multiplicity of traditional authorities defined as, “institutions that draw legitimacy, whether wholly or partially, from tribal/ethnic/cultural values of a group of people (wherever they may be) that share them.” (Cheka, 2008, p. 72) Often traditional authorities are incorporated into state structures and sometimes navigate older indigenous roles and newer ones based on their location within the modern structures of the state.

This paper uses the lens of legal pluralism to explore the governance¹ of land and its multiple impacts on state legitimacy in Cameroon. The particularities of the Cameroonian case present a

¹ We are aware that terms such as «legitimacy», or «governance», have become essential in the development field, especially as indicators for aid conditionalities. These terms are often embedded in Western political paradigms, and which may place

special setting where a history of migration and conquest did not facilitate the unification of governing procedure, failed to resolve the divergence and plurality of values among the population and created conflicts over resource management that prevent the country from taking larger steps towards growth and development. The lens of legal pluralism allows one to explore the tension among different normative orders, including state and non-state laws, as constructs used by different actors as a means of enforcing and promoting their rights.

We understand the process of governance-which involves how decisions get made and implemented- as one intrinsically linked to legitimacy. As actors work through and appeal to different normative orders, they confront and, at times, reinforce the legitimacy of authorities serving as representatives of these varied state and 'traditional' institutions. Ultimately, our analysis of governance will be centered on the delicate issue of land, as this critical issue illuminates the often tension-ridden state-mediated contestations, which often pit local, regional, national and international actors against one another in competition for this valuable resource. These contestations may increase with continuing globalization, which brings in more actors on multiple sides of these struggles. With Africa as the last frontier for arable land, today there is an intensification of foreign interest in acquiring land not only in Cameroon, but elsewhere in Africa, which renders the situation even more complex (World Bank 2010).

Organization and Motivation of the Paper

The overall motivation of this paper is to introduce new perspectives into the analysis of governance in Cameroon. To illuminate our perspective on this debate, we begin this paper with an outline of our theoretical framework. We will next ground these concepts in the historical context of Cameroon with particular attention paid to the country's legal framework and key actors. Finally, we will proceed with an in-depth analysis of land governance in a case study.

obstacles in the way of understanding them when applied to other complex contexts. For example, Séverine Bellina argues that the term “governance” has today a ‘bias’ of the English word that links it inextricably with the concept of management, therefore giving it a very specific interpretation that may not be equally useful in a different context. (Bellina, 2008) When we discuss 'governance' we mean the much more political notion of how descisions get made, which is shaped by power dynamics among other factors.

While Cameroon's unique colonial history offers many interesting cases through which to study land governance, we have focused our analysis on a case study of the Littoral region. It should be noted that the Littoral is not necessarily representative of the country as a whole, since regional (notably in the North and East) and rural / urban differences play an important role in land governance.

We chose the Littoral region, however, because it centers on Cameroon's largest city, industrial center and port: Douala. The city is distinct for its mixture of ideas, goods and people resulting from trade and migration. Furthermore, the Littoral region comprises some of the most fertile land in the Congo River Basin and is the source of varied agricultural goods for export and consumption. For these reasons it is a useful lens through which to capture, from a global and local point of view, the level of legitimacy of modern and traditional power structures surrounding the land question in Cameroon.

Our case study analysis is organized around four dimensions of legitimacy. First, in the 'societal beliefs' section we discuss the divergent understandings and values at play, and how this plays into how different actors see legitimacy in relation to land transactions. The next section on input legitimacy explores the processes through which Cameroonians participate (or not) in land governance and how this plays into what is perceived as legitimate and by whom. Third, we look at «output legitimacy» and assess the extent to which actual outcomes within governance processes around land are deemed legitimate or not and by which actors. Finally, in our section on «international legitimacy» we evaluate the influence of transnational advocacy groups, multinational companies and foreign state powers on land governance in Cameroon and how this plays into constructions and ideas of legitimacy. Our paper will conclude with suggestions for further research and recommendations for promoting new voices in the ongoing debate over governance in Cameroon.

Methodology

After establishing a theoretical structure, our research includes a historical and contextual review of the literature on Cameroon and the Littoral region. To complement this theoretical analysis, we conducted field research in Cameroon with one team travelling to Yaounde for two weeks in January 2010 and the second team travelling to Douala and Njombe for two weeks in March, in addition to one member of the second team travelling to Yaounde for three days. While time

restrictions prevented more in-depth analysis, our team used these trips to visit and interview many major stakeholders in Yaoundé and Douala and to look into more detail at our particular case study with the trip to Njombe.

In order to fully grasp the complexity of the relations that sustain the land governance process, we began by mapping the primary actors involved in or impacted by decisions around land tenure. We then carried out forty interviews that included governmental officials of different levels, peasants, NGOs, various peasants' associations, university professors, land experts, multinational companies, private associations, and development organizations probing how decisions get made around land and what the perceived outcomes of these processes are. Parallel to our fieldwork, we studied key land policy documents including those recommended to us by several of our contacts and interviewees. We recognize the limitations of time for conducting this study and consider this paper a basis for further research and debate.

II. THEORETICAL FRAMEWORK

Legal Pluralism

Laws are a product of historical state formation processes and ongoing politics. In some contexts, as in Africa, these processes have led to diverse legal orders that compete, replace or coexist as parallel legal systems. This is especially the case among countries with a colonial history where the creation of state structures, laws and regulations did not evolve indigenously, but rather, arrived through colonial conquest. These processes created a dichotomy between the socially accepted practices and the new, formal legal systems that often facilitated the creation of dominant elites that favored colonizers.

Legal pluralism, defined as the existence of different legal systems in a given society that can be applied to identical situations (Vanderlinden, 1993), recognizes that more than one normative order can coexist in time and space, regardless of whether they are formally established or not. Therefore it challenges the monist notion of law that presupposes that a legal system only exists when legal norms emanate from the state and, instead, introduces a pluralist vision that recognizes that normative orders can derive from different social groups of a non-state nature (Sánchez-Castañeda, 2006). This often means that the state is not the only institution people turn to for legal recourse; in many cases, it is not even the most frequent system used. Barriers of access to the state's legal processes, along with traditional practices and diverse sources of authority, reinforce alternative avenues for resolving disputes and alternative sources of legitimacy.

The variety of legal systems goes beyond simply the existence of a diversity of group norms or mechanisms of conflict resolution to presenting multiple instances of governance or decision-making processes (Sánchez-Castañeda, 2006). Legal pluralism can only be analyzed by differentiating between the monist vision that privileges state creation of official rules on behalf of the collective welfare (Boyle, 2000) and the pluralist vision that recognizes the creation of unofficial rules within social groups that can become legitimate normative mechanisms (Vanderlinden, 1993). Using the broadest possible definition of the term 'legal system', "virtually every society is legally plural, whether or not it has a colonial past." (Merry, 1988)

The classical monist conception of law is based on a historical vision of state creation, in which opposing or parallel ordering and dispute resolution mechanisms other than those of the state disappear or are assimilated. As Norberto Bobbio explains in the *General Theory of Law*, the movement from feudal societies to nation states in Europe included efforts to absorb superior and inferior ordering systems (Sánchez-Castañeda, 2006). Historical and political processes of transformation strengthened the state's monopoly over norms of conduct, and the possibility of enforcing them through the use of force. However, the study of the African experience reveals the weakness of the monist view and lends more weight to the pluralist view, as it better explains how social groups and other actors articulate alternative and more accepted normative principles.

Considering a broad normative conception of law allows us to understand that unofficial regulations can be legitimate enforceable norms that provide order to local social institutions with their own histories. However, these have always been in flux especially in regions with a great deal of migration and inter-mingling of populations with different beliefs and practices. The work of Santi Romano on this phenomenon concluded that departing from a conception of law as an order-institution enables the identification of a plurality of legal orders because there is a causal effect between the existence of different organizations in multiple social institutions and pluralism (Di Robilant, 2006).

Some of the most prevalent parallel legal orders that can be analyzed by differentiating between official and unofficial, of formal and informal, "traditional" and "modern", monocultural and multicultural sources of norms.

“The official/unofficial variable results from the political-administrative definition of what is recognized as law or the administration of justice, and what is not. In the modern state, the unofficial is everything that is not recognized as state-originated. It may be prohibited or tolerated; most of the time, however, it is ignored. The formal/informal variable relates to the structural aspects of the legal orders in operation. A form of law is considered formal when it is dominated by written exchanges and norms and standardized procedures and, in turn, is considered informal when it is dominated by orality and common language argumentation. The traditional/modern variable relates to the origins and historical duration of law and justice. A form of law is said to be traditional when it is believed to have existed since time immemorial, when it is impossible to identify with any accuracy the moment or the agents of its creation. Conversely, a law is said to be modern when it is believed to have existed for a shorter period of time than the traditional and when its creation can be identified as to time and/or author. The monocultural/multicultural variable relates to the cultural universes in which the different laws and systems of justice.” (Souza Santos, 2006, p 47)

This plural condition becomes a great challenge for governance as the sources of official norms are constantly competing with unofficial legal and other normative orders. Although this complex situation can be analyzed in any plural context, the challenges created by the interaction of rival orders built around different values, objectives and dynamics are intensified in the case of countries that endured periods of colonial rule. This is because conflicts are deepened by the fact that the existing systems that shaped the pre-colonial social interactions and norms were subsequently exposed to foreign institutions which introduced formal structures with illegitimate power sources, norms and laws that favored the colonial class and the “assimilés” (Fitzpatrick, 1984).

One consequence of this is that key areas associated with the rule of law, including those regulating access to land, such as the establishment and defense of private property rights and the enforcement of contractual obligations and regulations, are consequentially pursued through different mechanisms, and official mechanisms are often contested and challenged because they do not always reflect the inhabitants’ values, customs or interests (De Sousa Santos, 2006). The plurality of systems therefore has significant effects on the states’ possibility of acting as a legitimate manager of resources and an effective mediator of conflict. This is particularly so when laws are structured in ways that favor certain groups over others. The failure to respond to the diversity of legal systems and the problems in design and implementation of statutory law consequently affected the ability to establish legitimate governance, and poses a key challenge.

As colonies became independent modern states, most of the legal reforms involved the official procedures established by the colonial institutions and left aside unofficial legal systems. In many cases, even these reforms of colonial institutions were limited. By leaving aside orders of an unofficial nature, the governments facilitated the divergence in popular and state norms and the gap between “de jure” and “de facto” official procedures, with wide-ranging impacts on stability, the economy and the social perception of politics and legality (De Sousa Santos, 2006).

Since the structures and procedures were neither developed within the population, nor fully assimilated by them, the official legal orders more often than not failed to resolve the problems encountered by the people and, in fact, often created new ones by exacerbating inequities and perceived injustices. Moreover, the easy access, cost, and understanding of these unofficial sources of normative power, in some instances made them a better alternative to the formal

system. In other instances, people used both formal and informal spheres, depending on their issue and strategy.

Evolution of Legal Pluralism in Africa

The African experience exemplifies such complex legal and normative pluralism. In most cases, a notion of “customary law” continued to be utilized by the colonizers as mechanism to maintain social order and construct new administrative systems. At the same time indigenous laws, institutions and normative orders persisted in some form precisely because they corresponded better to the values and needs of the population, for example in gaining access to land and regulating land use. While foreign administrators incorporated elements of the indigenous laws into the new colonial state structure², the existing population continued to utilize indigenous laws and normative systems, creating new interactions between statutory legal systems that included notions of “customary law” and actual systems and norms that were in practice.

In a 1926 study, Bronislaw Malinowski identified a “rich variety of social control, social pressure, custom, customary law, and judicial procedure within small-scale societies, [such that] anthropologists gradually realize[d] that colonized peoples had both indigenous law and European law.” (Merry, 1988) This complex blend established a legal framework better corresponded to the colonials' goal of gearing the economy towards a form of capitalism, instead of maintaining the existing agrarian and pastoral way of life, thus disregarding the complex legal orders already in place (de Sousa Santos, 1977). The colonialist dynamic was thought to contribute to solving issues they regarded as problematic and replace them with regulations that would help them “mold a cooperative labor force to serve the new extractive industries or to produce cash crops for export.” (Merry, 1988)

Nevertheless, this process was not intended to completely eradicate existing structures and practices. As we mentioned, European administrators often found it useful and expedient to try to assimilate in some form existing institutions into the management of the colonies. This was

² In many cases the "customary" of course was constructed and shaped by chiefs and others in a way to benefit themselves (Mamdani 1996). On the complex contestations around "customary law" and land disputes see Falk Moore (1986).

the case in Cameroon where the traditional authorities were given the role of government “assistantship” (Songue, 2010). Through this process, the colony kept and eventually reshaped the functions of these traditional authorities. The superimposed regulations incorporated many customary procedures, except for cases where their embedded rules were found to be inconsistent with the written law or resulted in practices that were considered "repugnant to natural justice, equity, and good conscience." (Arnett, 1938) This, of course, provided a great deal of leeway in determining what would be recognized as “customary” and also relegated “customary” subordinate to statutory law.

Legal pluralism became an essential concept in the region because, in addition to the colonial experience, Africa was also exposed for centuries to processes of migration that facilitated the arrival of foreign groups through episodes of conquests and migration prior the creation of the colonies and after the formation of the independent states. In more recent times, the pluralist nature of law has been reinforced by efforts of some donors, governmental and nongovernmental organizations and social movements to reform the existing legal structures that often “focused exclusively on the official legal and judicial system, conceived of as a unified system, and left out of consideration the multiplicity of unofficial legal orderings and dispute resolution mechanisms.” (De Sousa Santos, 2006) In contrast, efforts to change statutory law in order to better respond to the growth of trade and liberal structures from international agencies, such as the International Monetary Fund, have often continued to disregard the informal and alternative legal and normative orders at play, including in particular those that govern land.

Theoretical background - Legitimacy

'Legitimacy' is a complex notion that is far from having a common definition. This is in part because it is contested and linked to power and perceptions, which are constantly shifting. Its complexity fundamentally lies in the variety of sources from which a state or holder of formal or informal power constructs its claims. In the case of state actors, claims to legitimacy are linked to the specific historical processes of state formation and governance, the cultural dimensions of the society and its institutions, the workings of power and the articulation of the relations between these inter-related and complex processes.

Given the complexity of government policymaking and decision-making, as well as the diverse perceptions and level of legitimacy granted by different actors to these processes, it is essential to

conduct an in-depth analysis that identifies the diverse agents involved in any decision or policymaking process, the power relations involved, and their different sources of empirical legitimacy (Bellina, 2009). Hence, we will also need to comprehend the different “behind-the-scenes relations” (Hibou, 2004) that most often include, not only the central government, but also local, religious or ethnic authorities. Furthermore, the cultural and historical context of a specific society will shape the way in which power relationships are articulated and contested: those considered to be legitimate by certain actors and illegitimate by other actors.

Another key element involves the different internal sources of legitimacy and their possible interaction with, erosion or reinforcement by global forces and actors, such as foreign companies and international donors. When the interests of foreign actors collide with public interests or the needs of local populations and governments make decisions that suggest a disregard for its own citizens, the legitimacy of the state may be eroded. In such cases, it may come to appear that the government and state are not accountable to citizens, but rather to external actors. This is particularly the case with states that maintain colonial laws and institutions (including forms of legal pluralism), are externally oriented and are dependent on economic structures and practice political “extraversion”. (Bayart, 2005) Cameroon is one such state.

Another example of the way external forces shape internal dynamics of legitimacy is the emphasis on regimes of conditionality from the Bretton Woods Institutions who, more often than not, require some degree of economic and political liberalization. As Béatrice Hibou argues, in the case of economic liberalization, this has led to a redefinition of power relations and their articulations:

“[F]oreign policy of African countries is today more than ever in the hands of private interests – as a result of the personalization of power, of course, but also, more profoundly, of de-institutionalisation, the local importance of private international actors, and social dynamics. Generally speaking, the economic liberalization imposed by aid donors leads not so much to the ‘minimum state’ of the neoclassical Utopia as to a redefinition of new state regulations, dispersal of decision-making centers, and the primacy of mediations.” (Hibou, 2003, p 4)

What Hibou calls the “dispersal of decision-making centers” is critical to understand and analyze. Rather than consider the role of external powers as a loss of power (or of legitimacy) for the central state, we focus instead in this context on the articulation of new relations of power which favor or disadvantage certain actors, on how these new relations are interpreted and on the

codification of laws around land and their enforcement or management. These will include not only the central government, but also international corporations and regional, religious, cultural and local authorities.

We begin by defining our understanding of the concept of legitimacy in a broad way that will privilege empirical understandings of the processes around legitimacy (Bellina, 2009). We examine specific cases of land laws and policies that involve a plurality of actors. This helps us understand how claims to legitimacy are constructed and contested by actors in practice, since these actors experience how each intervention or policy is formulated, decided and implemented in different ways. The way in which the latter are then interpreted, in turn, shapes actors notions of the legitimacy of these interventions and, ultimately, of the state and its governing structures.

From a theoretical perspective, state legitimacy has several dimensions. To begin with, we underscore the importance of cultural and historical understandings that shape perceptions of the state by its citizens. In addition to this, we examine two sorts of legitimacy: Input and output legitimacy (Scharpf, 1998). To conclude, we consider the question of how international and global forces, ideas and actors impact local legitimacy.

Let us begin by briefly defining each of these elements that play into perceptions of legitimacy.

Societal beliefs and legitimacy

When taking an empirical approach to legitimacy, one must consider the cultural fabrics that influence the beliefs and values that citizens hold and their relation to the way in which the state is perceived. It has been argued that, “Whatever processes a state may organize, and whatever amount of goods and services it may deliver, a central point is the symbolically and discursively established expectations that people have of what the state represents.” (Bellina, 2009, p. 3) Beliefs are central to the construction of the “imagined community” (Anderson, 1983) that the state abstractly represents. This dimension of legitimacy requires a deep understanding of the history and specific cultures of each country. In a way, each society develops different considerations of what is fair, legitimate and moral. This varies throughout time and may even differ from one region to the other in the same country. For example, rural and urban areas of the same country may have different practices that reinforce state legitimacy or contribute to its erosion. In that sense, legitimacy could be linked with religion. (Rasheed, 2007) Also, as we will

explore later in this paper, the concept of "tradition" may be used to legitimize certain actors. This, however, has also been a point of controversy. As Mamdani explains, during colonial rule, colonial powers sought to incorporate traditional rulers into the ruling structure of the colony in order to exert greater control over the native population. It has been amply demonstrated how, in many areas of Africa, chiefs were appointed or constructed where they did not exist by the colonial structure to act as another branch of the colonial extractive structure. In this way, they became largely accountable only to the colonial power, with some exceptions. (Newburny, 1998; Mamdani, 2001) In particular, in Cameroon, the system of indirect rule established by the British colonial power "sought to borrow legitimacy from traditional authorities for the implementation of colonial policies." (Cheka, 2007, p. 69)

Input dimension of legitimacy

Input legitimacy relates to the way in which citizens participate in the state's decision-making processes. What are the mechanisms that allow citizens or their representatives and authority figures to participate in decision-making at local and national levels? Which citizens have access to these processes and who are left out? Are there perceived discriminations or exclusions based on ethnicity, gender or class? These questions can determine the level of legitimacy of a state and its specific institutions, policies, laws and interventions among different constituencies.

Output dimension of legitimacy

Output legitimacy refers to the way in which the state, its institutions and agents deliver key services and policies that address citizens' needs, demands and expectations in an effective, fair, and satisfactory manner. What are the needs and concerns of various groups of citizens? Are they being addressed and, if so, in an effective and fair manner? The performance of the state and its institutions in this sense can help determine the level of legitimacy.

In Scharpf's words:

"In the input dimension, 'government by the people' implies that collectively binding decisions should originate from the authentic expression of the preferences of the constituency in question. Government, in other words, is meant to be *self-government*, and compliance can be expected because the laws are self-determined, rather than imposed by an exogenous will. In the output dimension, 'government *for the people*' implies that collectively binding decisions should serve the common interest of the

constituency. Obedience is justified because collective fate control is increased when the powers of government can be employed to deal with those problems that the members of the collectivity cannot solve either individually, or through market interactions, or through voluntary cooperation.” (Scharpf, 1998, p 3)

International dimension of legitimacy

Finally, it is important to highlight the role of international and global forces in legitimizing the state. State actors demand and typically gain formal international recognition around their sovereignty, even if in practice sovereignty is often undermined. State consolidation is made difficult in today's context where non-state actors such as multinational corporations, NGOs, international institutions, and regional organizations play an increasingly relevant role in determining or supporting specific government policies.

In that sense, Janet Roitman argues:

“Recourse to private, foreign agents, for example, is a longstanding manner of ensuring the effective exercise of state power; In Africa, this has involved the use of external alliances, such as the Cold War powers, or external resources, such as foreign aid, to manage internal conflicts and the demands of factions constituting the basis of state power. In that sense, the reconfiguration of power on the continent today is less a matter of entirely novel practices of the exercise of state power than of novel ways of negotiating the changing world economy, or managing extraversion.” (Roitman, 1999, p. 257)

As we will see, these “ways of negotiating the changing world economy” can, in fact, erode the legitimacy of the state. For example, the presence and acquisition of Cameroonian land by multinational corporations without clear benefits for the people may have a damaging impact on the relations between the state and its citizens, eroding the perceived legitimacy of the former.

Moreover, sovereignty is increasingly intertwined with responsibility towards one's citizenry and global and local civil society. Multilateral agencies along with many other donor agencies are currently pushing albeit selectively for greater action and focus on human rights and/or democracy. On the one hand, providing democratic credentials is a way to appear legitimate in front of some of these forces. On the other hand, certain external actors do not treat these ‘democratic credentials’ with the same level of concern, a fact that is central to debates on China's involvement in the continent.

These considerations can be related to what has been considered as the normative view of legitimacy. In that sense, Bellina et al have argued that: “[The] normative [understanding of legitimacy] is concerned with the standards that an actor, institution or political order must conform to in order to be considered legitimate. Such standards may include the explicit consent of the population (typically through democratic elections) or claims to justice or fairness. Such standards are typically derived from moral and normative considerations, often based on considerations of basic human rights.” (Bellina, 2009, p 8)

It is important to note that this understanding of international legitimacy is also extremely complex and contested. For example, the wave of democratic discourse as a source of international legitimacy has been viewed by many as something close to a masquerade that, in fact, masks the real politics and its convoluted relations. For Bayart, in some cases, “The fairy-story called Democracy (...), while serving as an instrument of internal legitimacy and as an international norm, has paradoxically become a cog in the ‘anti-politics machine’.” (Bayart, 2005, p. 226) He further argues that certain African states consider elections as “no more than yet another source of economic rents, comparable to earlier discourses, such as the denunciation of communism or of imperialism in the time of the Cold War, but better adapted to the spirit of the age. It is, as it were, a form of pidgin language that various native princes use in their communication with Western sovereign and financiers.” (Bayart, 2005, p. 226)

As such, it is through the lenses of legal pluralism and legitimacy that this paper intends to present an analysis on the governance of land in Cameroon. Our intention is to consider all sources of legitimacy explained above in relation to decision-making around land. We then try to tease out how this approach applied to land governance can help illuminate questions around state legitimacy.

III. LEGAL CONTEXT OF LAND LAWS IN CAMEROON

Historical context for land laws

The current legal framework around land in Cameroon is best understood within its historical context. Perhaps because it lacked tradable commercial value or because mobility was constrained to foot or domesticated animal, land in pre-colonial Cameroon was seldom the cause of conflict (Njoh, 2000). Instead land was owned communally by families or whole villages with traditional leaders taking custodianship/trusteeship. All members of the family or village benefited from the production of the land. This is not to imply that land was of no consequence to people who would later become Cameroonians, on the contrary land held significant religious value. As the burial place for generations of ancestors, land constituted the vital link and the primary means of communication with the hereafter, the world of the ancestors (Fisiy, 1992). Within this context, land was passed down from generations within the family and beneficial use rights were only granted to strangers temporarily if the family had no use for the land. This communal system was largely subsumed into a formalized land ownership system with the arrival of the colonial system.

Given its unique colonial history, Cameroon has inherited a myriad of legacy institutions that contribute to shaping the current regime. Foremost is the concept of state ownership of land. This concept dates back to 1896 with the *Crown Lands Act* which granted the German colonial state ownership over all land and gave Germany the right to reallocate land to optimize their holdings and transform indigenous farmers into wage laborers on large plantations. Legislation in 1927 and 1938 reconfirmed this principle in British and French controlled areas of Cameroon respectively. Closely related to the notion of state ownership of land is the conception of a process by which individuals can gain access to land. Beginning with the French Decree of 1932, a process emerged in which individuals can assert their claim over land usage. By continuing to assert state land ownership and defining complex and expensive processes for private claims, the central government in Cameroon has maintained the upper-hand in land negotiations. In addition, these costly and complicated processes favor wealthy and well-connected individuals over those who are poor or marginalized by the modern state. As competition for land

increased, only those with considerable resources and/or access to the state have been able to enforce their land rights.

Another modern scheme that finds its roots in history is the relationship between civil and customary law. Beginning with the Crown Land Act in 1896, the defined civil law included provisions for customary law by excluding from the category ‘*vacantes et sans maître*’ land which ‘private individuals or corporate bodies, chiefs or indigenous communities may be able to prove ownership rights or other real rights over.’ (Article 1) The June 17, 1959 land law went even further to protect customary land ownership stating “the customary rights exercised collectively or individually on all land are confirmed, apart from land which forms part of the public and private domains (...) and land which has been appropriated according to the regulation of the civil code or the registration system (...). No collective group or individual can be forced to cede their rights unless for a state-approved purpose and for which they receive fair compensation.” (Land Law of 1959, Article 3) It should be noted that customary land holdings are not necessarily more equitably distributed or legitimately held than land under private ownership. Rather one must assess the historical context and power dynamics governing a specific context to make these comments.

While customary ownership rights were severely reduced upon implementation of the 1974 land tenure ordinances, some usage rights remain with indigenous populations. Specifically, “usage or customary rights are, in accordance with the present law, those which are recognized for resident populations to exploit all fauna and fish products in the forest, apart from protected species for their own personal use.” (Land Law of 1994, Article 78) Thus, within negotiations and struggles over land, key actors including “traditional” authorities and indigenous groups (or their civil society representatives) continue to make claims based on customary law, which are recognized within the Cameroonian legal context. However, while they are recognized, it is critical to examine in actual case studies involving land struggles which logics and actors tend to prevail.

This plurality of normative orders law has implications for which forums are available to adjudicate land disputes and also for the relative strength of one’s claim over land. In this matter as well, current practice finds its roots in the pre-colonial and colonial state. Pre-colonial customary rights were enforced through negotiation with the traditional authority who had decision-making authority over village affairs. Later, the 1922 French Civil Code extended in Cameroon from other French colonies established a parallel system of adjudication; “natives”

were governed by customary law and “assimilés” were subjected to modern French metropolitan administration (Fisiy, 1992). “Natives” typically then had inferior claims to “assimilés ” and the law is structured to reflect this disparity. A similar structure exists today in Cameroon that tends to disadvantage the poor and those without state connections. While Decree No. 77/249 of July 15, 1977 legally structures traditional chiefdoms with local customs as central to their structure and internal operations, (Article 6) written law prevails in any situation where conflict exists with customary practice or claims (Supreme Court decree 1962). In brief, legal pluralism is codified in Cameroon, and its colonial legacy reinforces power inequalities that may play into deep issues around state legitimacy.

Current legal framework governing land

In Cameroon today, the most comprehensive legal framework governing land can be found in the 1974 land tenure ordinances. This set of ordinances represented the first endeavor by the newly re-unified post-colonial state to define an institutional system to manage land use (Fisiy, 1992). The 1974 land ordinances declare foremost that all land belongs to the state. Fundamentally a continuation of colonial practices, Cameroon’s policy of state ownership of land implies that private individuals or communities can only be granted access to land. This construct necessitates a negotiation between the state and private actors over the terms of use and ensures “state priorities” (used here to refer to the interests of state actors in both their professional and personal capacity) are given preference.

Specifically, the 1974 land tenure ordinance defines three areas of land management. First, ordinance 74/1 explains that registration is the sole means of acquiring ownership of land. Specification for the process of registering land, a procedure resulting in the allocation of a land certificate, was outlined two years later in Decree No. 76/165 of April 27, 1976. This decree stipulated that those seeking to register land that they had occupied prior to 1974 could apply for a land certificate directly; while those seeking access to land not previously occupied by themselves would have to submit indirectly for a certificate (Fuda, 2010). The indirect process for registering land requires supplementary documentation and usually requires more time. A complete application includes a sworn professional surveyor’s report, a professional valuation surveyor’s report and an attestation of non-indebtedness from the local Department of Lands all of which may be costly to acquire. Even once complete the application passes through the

Divisional Officer, Land Consultative Board, Divisional Chief of Service for Lands, Chief of the Provincial Service of Lands and the Central Service of Land in Yaoundé, a process that often takes five years on average (see appendix 2 for procedural diagram). (Njoh, 2000, p 256)

Second, the 1974 land ordinance establishes rules governing state land and divides state property into three categories: national domain, private domain and public domain. The former includes land that is property of the state by fact that it lacks a land certificate. Private domain, on the other hand, refers to land for which a certificate of access has been granted and public domain comprises land belonging to the country collectively, such as roads and rivers (Belibi, 2010). As the process for obtaining a land certificate is costly and time consuming, it is estimated that only 11% of private land is registered as private domain. (Belibi, 2010) The third component of the 1974 land ordinances confirms the state's power of expropriation for and on behalf of the people.

Subsequent to the 1974 land ordinances, various decrees have sought to clarify and standardize land management processes. Legislation in 1985 and 1996 placed limits on the state's power of expropriation of land for the public purse and in 2003 the pricing scheme for various crops was established to compensate individuals whose land has been seized by the state (Nguiffo, Kenfack and Mballa, 2009). Procedural legislation that came into force in 2005 seeks to streamline and shorten the process of obtaining a land title. This decree was followed by a public relations campaign in 2008 in an effort to educate people on their rights and inform them of the steps to undertake in securing a land title (Ministry of State Property and Land Tenure, 2004). The Ministry of State Property and Land Tenure, operating within the Ministère des Domaines et des Affaires Foncières (MINDAF) has undertaken these reforms. It is additionally important to note that some non-legislative Presidential decrees are nevertheless perceived as support for specific land rights of a group of people. For example, Presidential decree No. 96/031 appointing an indigenous person to the local council was perceived as the state deeming indigenous rights to land and governance as superior to those of the Bamileke settlers in Douala (Egbe Orock, 2005).

Administrative Structure and Key Actors

An understanding of the legal framework in Cameroon is incomplete without an appreciation of the administrative context. The country recently underwent a major reorganization with the

adoption of legislation on decentralization on July 22, 2004. The three main pieces of legislation in this regard are Law No. 2004/017 (decentralization orientation law), Law No. 2004/018 (on local councils) and Law No. 2004/019 (on regions) which establish a structure of local authority and specify the extent of its power. Collectively, these laws effectively replace the previously governing legislation on local government codified in the Constitution of 1996 (Commonwealth Local Government Forum). Though the process of decentralization is still underway, it represents a significant doctrinal shift for a country often associated with centralized state power.

Although Cameroon was organized with local authorities (regions and councils) prior to the 2004 decentralization laws, the current administrative framework is distinct in important ways. First, local authorities are tasked with promoting economic, social, health, educational, cultural and sports development (Law 2004/017 Article 4(1)) instead of simply social functions (marriages, death and birth certificates) which has strained council capacity (Cheka, 2007). Second, the new system provides local councils with some new avenues for financing while maintaining policies that favor national financial accounts and hinder local council's autonomy (Commonwealth Local Government Forum). Third, the decentralization laws eliminated the classification of 'special councils,' a designation that granted the President greater control over sensitive areas by allowing him to appoint a government delegate, although many of these officials remain in office. These dynamics illustrate how the decentralization process has simultaneously endowed the local authorities with greater authority while hindering their autonomy in situations of opposition with the centralized state. Furthermore, a lack of political will on the part of the national government to cede control may additionally retard implementation of this policy as we will see in the Littoral region.

Other important actors include government institutions (including MINDAF) that comprise the economic and social council. Organization of these bodies was fixed by Law No. 86/009 of July 5, 1986, and modified in July 1989 and July 2001 by Law No. 89/010 and Law No 2001/011 respectively (Kamga, 2005). Individuals are named to these organizations by the President chosen for their expertise in specific fields. The Minister of Industrial and Commercial Development is specifically tasked with issuing annual circulars which serves as the primary regulation of foreign trade including the classification of goods for particular export and import tariffs (Ngwasiri, 1989). The private sector has a separate body dedicated to the promotion of economic development called the Chamber of Commerce, Industry, Mines and Artisans

(CCIMA) created by Presidential decree in November 2001 (Kamga, 2005.) In the agricultural sector specifically, the Government is involved through rural development agencies such as the Office National du Cacao ed du Cafe and the Office Cerealier which seek to moderate volatility in the prices of key products (Charlier and N'Cho-Oguie, 2009). Each of these actors play a significant role within their sphere of influence in governing access to land and commercialization of agricultural products.

Traditional Authorities and the Land Consultative Boards

The recent efforts toward decentralization and longstanding history of local government cannot be understood without a discussion of the role of traditional authorities. Political power and institutions in Cameroon have changed substantially from the pre-colonial era to the present. Although traditional leaders are still present, they no longer wield the power and authority of pre-colonial times and have significantly changed their roles under the colonial and post-colonial state. Political power in the country including substantial power over land remains concentrated in the state. Nevertheless, traditional authorities have persisted (Fisiy, 1992).

The present day position of traditional authorities travels within a wide pendulum. In various regions of Cameroon, traditional authorities took on a different tenor based on the history and context of the region. However, in all places "the level of power the chiefs can exercise will be determined by their level of collaboration with those who hold the reigns of power - the state elite" (Fisiy, 1995, p 59), as well as "the anticipation of or failure to attract state-driven development efforts in their chiefdoms." (Nyamnjoh, 2002, p 6) 'The government also relies on chiefs as liaisons with villagers (Nyamnjoh, 2002). A key function in this regard is disseminating state directives, which is particularly important given the low level of literacy in Cameroon and the variety of ethnic groups with different local dialects. Our analysis broadens these concepts to assess the role of traditional authorities vis-a-vis international powers specifically foreign private companies. To understand these dynamics a brief historical and legal context is helpful.

The role of traditional authorities varies highly by region and while differing colonial histories led to distinct influences on chiefs' structure, colonialism did not completely dismantle pre-colonial power relationships. For example, the grassfields of Cameroon were characterized by centralized societies whose traditional leaders maintained significant control through the British colonial policy of indirect rule (Cheka, 2008). The Northern regions similarly have a history of centralized

societies governed by a lamido whose genealogy is the only formal criterion for selection and thus one of the major legitimising bases of his power (Hansen, 2003). In contrast, societies in the Southeastern forest regions were characterized by acephalous organizations, most notably among the Baka, whose cultural ideas of egalitarianism is irreconcilable with a legitimate leader in an institutional sense (Leonhardt, 2006). Although French colonizers made efforts toward sedentarization and organization with the creation of 'warrant chiefs' and later 'indigenous chiefs' (by Order No. 224 of 4 February 1933) many of these communities remain distanced from the centralized state (Cheka 2008). While these instituted administrative subordinates were responsible for collecting taxes, labour levies and enforcing market production; the legitimacy of these actors was questioned by the community for their failure to 'use the forest properly.' (Sharpe, 1998, p. 25) Although different regions experienced distinct organizations of traditional authorities, the entire institution is now governed by national legislation. Decree 77/245 of July 15, 1977 created three classes of "traditional chiefs". The first category corresponds roughly to an entire administrative unit, the second comprises an ethnic group (or several villages) and the third to a specific village or neighborhood (RocheGude and Plancon, 2009, p. 8). As part of the formal administrative structure traditional authorities take on a dual polity: one with relation to the central state and another with regard to their local community. In this way, traditional chiefs are part of both national political parties and the local elite; both processes impacted by wealth, influence and migration (Egbe Orock, 2005). Given this regional variation, one must be careful not to generalize about the legitimacy of traditional authorities and our further analysis will focus exclusively on the Littoral Region.

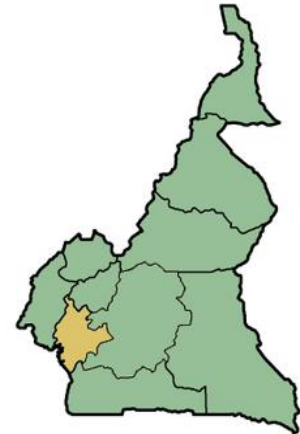
With relation to land, traditional authorities play a role in the access and management of property and resources within their sphere of control. Before colonization, the land belonged to the community (represented by families, clans, tribes or villages in different areas). The chief would manage the land on behalf of the community's welfare, as it remained a "communal - customary - possession" (Mamdani, 1996). For someone who did not belong to the community, land access was possible in exchange for a set of goods negotiated by the chief (Young, 1965). In addition to their customary legal authority, traditional leaders play a role on the Land Consultative Board (on order of Article 13, Decree No 2005/481 on 16 December 2005). In this capacity, they propose uses for rural spaces, give their opinions on land concessions, interpret the law and adjudicate complaints over land titles, choose land for collective village property and make recommendations on the management of land governed by the national domain (RocheGude and

Plancon, 2009). Although technically a minority on the Land Consultative Board, these "local leaders have dominated these commissions by their stature, charisma, and authority. Their approval is cautiously courted by any applicant who intends to register land as a prerequisite for land inspection." (Fisiy, 1992) This 'courting' can take the form of money, gifts in kind or even political support and comprises one of the key sources of the traditional chiefs' influence. The extent of power and legitimacy exercised by traditional authorities is of considerable import to the matter of land governance and will comprise part of the following analysis on the Littoral region.

IV. CAMEROON CASE STUDY

A. Regional Background

The Littoral Region is Cameroon's industrial center and a hub for migrants, and this makes it an excellent lens through which to understand the varying forms of land tenure held by key actors and the governance issues surrounding land. Within this region, we chose to focus specifically on the banana plantation region, which is dominated by three multinationals. In this section, we will give a brief overview of the region's pre-colonial, colonial and post-colonial history. Moreover, we will contextualize the banana sector and its evolution the Littoral Region.



Pre-Colonial Rule

The Littoral region is a small region compared to the other regions of Cameroon, yet it remains important for its location on the coast and its rich agricultural lands. The region's original inhabitants are the Duala, who prior to and during colonial rule, were situated between the sea and the hinterland. This location along the port allowed them to hold a monopoly over trade with Europe. As such, they dedicated themselves to bartering goods and to playing the role of middleman between European traders and other communities in the region (Yenshu, 2003).

Colonial Rule

The arrival and conquest of the Germans, however, resulted in the demise of the Duala's key position as middlemen in trade. In response, they created for themselves a new economic role as agricultural entrepreneurs (Eckert, 1999). At the time, the Duala were unwilling to take on manual labor because of their self-perceived superiority; therefore, they had migrant slaves and laborers work the land, while they managed the commercialization of agricultural products (Austen, 1983).

In 1930, after the Great Depression, the prices of agricultural goods began to fall, and the Duala were no longer able to pay for labor in cash. As a consequence, they began paying for labor by granting plots of land. This allowed the Bamileké, migrants from the Grassfields who were first slaves and low-paid laborers, to obtain land and to begin assuming leadership in agricultural development, including the cultivation of bananas (Eckert, 1999).

As the Duala lost more and more of their land, they lost their economic power in the region. On the other hand, migrants such as Bamileké and Beti bought greater portions of land, some prospered, and stayed permanently, making the Littoral a multi-ethnic region (Egbe Orock, 2005). The rise of the Bamileke and other migrant groups in relation to the economic fall of non-migrant groups such as the Duala marks the social distinction between ‘settlers’ and ‘natives’ in the region.

At the same time, private European companies linked to the colonial administration monopolized the banana industry. It is only after World War II, when Cameroon went through its “banana boom” period, which lasted until independence, that smallholders began to emerge as key participants in the external banana trade (Hienzen, 1983). In effect, the revival of the market granted high prices and the government encouraged farmers’ cooperatives - Cooperative Union of Farmers in British Cameroon and Sociétés Anonymes de Prévoyance in French Cameroon (Hienzen, 1983). This allowed smallholders to compete in the market and led to their producing and exporting more than half of the banana trade.

Differences between the French and British colonial states may further be observed in banana plantations. In British Cameroon there was a centralized administration, with private companies depending on the Cameroon Development Corporation (CDC) for the lease of the land. Banana plantations in Francophone Cameroon, on the other hand, were managed on an individual basis (Hienzen, 1983).

Present Day

At present, unlike the time of the banana boom, smallholders no longer play an active or powerful role in the external banana trade. Instead, the sector is dominated by three major companies: Cameroon Development Corporation (CDC) in a joint venture with Del Monte; the French and Cameroonian company SPM, and Compagnie Fruitière, - Plantations du Haut

Penja (PHP) (Assobacam, 2010). State regulation and protection no longer exist and only one union for the three companies exists called ASSO-BACAM (Association Bananière Du Cameroun). Furthermore, farmers no longer produce bananas for export. They lack the necessary resources to achieve the high quality standards required to compete in international markets. Instead, most small farmers (10-15% of total farmers) are now either employees of one of these companies or they sell their bananas to the three companies for them to then sell on the international market (Interview with Jeangilles, 2010).

B. LAND PROCESSES AND GOVERNANCE IN CAMEROON

Fieldwork revealed a tension between the different normative orders governing land and the way in which the politics of class and social status map onto the various historically conditioned divides. We will begin by identifying the actors and logics that prevail within this region's land governance system and then proceed to analyze the implications of our findings using our theoretical understanding of legitimacy.

1. 'Customary Law Trumps Statutory Law'

Two primary legal orders govern land ownership, access and rights in Cameroon: customary law and statutory law. On the one hand, the statutory system of land ownership grants one a legal title and thus greater protections of land rights under the law. On the other hand, land registration remains a very costly, bureaucratic and lengthy process. For this reason, the majority of those in the Littoral Region, and in the country as a whole, tend to take recourse to the customary system of land ownership. According to Dr. Glibert Baluba, Chief of Planning in the Departement Habitant Foncier et Plannification Urbaine of the Douala Commune, 80-94% of land transactions in Douala take place under this system (Dr. Baluba, March 22, 2010).

One of the primary benefits of obtaining land through customary contracts versus land titles are that they are much lower in cost since all that is paid is the agreed upon price between the seller and buyer. This is in contrast to the statutory system, where land titles involve local, regional and state official and unofficial fees throughout the registration process. Moreover, customary contracts cut down on the amount of time it takes to obtain land, as opposed to the bureaucratic

registration process which, despite recent efforts at streamlining, it may take up to five years. Indeed, when we asked a local farmer in Penja about the legal means through which he acquired his land, he replied that he went through the customary system precisely to avoid the bureaucracy and resources involved in using the state system (Local farmer, March 21, 2010).

Yet, as our field research suggests that, "statutory law trumps customary law" in the Littoral Region (Stephens, 1999; Baluba, 2010). Here, as in other parts of the country and the continent as a whole, land titles are considered a more legitimate claim to land before the justice system. As Roger Belibi of MINDAF further argues, while citizens are free to buy and sell land through customary law, this form of land tenure is precarious: One cannot mortgage it and it can be taken at any time legally under the pretense of eminent domain (Belibi, March 25, 2010). Furthermore, with customary contracts in rural contexts, if land is appropriated by the state, a farmer is only compensated for actual crops that year, while with a land title, a farmer is compensated for the crops *and* for the value of the land.

In effect, as the head of a local community association in Douala argued, money and resources are key to accessing land in Cameroon (Bertrand, March 20, 2010). A study of land titling in Cameroon revealed that, even when farmers and ordinary citizens do apply for titles, they are less likely to receive them than state bureaucrats, elites and businessmen (Sellers and Firmin-Sellers, 1999). Perhaps for this reason, upon asking our interviewee from Njombe whether he ever saw himself obtaining a land title, he replied that he neither saw the need for one, nor did he see the possibility of ever being able to acquire one (Local farmer, March 22, 2010).

Elites, on the other hand, are in the unique position of having the resources and connections to obtain official land titles, while also being able to take recourse to the customary system when it is more advantageous to them. This is the same case for traditional authorities, who can be considered local elites due to their position and involvement in modern business enterprises (Geschiere, 1993). In this sense, they have benefitted most on an individual level from the installation of private property laws. In fact, Sellers, argues that elites in Cameroon have benefitted the most from the advent of legal titles. In the Northwest, for example, 83% of land titles owners were claimed by elites, business owners or state bureaucrats (Sellers, 1999, p 1118).

Private companies also have the option of either obtaining an official land title from the state, termed a national concession, or of buying land from an individual with a land title or customary

contract. In the Littoral region, the tendency has been for foreign companies to begin by obtaining a national concession from the state and then to expand upon their land by buying additional land from surrounding village communities and/or from larger landowners. This has come with its own set of issues which will be explored below.

Fruit Farmers, Land Transfers and Private Companies

Land transfers in which private companies are one of the parties is one arena in which tensions between these two primary legal orders is made clear. One example is a case that occurred in Njombe, where fruit farmers argued that they had been displaced and unfairly compensated for their land by the company, Plantations du Haut Penja, PHP (RELUFA, 2005). Prior to the arrival of PHP, farmers rented a total of 63ha from a cooperative called SOPRABO, which had been granted a national concession from the state. When the cooperative went bankrupt, the state granted PHP SOPRABO's former land which totaled 173ha. It should be noted that this occurred two years after Cameroon began to privatize its national companies, and that this period marks the transition of the banana sector in the Littoral from one made up of small farmers to one owned by three multinational companies.

What is therefore important to note in this case is the logic that prevailed in this land transfer. Rather than protecting the farmers who had worked on the fully cultivated 63ha for years, the state left PHP in charge of deciding their fate. The result was a back and forth between the two companies over how to handle them. Under the guise of not wanting to damage relations with the local community early on, PHP handed this responsibility over to SOPRABO, re-granting them control of the 63ha while PHP remained owners of the remaining 110ha for the next 25 years. After failing to evict the farmers through a court order, SOPRABO then returned the responsibility for the eviction back over to PHP, who pursued an out-of-court settlement with the farmers with the understanding that they would be properly compensated for their crops and would have 6 months to retrieve them from their fields. In the end, however, the farmers received compensation that was much lower than their own assessment and their fields were cleared by PHP tractors prior to the 6 month grace period.³

³ RELUFA's report states that based on the farmers' own professional surveyor's valuation, they were owed 600,000,000 CFA compared to the 65,000,000 CFA that PHP was prepared to offer them, and lodged a court case

What this case reveals is the major breakdown in representation and accountability between the state and citizens that ensues when preferential access and rights to land are simply granted to companies without any greater concern about the rights and entitlements of local farmers and their families.

Winners and Losers of a Competing Legal System

The winners of the land governance system in Cameroon as evidenced above are therefore those actors with the resources and state connections to obtain a land title. Not only do such actors have the resources to obtain legal titles in the first place, their rights to land are protected by the state. Not only does this system benefit private companies, it also benefits elites, bureaucrats, traditional authorities and local authorities. On the other hand, farmers without such resources or state connections, such as those displaced from their land, do not have the option of obtaining a legal title, which, by de facto, prevents them from achieving secure land tenure. Such a system results in marginalization from a key source of resource accumulation and thus forcibly creates a disconnection between the state and many of its citizens over land.

We will examine the consequences of this system in relation to the societal beliefs and input legitimacy of the state in greater detail below. In so doing, we will show how the tensions between these two normative orders, and the class and ethnic divides upon which they rest, is reproduced in a way that erodes state legitimacy in the eyes of many of its poorer citizens.

2. Societal Beliefs, Legitimacy & Land Processes

The extent to which everyday citizens feel that their fundamental beliefs are shared by the state can be an important source of legitimacy. In the case of land, however, major discrepancies exist between state and citizen understandings of what land means and/or symbolizes, how it is meant to be used and what are considered to be legitimate and non-legitimate claims to it.

that led to various intimidations. In 2003, they took the case to the Supreme Court in Yaounde. As of June 2005, no decision had yet been made on the case.

Uses and Meanings of Land

As mentioned earlier in this paper, many of the modern discrepancies between state and citizen understandings of land in Cameroon stem from the 1974 Land Ordinances, which introduced individual private property rights into land governance. It dictated that land no longer be distributed based on need, but rather based on who had the resources to acquire a land title. In so doing, land though remaining a symbol of power and control was transformed in its use from a means of subsistence into a commodity and in its significance from a religious and ancestral resource to one used to accumulate wealth.

Returning back to the example of PHP and local fruit farmers, tensions between their competing visions of land abounded in many instances (RELUFA, 2005). At one point, for example, PHP was willing to individually compensate farmers. In addition to the feeling that the amount was not enough, there were other issues that prevented the farmers from accepting this deal. On the one hand, the fruit farmers were in fact all part of a cooperative of forty-three families that together cultivated on the land. On the other hand, the amount cultivated by each family and each individual varied, such that the amount due to each farmer would have varied considerably from one farmer to the next. Hence, from the perspective of the farmers, there was no way to accept such a deal without necessarily creating conflicts and disagreements among themselves.

Finally, in addition to communal land practices that are at odds with state land practices, many claims to land are made along the lines of divisions created during the colonial period. Certain ethnic mobilizations against private companies and local private landholders, for example, are based on customary rights to land stemming from what these groups regard as unjust land allocations from the colonial period (Goheen and Mitzi, 1998). Bakweri organizations, for example, continue to make claims on their ancestral land used by the Cameroonian Development Corporation, CDC (Geschiere, 1993).

These politics of exclusion, as Egbe refers to them, are deeply engendered in Douala because of the 'indigene-settler' divide. At root, he argues, was the refusal of 'indigenes', to participate in the market economy, which they and other non-migrants historically associated with colonial authorities. In the face of land scarcity, which drove land prices up, they took advantage of high land prices to sell some of the most valuable land to the Bamileke when the former were recent migrants. Yet, they continued to do so to the point that they now occupy the least favorable

areas of the Douala. This prompted the effort of some Duala in 1996, under the leadership of Prince Rene Bell, to regain back valuable lands that were claimed as ‘ancestral land’ (Egbe, 2005, p. 72). The effort turned out to be unsuccessful precisely because the Duala’s claim to the land based on ancestry was now ‘trumped’ by the statutory claim that the Bamileke had legally acquired the land.

In short, differing beliefs and practices between the state and citizens can take a myriad of forms. Nevertheless, what can be concluded is that the ideas and values underlying the state’s land policies and legal frameworks often diverge from common practices and beliefs around land. As in the case with conflicting beliefs surrounding individual private property rights in the Littoral region, this can help put the legitimacy of the state into question.

The Roles of Traditional Authorities

Traditional authorities are further meant to play an important role in land management. Historically, their role has been that of the custodians of community land responsible for both distributing land and negotiating outside deals. In this sense, their role has the potential of being a mediator between the state and citizens. Yet, their role remains ambiguous. With the advent of the 1974 land laws, a new normative order dictating the use and meaning of land as one belonging to an individual destabilized a key block upon which the power of traditional authorities rested. As an illustration of these competing norms, here is a traditional authority in the Northwest responding to the question of why he chose to sell land to Fulani grazers, rather than register it and then lease it to this group shortly after the laws had been put into effect:

“What makes my land my land? Is it that piece of paper or the fact that I am Fon [chief] of Kom? It does not matter whether I register the land or not. Traditionally, all grazing land ... is mine, no matter what the Senior Prefect, the Agricultural Officer, the gendarmes and the government people ... may say. I am the landlord as far as grazing land is concerned”. (Fisiy, 1995)

In the Littoral, this transformation has occurred differently. The region is unique for the extent to which traditional authorities are not considered legitimate leaders of their entire communities, which have become multi-ethnic with diverse beliefs and traditions. As such, we found in our interviews that the legitimacy of traditional chiefs in the Littoral region is very much questioned. Three categories of popular accounts explain their loss of legitimacy.

First off, traditional authorities are often perceived as having their own agenda which may or may not be the same as those the community. Secondly, as in many other areas, chiefs are seen as highly political figures. Cheka in fact argues that traditional leaders are unavoidably political because of the inherent power that comes with their authority as mediators between the state and its citizens. Since the sixties, chiefs have been members of political parties (Geschiere, 1993). Given the level of power attributed to political parties in Cameroon, this can affect the communities represented by the chiefs all the way down to the resources they receive.

This is the case in Njombe where village chiefs belong to political parties and through these affiliations access resources. In Njombe, we observed that one part of the village does not have electricity while the other does. When we inquired further, we found that this was due to the fact that the chief of the latter part of the village is part of the ruling party, while the former is part of the opposition.

As such, there is considerable debate about the extent to which traditional authorities truly in fact represent viable alternatives to the state. While Cheka argues that traditional authorities in the North of Cameroon should play a greater role in development plans based on their positive standing in the community (Cheka, 2008), Geschiere argues that in Buea as in other parts of the Littoral, they are too tied to the state to legitimately be regarded as a viable alternative. One of the phrases we heard continually in interviews when inquiring about the legitimacy of traditional authorities in the Littoral was that the region was “not like the North, where traditional authorities are considered Gods.” (IPD, 2010; Harawe, 2010; Songue, 2010)

Finally, in the Littoral, many of the traditional authorities are in fact part of minority ethnic groups. This is in part a result of the intensity of migration to the Littoral region for work in its numerous plantations. Since many chiefs had been installed prior to these migration flows, and since chieftdom is passed down by lineage, chiefs slowly became part of the minority ethnic group. Today, migrant groups hold the economic and political power in the region. These factors, combined with the fact that many groups in the Littoral were sedentary prior to colonialism, such that colonials had to essentially ‘create’ the role of the ‘chief’, contribute to the fact that traditional authorities are traditionally much weaker in this region.

Nevertheless, traditional authorities are still present in the Littoral in the form of village chiefs and are still viewed in certain areas with a considerable amount of respect. Hence, to say that the

legitimacy of village chiefs is questionable is not to say that they are regarded as completely illegitimate, nor is it to say that they have no standing or influence in the community at all. To illustrate, in spite of their feelings that the Chief was illegitimate as a community leader, the Bakweri, including youth, still viewed the institution of traditional authority as respectable and were highly concerned with the issue of who would succeed the Chief when he died (Geschiere, 1993).

As such, while traditional authorities have the potential to play a mediating role between the state and its citizens, they do not always do so in a manner that reinforces the legitimacy of the state in the Littoral region. We will explore the role of traditional authorities further below as it relates to their current role in land transfers.

3. Input Legitimacy: Competing Normative Orders & Land Negotiations in the Littoral

Another dimension of legitimacy as discussed earlier in this paper is the extent to which citizens participate in major decision-making processes. One key process in which to assess citizen participation in decisions over land is that of land transfers between private companies and village communities. As seen in the PHP example above, the insecure tenure of land by the majority leaves them vulnerable when it comes to negotiations over land. We will take a closer look at this through an analysis of this process and the role citizens play within it. In so doing, we will show how the areas of representation, accountability and transparency suffer the most when it comes to citizen's participation in the major decision-making processes surrounding land.

Representation

Since colonial times, foreign traders have negotiated with the village chief over the supply of labor and land from the community (Eyongetah, 1974). This continues to the present day. Yet, given the weak level of legitimacy that chiefs hold in the eyes of the community, input legitimacy naturally suffers when they sign deals without the consultation or participation of different population groups in the village.

First off, the unaccountable nature of village chiefs necessarily creates conflicts of interests when negotiating with private companies. Of late, some traditional authorities, especially those in the Littoral Region, curry favor with the ruling party and use this position to accumulate personal wealth and resources for themselves and sometimes those perceived as their constituencies, which may or may not be inclusive of everyone within a locale (RELUFA, 2010). As a result they may be more accountable to political parties than to the local population. Moreover, traditional authorities, along with local authorities are believed to receive personal compensation from private companies after negotiating favorable land deals (Fisiy and Goheen, 1998). Even without proof, the mere fact that such an overwhelming perception exists signals a lack of trust in chiefs to negotiate on behalf of the community's interests.

Moreover, even where village chiefs are regarded as legitimate, they may not always succeed in getting favorable deals. The amount of compensation received by PHP is often not enough to cover basic needs, including sending children to school (Local farmer, 2010).

Of late, there has been a large movement towards the inclusion of women's groups, youth, and peasants in these negotiations, in order to ensure that all parts of the community are represented and benefit from these deals. There have also been more adamant efforts to signal to companies and the state that the chief does not represent their interests. One village, for example, refused to meet with the mayor because he had met with the chief who was considered illegitimate (IPD, 2010).

Not surprisingly, the company representatives we met with felt that negotiating with the village chief was synonymous with negotiating with the village revealing the different normative orders within which communities and companies are located. Perhaps for this reason, we heard complaints regarding the rising costs of acquiring land due to these increasing demands made on them by community actors. For company representatives and an EU Representative charged with monitoring the country's banana sector, these additional costs come at a time when the banana sector in Cameroon as a whole is suffering on the international market. In recent years, it has steadily lost its edge to Latin American countries whose production costs are lower and who now no longer face tariffs in the European fruit market (Jean-Gilles, 2010).

Accountability

Downward accountability is another issue in land negotiations. Firstly, contracts between private companies and communities last for thirty years, which makes them a key source of conflict today and in the future. On the one hand, locals will hold the son or the new village chief accountable for the deal, in spite of the fact that they were not the ones to sign it. On the other hand, these deals leave little room for flexibility, thereby making it impossible to account for any changes in local conditions that could make the deal anachronistic.

Equally as important to the negotiations involved in acquiring land is how the surrounding community benefits from the private companies. Interviews on both sides of this issue give competing versions of the extent to which communities are actually benefiting from the large private companies that surround them. Most of our interviewees seem to agree that these companies are providing jobs to members of the surrounding communities. At the same time, numerous other issues were highlighted to us in interviews.

Job quality is one such case. One interviewee worked for PHP for one 12 hour day without a break and was paid 1,500 CFA (\$3) (GIC Terrespoire, 2010). Other interviewees underlined the number of social development issues that have developed as a result of the companies' work. For example, an IDP study of Njombe and PHP found that many community members suffered from ailments related to the use of pesticides on the plantations and the proximity⁴ with which they were used to community members' homes (Institute of Pan-African Development, 2010). They also found that pesticides were contaminating the local water supply, such that the number of fish had dramatically declined. Moreover, clinics had not been built in the meantime to control for this. Furthermore, public services in the form of schools, clean air and water had also not been delivered as promised. This is in spite of the creation of a school for the children of PHP employees.

What this issue attests to is the lack of accountability to citizens in land negotiations. Even if a community is successful in negotiating a favorable deal with private companies, this can mean very little if there are no monitoring and enforcement mechanisms to ensure that the terms of

⁴ In one case, PHP was found to be cultivating one meter away from a resident's home.

agreement are adhered to. Where these are not monitored, the state's legitimacy suffers. As the research team relayed to us, the community members they interviewed did not solely see themselves as victims of PHP, they saw themselves as victims of the state that did not protect them.

Transparency and Debate

The lack of disclosure over state land concessions to foreign companies is another major source of contention where land is concerned. As many of our interviewees stated, particularly academics and representatives of local associations, land concessions granted to local and foreign companies are not made in the open for the public to understand. A recent land concession for 10M HA granted to a Chinese company is a case in point. Our interviews revealed that the issue at hand has not been so much that the deal was made with a foreign company, but the fact that the larger public has not been made aware of the deal's duration, its cost, nor how it will impact the wider community (Songue, 2010). This lack of disclosure regarding state affairs may erode state legitimacy, particularly in areas where such land deals involve displacement among other impacts.

Put together, lack of representation, accountability and transparency in land processes lead to a decline in legitimacy of both local authorities, village chiefs and the state in the Littoral Region. While village chiefs and traditional authorities do not have the same level of influence here as in other regions of Cameroon for historical reasons, they suffer from declining legitimacy where they do not negotiate problematic land deals on behalf of the community at large. As argued in this section, these complex issues around land and legitimacy stem from the extent to which the competing normative orders governing land processes in Cameroon work to produce different meanings and differing levels of access and rights between citizens, elites and foreign companies in the Littoral region.

The state's recent decentralization plans were in part meant to address these issues, particularly as they relate to those of accountability and representation when it come to land and development on the local level. On the ground, however, particularly in Njombe, we found very little evidence that citizens have truly felt any changes in their lived experience. As Oyono argues

in the case of the decentralization of the forestry sector, and which can be applied here, the actual practice of decentralization by state actors has in fact revealed strong tendencies towards the 're-centralization' of state power, rather than its diffusion (Oyono, 2004). We will explore state practices and strategies as it relates to land below.

4. Output Legitimacy

As stated earlier, there are number of factors that undermine popular participation in land governance and skew input into policy decisions disproportionately in favor of central state actors. In such a case, the lack of input legitimacy might only be salvaged by output legitimacy (positive real results) achieved through excellent technocratic planning and execution. That is to say, citizens would have a reason to trust state officials despite restricted access to directly participate in governance. This section will examine in broader terms the output legitimacy of this skewed governance structure, which is most discernable in the areas of food insecurity and hunger.

For a country possessing some of the most fertile land in sub-Saharan Africa, Cameroon currently has a dismal ranking of 44th on the International Food Policy Research Institute's Global Hunger Index. Although the hunger problem has existed since the colonial era, the 2008 World Food Crisis brought the issue to a new head when international food prices steadily increased in 2007 peaking in 2008. Across the globe, low-income food-dependent countries such as Cameroon suffered dearly, many of them experiencing politically destabilizing riots.

In 1971, Cameroon was largely food independent, importing only 32,100 mt of grain. However, by 1988 imports had already increased to 350,000 mt (N'cho-Oguie & Charlier, 2009 p 185) and the problem would only get worse. Figure 1 and 2 respectively show the data on rice production and rice import dependence in Cameroon. Rice production peaked in the 80s and plateaued at a level of around 50,000 tons of rice. Meanwhile, rice imports skyrocketed in the 1990s and 2000s reaching 430,000 mt in 2006 before the price escalation leading to the 2008 crisis. In this section it will be sufficient to delineate that there is a major problem. The debate between "modernization" advocates and "food sovereignty" advocates over the reasons for this problem will be presented in the next section.

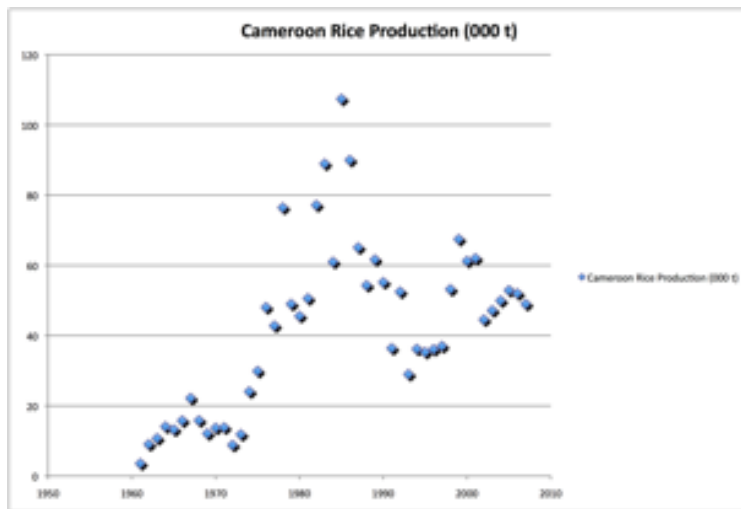


Figure 1: Cameroonian Rice Production. (IRRI, 2010)

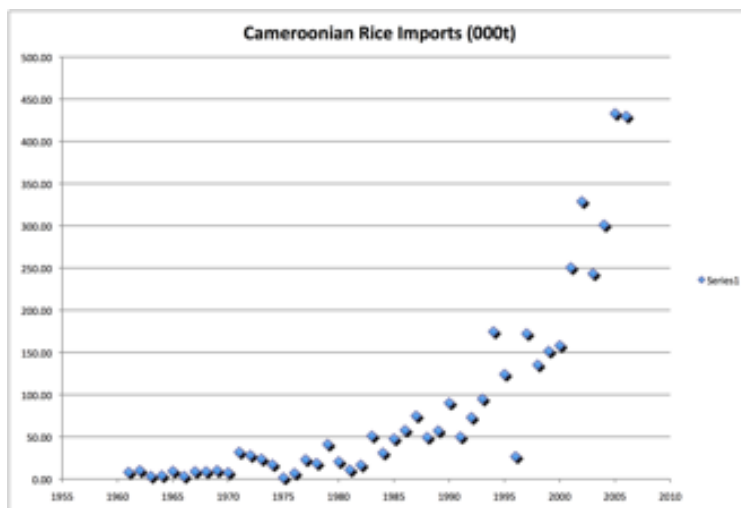


Figure 1: Cameroonian Rice Imports. (IRRI, 2010)

In February 2008, the transport workers union called a strike in Douala to protest increased fuel prices, recent political changes⁵ and the increasing cost of living from rising food prices. The well-coordinated and articulated transport strike spurred more resistance outside of the transport union that was less disciplined. Over four days there were violent riots in Douala, Yaoundé and many other locations in the western provinces. These riots appear to have been spontaneous in

⁵ President Biya had recently announced that he would change the constitution to run for office again.

nature, not overtly mobilized with clear demands by one group, and were largely constituted of unemployed youth. The riots ended in violent military repression with an official death toll of 40. (AFP, 2008)

In Njombe, rioters burned five out of twenty PHP packaging plants as well as the office of one of the plant managers (Bayiha, 2010). As in other localities, these mobs did not communicate demands or motivation except through their actions. In our interview, PHP Chargee D'études Julienne Bayiha attributed the actions taken against PHP to youth misplacing their frustrations over increasing prices on PHP. He argues their argument was, "My father doesn't make 11 million CFA [~\$26,000] a month and it's because of PHP." RELUFA's Daniel Hamaha presented a different understanding of the riots. He contends that the people were "lashing out against their working conditions", a reaction to the political and economic marginalization felt by sections of the region's population (Hamaha, 2010). Moreover, beyond the dismal labor conditions, there are other motivations for such a backlash against PHP. Local residents are aware of the amount of food grown locally and exported abroad, while wages in the country remain low and food prices increase. As such, the riot and the choice of PHP as a target suggests that community members associate PHP with their struggles and the wider marginalization they feel economically and politically, and that they are unsatisfied with their situation.

The above issue reveals the extent of the contention over the use of land in Cameroon and over the distribution of wealth that is produced on that land. This lack of output legitimacy can severely undermine the legitimacy and stability of the state and must be addressed. The next section presents diverging interpretations of events such as these that attempt to extract lessons learned and move Cameroon forward.

5. International Legitimacy

In our interactions with Cameroonian governmental institutions as well as local peasant organizations such as ACDIC, CNOP-CAM, CORDAP and COSADER, we observed that there are two distinguishable ideologies that directly compete for influence in issues of land governance: "modernization" and "food sovereignty". Both of these perspectives must be

understood in a globalized context. Local advocates of the modernization and the food sovereignty ideologies are subject to the influence, support and legitimacy of outside actors.⁶ For this reason, international legitimacy in Cameroon should be understood as a complex dynamic in which global forces support the legitimacy of local forces that are often in opposition to each other.

For practical purposes we will distinguish between only two perspectives although we recognize that the dividing line is often blurred and neither side is homogeneous. On one side lies the “modernization” view of the elite private sector and technocratic institutions. Modernization norms currently hold sway in Cameroonian state institutions. Internationally, these views are supported by powerful multilateral development institutions such as the World Bank, Multinational Agribusiness Corporations such as PHP and even state governments such as France and more recently India and China. Following the skyrocketing food prices that were seen in 2008, there has been a trend of large scale agricultural land acquisitions in low-income countries by foreign nations as well as agribusiness corporations (Kugelman, 2010). Given the increased involvement of these powerful international actors in countries such as Cameroon, the international legitimacy aspect of the analysis is critically important.

On the other side lies the “food sovereignty” view held by Cameroonian peasant organizations such as the ones mentioned above. Food sovereignty ideology is supported by the international peasant movement, most notably embodied in the international peasant umbrella organization La Via Campesina. This movement was a reaction to the neoliberal reforms that began in the 80s, particularly the World Bank and IMF's Structural Adjustment Program (SAP). Rural communities across the Global South saw severe marginalization and dispossession due to these policies. In 1993, peasant groups from around the world came together to create the biggest umbrella organization of the movement, La Via Campesina. Democratic organizations such as La Via Campesina facilitate the space and agency for peasants to come together to independently analyze their situation and find alternative strategies.

Both the modernization and food sovereignty perspectives constitute more than simple discourses or approaches. They are sophisticated, comprehensive and mutually exclusive

⁶This is not to be taken deterministically. It should also be understood that the local influences the global as well.

ideologies. They help individuals (whether farmer, politician or technocratic elite) to decipher meaning from events and create an understanding of the Self in relation to the Other and the land. These comprehensive modes of interpreting the world inherently influence the actions that society will collectively take.

The following discussion will compare the fundamental points of divergence between the two ideologies. If the long-term legitimacy of the state is not to be undermined, Cameroonian land governance institutions must reconcile the claims of both sides and arrive at a regime that effectively cares for the interests of the people of Cameroon. This reconciliation process is necessarily complex in such a globalized context.

A Tempered Modernization Ideology

Modernization norms must be understood in their continuity with development ideology of the past eras while recognizing the nature and extent of their shifts and changes in recent times. Government and Bank discourse revolves around the familiar concepts of growth, production and competitiveness, which have been at the center of development ideology since SAP. However, there is a novel recognition of the need to address the food security issue as well as inequality. “The DSCE [Cameroonian growth strategy] has developed in an environment characterized by the rising cost of living. This situation led to riots that rocked the country in February 2008.” (DSCE, 2009, p. 8) The government recognizes the trauma of the World Food Crisis and the need to address it. There has also been some recognition of the failures of SAP and the supposed “trickle down” mechanism.⁷ These events have tempered World Bank market fundamentalist rhetoric of the past and influenced Cameroonian government growth strategy. The Bank now uses the term “inclusive growth”. Instead of an exclusive focus on growth, the Cameroonian Growth Strategy (DSCE) “places the strong challenge of growth and employment creation in the center of its strategy for reducing poverty.” (DSCE, 2009 preface) While “authorities are convinced that the creation of wealth” is “essential to reducing poverty, it must be accompanied by a strong link to redistribution, which is that of employment.” (DSCE, 2.3.133)

⁷ This was to allow the poor to benefit from economic growth but never significantly materialized.

However, the current modernization discourse, while somewhat moderated, does not bridge the gap between the modernization and food sovereignty ideologies. To understand this difference we will look at three basic aspects of these views: the interpretation of Cameroonian history, the understanding of the agency of the peasant and the relations of production, power and distribution. Where appropriate, we will also provide scholarly support to the peasant view. This is not to subjugate peasant knowledge but rather to show that it corroborates with arguments put forward by academics as well and is not (nor has it ever been) to be taken glibly.

Interpreting History

The core of the government's agricultural strategy is the modernization of low productivity farms and organization of scattered stakeholders (DSDR, 2005, 3.1; DSCE, 2009, 6.1.2.1.378)⁸ From this perspective, the problem is that peasants are poor and without the technology that could lead to greater productivity. By starting the story with a snapshot of a technology-deficient present, the government avoids an investigation into the historical context of the situation. The Bank and the Cameroonian government make no causal connection between the peasants' situation and colonialism or SAP. The best that the modernization advocates do to place the current situation in a historical context is when the Bank relates some of the current agricultural struggles to the 8 years of economic contraction between 1986 and 1994 (World Bank, 2009, p. 16). However, by focusing blame on Cameroonian policymakers for allowing the crisis to begin they avoid the context of SAP contributing to the severity and duration of the crisis. There is nowhere that modernization advocates directly address the structural changes that have happened to smallholder agriculture in the last three decades.

Food sovereignty advocates, on the other hand, have emphasized the historical context of the current situation. Low smallholder productivity and peasant poverty are not an issue of pre-modernity but rather modern circumstances. In 1999, Cameroonian peasant NGO COSADER along with FIAN International reported to ECOSOC that "in order to accommodate the economy's structural adjustment", the State has "withdrawn from agricultural production and

⁸ The two documents that will be cited the most to illustrate the Government of Cameroon's modernization ideology are the Strategy Document for Growth and Employment (DSCE) and the Strategy Document for Rural Development (DSDR).

stopped all subsidies for this sector, thus endangering food production [and the human right to adequate food].” (FIAN, 1999, p 16) This critique was echoed in our various interviews with Cameroonian peasant organizations (Djonga, 2009; Andela, 2010; Atangana, 2010). This view is also corroborated by Bello’s (2009) study of the relationship between structural adjustment and growing food dependency in poor countries. Africa as a whole went from exporting small quantities of food to importing 25% of its food needs (Bello, 2009). In fact, the Bank’s 2008 World Development Report even stated that SAP, which “dismantled the system of public agencies that provided farmers with access to land, credit, insurance inputs, and cooperative organization”, did not bring the beneficial market-based results that they expected. They lamented that in the wake of these reforms, “incomplete markets and institutional gaps impose[d] huge costs in forgone growth and welfare losses for smallholders, threatening their competitiveness and, in many cases, their survival”. Ironically, despite this recognition, government strategy and the Bank’s analysis make no connection between low peasant productivity and SAP.

Pre-modern vs. Dignified and Capable

Moreover, throughout the government and Bank discourse, there is an underlying assumption that the poor peasant that must be modernized is pre-modern, i.e., lacking in technology. This ideology socially constructs the peasant Other as a point of intervention—a site where the benevolence of the modernizer Self can be realized. Ways of achieving modernization are through agro-industries, which entail a “powerful intensification of activities and rural transformation,” (DSCE, 2009, p. 209) or contract farming to corporations, which brings “foreign investment and technology infusion in agriculture.” (N’cho Oguie & Charlier, 2009, p 192) In his description of development discourse, Escobar stated “Technology was seen as neutral and inevitably beneficial, not as an instrument for the creation of cultural and social orders.” “The West possesses the expertise, technology and management skills that the non-West is lacking.” (Pigg as quoted in Escobar, 2009, p. 47) In the government and Bank discourse, the West and modernity is embodied in technology. Peasants are thus placed in relation to their lack of technology—their lack of the modernity. As a site for the help of modernizers who can bring technology, they lack their own agency.

The local FCFA (Cameroonian) banknotes are another example of how government institutions have illustrated the peasant as lacking in modernity. Moreover, they represent a view that sees

the land as an exploitable resource to achieve modernity. This idea of the land contrasts greatly with alternative views such as the one presented in a previous section that the land may be most important as the place where ancestors rest. The banknotes offer a visual progression from an African community exiting out of its pre-modern state in the lowest note to the Western conception of modernity in the highest. On one side of the lowest note there are African children learning math on a blackboard. The other side contains an image of farmland with a tractor on it (modernized agriculture). As the notes progress higher, there are images of large landmovers, a tractor hauling a massive log from the Congo Basin rain forest and a massive dam. In the 10,000 FCFA note, the exploitation of the lower notes has achieved technology is in its fullest. A satellite dish is presented alongside a bullet train and an airplane bursting forth from the note. While the bills represent a step-by-step modernization guide, they are devoid of alternative ideals that might emphasize equality, kinship, well-being (as opposed to wealth) and an understanding of the land that goes beyond its market value as a natural resource. Moreover, they visually corroborate the discourse in government growth strategy that defines peasants in their lack of modernity.

In defiance of this degrading image, peasant movements advocating food sovereignty have asserted their own vision: “We represent almost half of the world population and are capable of producing food for our families and all people living on this planet! We are organized in vibrant communities that have long-standing traditions in managing our natural resources and producing food, food that is healthy, nutritious, culturally appropriate and produced in a sustainable way based on local resources.” (La Via Campesina, 2008, p. 57) The pre-modern, deficient peasant of the modernization discourse is replaced with a culturally rich being with capabilities that the West lacks; namely, the ability to appropriately care for the land and the people.

Production, Distribution and Power

The next fundamental difference in the competing norms is the government’s parochial aspiration for production as compared to a food sovereignty view that integrates an understanding that quantity produced is not a sufficient purview for making policy. The relation between the peasant and the land is critically important to understand because it decides how the fruits of the land and labor are distributed. Foreign investment is more than simply “an infusion of technology”, connoting redemption, salvation, etc., there are major problems that accompany the infusion. Peasant organizations have made the stand that Transnational Corporations

(TNCs) “deliberately seek the complete vertical integration and full domination and control over food and agriculture from the seed to the plate in order to take in huge profits. This exploits workers, concentrates economic and political power, and destroys rural communities.” (La Via Campesina, 2008, p 58) Instead of being an unmitigated good, investment is understood within a context of contractual relations. These relations influence the distribution of wealth that is produced on the land through the peasant’s labor. The peasants are in a far different bargaining position when they own the land and the means of distribution versus a situation in which they are workers on someone else’s land and producing food distributed through a distribution system that passes through massive international supermarket conglomerates before reaching consumers.

These considerations are absent in the government’s ambitious plan to “bring the annual rate of expansion of economic activity from 3.3% to 8% over the period 2010-2019.” (DSCE, 2010, 2.3.132) To achieve this in the agriculture sector, “the strategy is to increase yields and land farmed, develop networks that carry a high potential for productivity and competitiveness as well as strengthen use of inputs (fertilizers, seeds, etc.).” (DSCE, 2010, 6.1.2.1.378) Simply put, the government plans to increase total yields by modernizing farm technology and increasing land area cultivated. As part of this expansion, “In 2009 the government signed a funding agreement over 20 years with Indian partners to create 5,000 hectares of rice and 5,000 ha of corn.” (DSCE, 2010, 6.1.2.1.380) Moreover, “[with] the signing of the interim Partnership Agreement with the European Union, the production Banana exports are projected to increase due to progressive increases in plantation area.” (DSCE, 2010, 6.1.2.1.384) According to the government and Bank, this is an unproblematic strategy because “there is no shortage of land, with significant stretches of arable land remaining to be cultivated.” (N’cho-Oguie & Charlier, 2009, p. 185) Hence the 2005 rural development strategy ideally plans to expand by almost 500,000 ha to meet its goal.

In the documents what we studied, neither the government nor the bank specified what they consider empty land. As explicated earlier, most peasants do not hold a land title. From a modernization perspective, this is irrelevant. However, from a food sovereignty perspective, the government strategy may be very problematic if the land that is referred is not empty but used for food agriculture by peasants without titles. In this case, modernizing the land can mean radical changes for its inhabitants and those that depend on the food that is grown there.

In contrast to modernization ideology that narrowly advocates more production (as found in plantations or contract farming to corporate agribusiness), Cameroonian peasant organizations advocate for food production at the smallholder level for local and regional consumption. There are a number of reasons why they argue that this is the most fitting approach for Cameroon. According to ACDIC regional director Simon Bing, intuitively, “it doesn't make sense to be buying what we can produce ourselves.” (2010) Moreover, smallholder production can be very efficient if the state provides for economies of scale. Just as importantly, fairness can be achieved in ways that are not possible when large companies monopolize market power in production and/or distribution.

For this reason, peasant organizations advocate the democratization of land ownership and systems of food distribution to markets. Food sovereignty advocates oppose the concentration of land ownership and make efforts to remove corporate agribusiness from the picture. As a powerful alien entity in the community where the food is produced and where it is consumed, agribusiness tends to harm both producers and consumers. It is important to note that many scholars corroborate these critiques of modernization ideology.

In his study of the Cameroon Development Corporation, Konings lays out the academic debates about plantation economies. Modernization theories argued that “plantations were economically efficient units of production, benefiting from considerable economies of scale and technical progress, and should be looked upon as significant agents of development and capital accumulation.” (1993, p. 2) These views were critiqued by dependency theorists who placed an understanding of plantation production “in a historical and international context: its introduction during the colonial period as an important locus of metropolitan capital accumulation, its domination by foreign capital and management, and its vulnerable dependence on the world market commodity prices.” (Konings, 1993, p. 4) Dependency theory has been criticized for contentions, such as the degree to which plantation economies are enclaves, the subjugation of the role of local resistance by overemphasizing the role of external forces and the lack of adequately theorizing the interventionist role of the post-colonial “dirigiste” state (Konings, 1993). However, while these critiques problematize a narrow dependency theory understanding of plantation economies, they do not undermine the general critiques leveled against modernization theories of plantations.

The effects of export-led plantation economies on food security are also supported by academics. Utsa Patnaik (1996; 2005) and Prabhat Patnaik (2008) argue that undernutrition has grown in the past three decades for a number of reasons. Trade liberalization and SAP austerity measures created mass unemployment and depressed wages. These factors undermine effective demand for food grains and push agriculture towards greater export crops and expropriation of peasant land. Debt dependency, structural adjustment and modernization ideology pushed expansion of export crop production at the expense of peasant food crop production.

When peasant farmers must become wage-laborers their consumption is no longer connected with what they produce but rather with what they negotiate with the owner of the land. In a country such as Cameroon with a large labor surplus, this further contributes to hunger. Massive impersonal farms, centralized ownership and mass amounts of labor create ideal circumstances for severe exploitation. Even the World Bank has realized the problems with plantation production and has begun to emphasize integrating smallholder farmers into the agribusiness model, which more often than not implies export crops. Effectively, this represents an effort to go back to the “banana boom” decade of pre-independence Cameroon where smallholders sold bananas to distributors in the international trade. However, this situation may not be possible or desirable. Amanor (2009) presents a well documented criticism that shows that the Bank's proposal (1) ignores recent trends of consolidation in international supermarket chains that have transferred risk down the food chain through quality standards and profit upward through unfair negotiation; and (2) ignores the fact that international prices are too unstable to depend on.

While the modernization discourse of the government and the Bank may have been moderated by the failure of structural adjustment and the 2008 food riots, it represents a radically different ideology from that of food sovereignty advocates. The two ideologies are pushing from different sides of society: modernization ideology working from the top down through state institutions; food sovereignty ideology working from the bottom up through community organizing and peasant mobilization. The dynamics of international legitimacy must be taken into account in order to understand the full complexity of land governance in Cameroon. In the interest of long-term state legitimacy, government institutions must somehow reconcile these views. In the next section we will draw conclusions from this situation.

V. CONCLUSION AND RECOMMENDATIONS

In short, land governance in Cameroon is a complex system characterized by tensions between various competing normative orders. Use of the competing legal regimes governing land tend to interact with socioeconomic and ethnic divisions, inevitably leading to the marginalization of the majority from a major resource. Moreover, as we have argued throughout this paper, these competing legal regimes serve to undermine the legitimacy of the state in the eyes of its citizens due to the lack of citizen participation in land processes and to competing meanings and uses surrounding land between and within the local, national and international levels. In the Littoral region specifically, poor land governance is reflected in:

- The lack of community representation and accountability in land negotiations;
- The lack of disclosure surrounding land deals;
- Diverging ideologies of land use in production and development;
- A disconnect between local and state uses and meanings surrounding land.

For this reason, we recommend that the land governance system in Cameroon be reformed with particular attention paid to the democratization of the process of land acquisition as it relates to transfers of land between private companies and village community lands. In reference to the Littoral region, this would require greater monitoring of foreign companies to ensure compliance with development plans, particularly those agreed upon during negotiations. It would also require a diversification of the actors representing community needs during these negotiations. Greater financial autonomy for local level councils would also give them greater capacity to monitor these developments. Furthermore, more attempts should be made to understand and incorporate local farming practices that are at odds with state law into regulatory processes. In so doing, the legitimacy of the state in the eyes of the region's citizens will also be strengthened.

On a national level, we recommend that vehicles for public debate and discussion over land deals be strengthened and promoted. This could be a potentially valuable issue around which civil society organizations with similar aims can coalesce and work towards a common agenda. Moreover, we further believe that stricter enforcement of labor rights and a reduction in the amount of resources needed to acquire land in Cameroon will not only help improve land

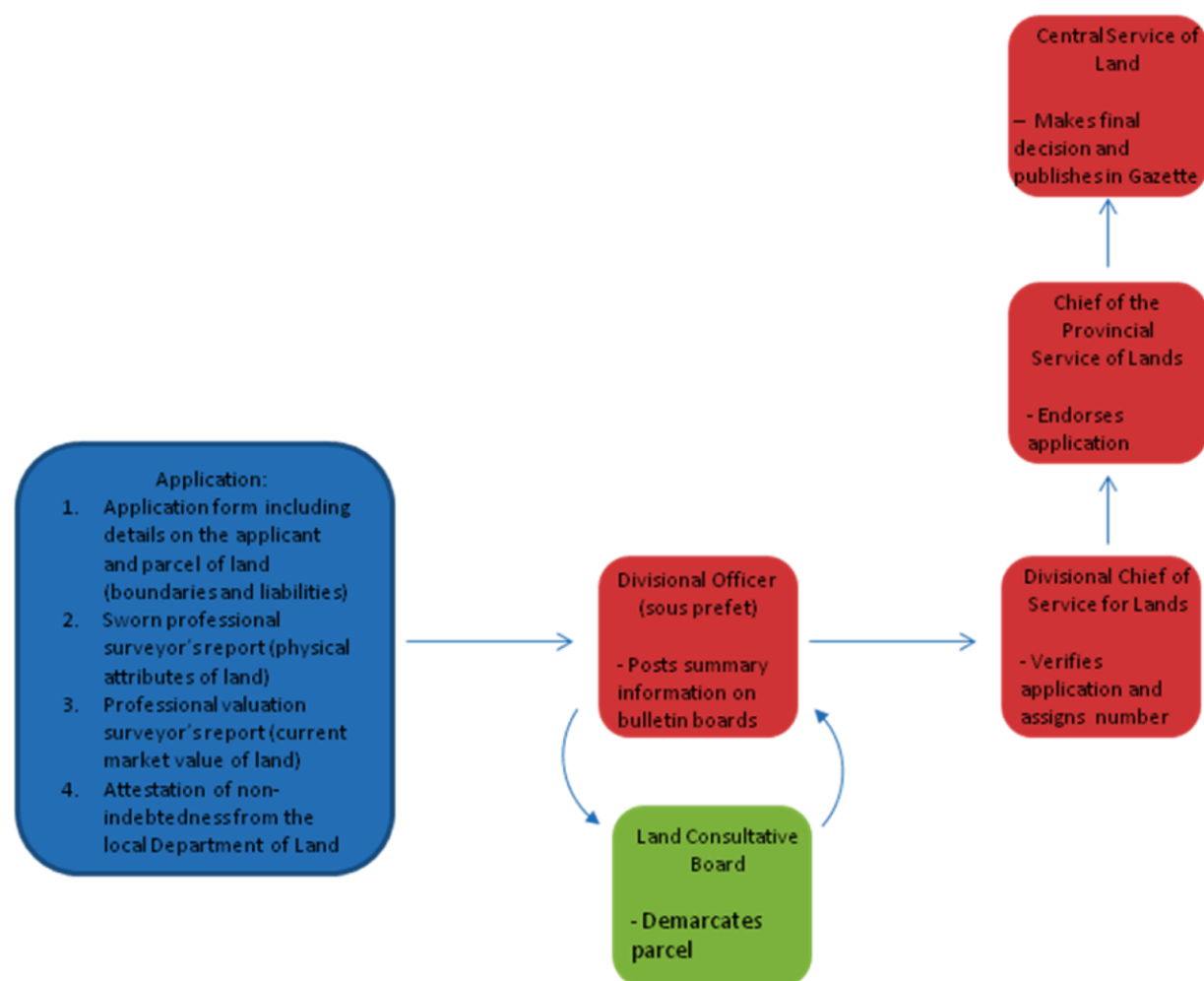
governance, but will also raise overall levels of livelihood and improve community, company and state relations.

As for the limitations of our study, we note that interviews with a greater number of stakeholders would have helped substantiate our findings even further. It would also have helped us attain a wider view of the nature of conflicts over land. The latter are a major window into the tensions between customary and statutory law, individual versus communal uses of land and international versus national norms regarding land use, access and ownership as experienced on a daily basis. We suggest that more research be done on the experience of local farmers in the Littoral region as we are aware that they are not a uniform group.

We also suggest that further research be conducted on the role of ethnicity, land ownership and private companies. We are aware that the indigene-settler divide is a major contributing factor in deciding one's ease of access to land, and believe substantial research is lacking in assessing how this divide plays out in rural contexts in which private companies are a major landowner. Lastly, we realize that our study of traditional authorities is not representative of their level of legitimacy throughout Cameroon. As such, additional research should be conducted in similar industrial centers around the country in terms of land negotiations and the potential role of traditional authorities as legitimate mediators between the state and citizens.

Appendices

Appendix 1: Procedural diagram for land certificate application



Appendix 2: Timeline of Historical and Legal Developments pertaining to land law

1884	Germano-Douala Treaties – two treaties signed with the chiefs in the Wouri estuary (the ‘Cameroon River’). The first, of July 12, 1884, marks the international birth of the modern Cameroon. Technically, the first written legal texts making specific reference to land tenure in Cameroon. However, they do no more than reaffirm the role of customary law within the national land structure
1885	Berlin Treaty – gives the colonial powers occupying the coast the ‘right’ to annex the hinterland as far as the border with another colonial power. The Treaty marks the beginning of intensified colonial conquest
1896	Imperial Decree (Crown Lands Act) establishes the land ownership rights of the colonial state. Although all ‘unoccupied’ lands become the possession of the German Crown, customary ownership is also recognized (though only under very strict conditions). Germans could choose how to reallocate their plantation agriculture which resulted in several indigenous farmers becoming wage laborers
1916	The Germans are defeated and the Franco-British trusteeship over Cameroon, administered on behalf of and under the control of the league of Nations, begins; broadly speaking, the colonial land tenure system remains in place
1922	Decree extends French Civil Code to Cameroon creating parallel systems of justice where native laws and customs (justice indigene) are applicable to ‘natives’ while French metropolitan legislation is applicable to ‘assimilés’ (local elite)
1927	Land and Native Right Ordinance of Northern Nigeria rendered applicable to British Cameroons vesting right of control and administration with the Governor. Indigenous landlords were divested of their ownership rights and were instead granted a ‘certificate of occupancy’ representing a 99 year lease of the land with rent paid to the government
1932	Decree of July 12, 1932 provides for the registration of individual interests in land in Francophone Cameroon
1938	Decree of January 12, 1938 stipulates that the State could control and administer any vacant land without owner ‘for and on behalf of the people’
1959	Law of June 17, 1959 on the organization of state property and land ownership

	reinforces the rights of local and indigenous populations over their lands by replacing the notion of ‘terres vacantes et sans maitre’ with that of customary land ownership
1960	Independence of the Republic of Cameroon
1963	Decret-Loi refuses the term ‘ownership’ when describing customary rights over land instead using ‘holders’, ‘in possession’, or ‘in occupation’ of their ancestral land. This effectively re-invented the concept of ‘vacant land without owner’ from 1938 but conferred administration of this land to the newly independent Cameroonian state
1972	Reunification of Cameroon
1974	<p>Several ordinances set in place a single system of land tenure and state-owned land for the whole country</p> <ul style="list-style-type: none"> · Ordinance No 74/1 of July 6, 1974 to establish rules governing land tenure – registration becomes the sole means of accessing land ownership and all unregistered land comes under state control · Ordinance No 74/2 of July 6, 1974 to establish rules governing state land · Ordinance No 74/3 of July 6, 1974 concerning expropriation for a public purpose
1976	Decree No 76/165 of April 27, 1976 to establish the conditions for obtaining land certificates, and determining the procedure for registering land
1977	Decree No 77/249 of July 15, 1977 ascribing a structure to traditional chiefdoms
1985	Law No 85/09 of July 4, 1985 concerning expropriation for a public purpose, determines that this can only be applied in the case of registered land
1996	Constitution of January 18, 1996 – expropriation for a public purpose is subject to the payment of compensation, under legally stipulated terms
2003	Decree 2003/418/PM of February 25, 2003 fixes the crops compensation tariffs according to the following categories: annual crops, fruits, roots, market gardening

	produce, industrial crops, permanent crops and medicinal plants
2005	Decree No 2005/481 of December 16, 2005 amends the regulations for obtaining land certificates and the procedure for registering land

Appendix 3: Contact List

Land, Legitimacy and Governance in Cameroon

Contact List

Public Sector

Dr. Simon Zok (Directeur General)

Organization: IRAD (Institut de Recherche Agronomique pour le Développement)
City: Yaoundé
Phone: Tél. : (237) 22 22 33 62 / 22 23 35 38, Fax : (237) 22 22 33 62
Email: zoksimon@yahoo.com

Sama Bernard Nwana (Secrétaire General)

Organization: Chamber of Agriculture, Fisheries, Livestock and Forests of Cameroon
City: Yaoundé
Phone: (+237) 2223 2577, (+237) 3305 6973 (+237) 9969 9289
Email: bsamanwana@yahoo.com

Jean Avit Kongape

Organization: Ministère Des Forêts Et De La Faune
City: Yaoundé
Phone: (+237) 2231 4209; (+237) 2200 7449
Email: kojay@yahoo.fr

Alain Boko'o Abondo

Organization: Chamber of Agriculture, Fisheries, Livestock and Forests of Cameroon
City: Yaoundé
Phone: (+237) 9990 3712; (+237) 7773 6148
Email: alain.abondo@yahoo.com

Prudence Galega (Magistrate)

Organization: MINADER
City: Yaoundé
Phone: (+237) 7797 6367; (+237) 2222 9480
Email: galegapru@yahoo.com

Jean-Marie Otele A.

Organization: Foreign Relations Ministry
City: Yaoundé
Email: j_otele@yahoo.fr

Alphonse Marfor Tangala

Organization: MINFOF
City: Yaoundé
Phone: (+237) 7762 5228
Email: marfor_ta@yahoo.fr

Belibi Roger Raoul

Organization: MINDAF-Land Tenure Ministry
Position: Chef de la Cellule des Etudes et de la Reglementation Division des Affaires Juridique
City: Yaoundé
Phone: (+237) 7736 5628; (237) 2223 1910

Dr. Gilbert Baluba

Organization: Département Habitant Foncier et Plannification Urbaine, Commune de Douala
Position: Chief of Planning
City: Douala

International**Antoine Justin Eyebe (Focal Point Manager)**

Organization: USAID. Central Africa Regional Program for the Environment; IUCN-The World Conservation Union
City: Yaoundé
Phone: (+237) 7750 0046; (+237) 2221 9712
Email: antoine.eyebe@iucn.org, aeyebe2004@yahoo.fr

**Edith Christiane
Souop**

Organization: Human Resources and Administrative Officer-World Agroforestry Centre
City: Yaoundé
Phone: (+237) 9983 0489; (+237) 2221 5084
Email: e.souop@cgiar.org

**Dr. Zac
Tchoundjeu**

Organization: Human Resources and Administrative Officer-World Agroforestry Centre
City: Yaoundé
Phone: (+237) 2221 5084
Email: z.tchoundjeu@cgiar.org

Alice Nandua

Organization: Action Aid
Position: Adm. Assistant
City: Yaoundé
Phone: (+237) 7771 8410
Email: nanandoa@yahoo.com

**Yacoubou
Aboubakar**

Organization: IITA-Cameroon (Institut International d'Agriculture Tropical; partner of CGIAR)
City: Yaoundé
Phone: Tel. (+237) 342 9156, Fax. (+237) 342 9156
Email: y.aboubakar@cgiar.org, b.metoh(at)creolink.net

Paul Jeangille

Organization: Filière Bananière d'Exportation du Cameroun
Position: Assistant Technique
City: Douala
Phone: (+237) 7659 1185/86
Email: At_banane.cameroun@yahoo.fr

Civil Society**Jacques Bakolon**

Organization: Institut Panafricain Pour Le Développement
Position: Director
City: Douala
Phone: (+237) 3340 3770
Email: ipdac_ong@yahoo.fr, info@ipd-ac.org

**Anne-Marie
Bakyono**

Organization: Centre de Développement Sous-Régional pour l'Afrique
City: Yaoundé
Phone: Tél : (+237) 221 2474, Fax : (+237) 221 2475

Bernard Njonga

Organization: National President- ACDIC
City: Yaoundé
Phone: (+237) 7770 7702; (+237) 2220 7337
Email: bernard.njonga@globenet.org

Yvonne Takang

Organization: National President- ACDIC
City: Yaoundé
Phone: (+237) 7770 7702; (+237) 2220 7337
Email: yvonnetakang@consultant.com

**Andre Marie
Afouba**

Organization: Support Center for New Local Development Alternatives (CANADEL)
City: Yaoundé
Phone: (+237) 2221 3140; (+237) 7937 1934; (+237) 9999 2453
Email: andremarie.afouba@canadel.org

Christine Andela

Organization: COSADER (Coalition for food security and rural development)
Position: Executive President
City: Yaoundé
Phone: (+237) 2222 7694
Email: andelac@yahoo.com

Elisabeth Atangana

Organization: CNOP-CAM
Position: President
City: Yaoundé
Email: cnopcameroun@yahoo.fr, propac_cm@yahoo.fr

**Alangh Romanos
Che**

Organization: CNOP-CAM
Position: Vice-President
City: Yaoundé
Email: cnopcameroun@yahoo.fr, propac_cm@yahoo.fr

Daniel Hamaha

Organization: RELUFA
City: Douala - Njombé
Email: Dany_ham@yahoo.fr

Jean Pierre Imele

Organization: Réseau des Opérateurs de Filières Horticoles du Cameroun (RHORTICAM)
Position: 1er Vice-President
City: Douala
Phone: 237 77 08 60 18
Email: imeleanywhere@yahoo.com/rhorticam@hotmail.com

Simon Bing

Organization: Citizens Association for the Defense of Collective Interests
Position: Regional President
City: Douala

Academics

-

Cosmas Cheka

University: Yaoundé University
City: Yaoundé
Email: ccosmas4@yahoo.fr, comas4@dschanghuss.net

Anschaire Aveved (PhD Student)

University: Columbia University
City: New York
Email: aa2634@columbia.edu

Guy Songue

University: University of Douala – Département de Communication
City: Douala
Phone: (+237) 7733 4726
Email: guyparfais@yahoo.fr

Ambe Njoh

University: University of South Florida
City: St. Petersburg, FL, USA
Phone: (+1) 727 974-7459
Email: njoh@cas.usf.edu

Private Sector

Mathias Fouda

Organization: Association Dynamique Jeunes
Position: President
City: Yaoundé
Phone: (237) 9910 1360
Email: dynamique.jeunes@gmail.com

Caroline Ngo Basso

Organization: SPM
Position: Charge d'Etudes Principales
City: Douala
Phone: (+237) 3343 4078
Email: Caroline_spm@yahoo.fr/ngobasso@yahoo.com

Bibliography

Amanor, Kojo Sebastian. «Global Food Chains, African Smallholders and World Bank Governance.» *Journal of Agrarian Change* (Blackwell Publishing) 9, № 2 (April 2009): 247-262.

Asiedu-Akrofi, D. (1989). Judicial Recognition and Adoption of Customary Law in Nigeria. *The American Journal of Comparative Law*, 37 (3), 571-593.

Associated Free Press (AFP). *Cameroon government raises violence death toll to 40*. 8 March 2008 r. <http://afp.google.com/article/ALeqM5jJqZqCOMhiBm7XKvnTzefuzqyNMQ> (downloaded: 15 April 2010 r.).

Austen, Ralph A. 1983. *The Metamorphoses of Middlemen: The Duala, Europeans, and the Cameroon Hinterland, ca. 1800 - ca. 1960*. The International Journal of African Historical Studies, Vol. 16, No. 1 (1983), pp. 1-24 Published by: Boston University African Studies Center

Arnett, E. J. *The French Mandate in Cameroons*, Journal of the Royal African Society, Vol. 37, No. 147 (Apr., 1938), pp. 191-198, Published by: Oxford University Press on behalf of The Royal African Society

Bellina S., Darbon D., Eriksen S. S., Sending O. J., 2009, 'The Legitimacy of the State in Fragile Situations', Norwegian Agency for Development Cooperation (NORAD), Oslo

Bayart, Jean-François "Africa in the world: a history of extraversion", *African Affairs*, 99 (395), April 2000, pp. 217-267

Bellina, Séverine, *La gouvernance démocratique Un nouveau paradigme pour le développement* (mars 2008)

Bello, Walden. *The Food Wars*. Brooklyn: Verso, 2009.

Benedict, Anderson, *Imagined Communities*. Ithaca: Cornell University Press, 1983.

Bing, Simon. *Regional Director-Citizens Association for the Defence of Collective Interests* (March 2010 r.).

Boyle, E. H. (2000). Is Law the Rule? Using Political Frames to Explain Cross-National Variation in Legal Activity. *Social Forces*, 79 (2), 385-418.

Cameroon Ministry of Planning, Programming and Land Management. "Strategy Document for Rural Development" 2005.

Charlier, Florence and Charles N'Cho-Oguie Sustaining Reforms for Inclusive Growth in Cameroon. International Bank for Reconstruction and Development The World Bank, 2009.

Cheka, Cosmas. "Traditional Authority at the Crossroads of Governance in Republican Cameroon." *Africa Development*. Vol XXXIII, No. 2, 2008, pp. 67-89.

Cheka, Cosmas. "The State of the Process of Decentralization." *Africa Development*. Vol XXXII, No. 2, 2007. pp 181-196.

Cheka, Cosmas. Commonwealth Local Government Forum. "The Local Government System in Cameroon." <http://www.clfj.org.uk>.

de Sousa Santos, B. (2006, Mar). The Heterogeneous State and Legal Pluralism in Mozambique. *Law & Society Review* , Vol. 40 (No. 1), pp. 39-75.

de Sousa Santos, B. (1977). The Law of the Oppressed: The Construction and Reproduction of Legality in Pasargada. *Law & Society Review* , 12 (1), 5-126.

Di Robilant, A. (2006, Summer). Genealogies of Soft Law. *The American Journal of Comparative Law* , Vol. 54 (No. 3), pp. 499-554.

Eckert, Andreas. 1999. *African Rural Entrepreneurs and Labor in the Cameroon Littoral*. The Journal of African History, Vol. 40, No. 1 (1999), pp. 109-126 Published by: Cambridge University Press

Escobar, Arturo. *Encountering Development: the making and unmaking of the third world*. Princeton: Princeton University Press, 1995.

Egbe Orock, Rogers Tabe. 2005. *The Indigene-Settler Divide, Modernization and the Land Question: Indications for Social (Dis)order in Cameroon*. Nordic Journal of African Studies 14 (1): 68-78. Published by: University of Buea, Cameroon.

Eyongetah Mbuagbaw, Tambi. (1974). *A History of the Cameroon*. Longman: London.

Falk Moore, Sally (1986) *Social Facts and Fabrications: "Customary" Law on Kilimanjaro, 1880-1980* (Lewis Henry Morgan Lectures). Cambridge University Press.

FIAN International. *The Right to Adequate Food in Cameroon*. Submitted at the occasion of the 21rd session of the Committee on Economic, Social and Cultural Rights (Spring by FIAN International, an NGO in consultative status with ECOSOC working for the right to feed oneself, in cooperation with the NGO – Coalition of African Organizations for FOOD Security and Sustainable Development (COASADER).

Fisiy, Cyprian F. Power and Privilege in the Administration of Law: Land Law Reforms and Social Differentiation in Cameroon. African Studies Centre, Leiden, the Netherlands, 1992.

Fisiy, Cyprian F. "Chieftaincy in the Modern State: An institution at the crossroads of democratic change" *Paideuma* 41. p 49-62.

Fisiy, Cyprian and Mitzi Goheen. 1998. *Power and the Quest for Recognition: Neo-Traditional Titles among the New Elite in Nso', Cameroon*. Africa: Journal of the International African Institute, Vol. 68, No. 3, The Politics of Primary Patriotism (1998), pp. 383-402. Published by: Edinburgh University Press

Fitzpatrick, P. (1984). Traditionalism and Traditional Law. *Journal of African Law*, 28 (1/2), 20-27.

Fknas Fwas, O.-O. (2006, November). Formalizing “Informal” Property Systems: The Problem of Land Rights in Africa. Nairobi, Nairobi, Kenya. Retrieved from University of Nairobi.

Fuda, Mathius. Interview. January 5, 2010.

Geschiere, Peter. 1993. *Chiefs and Colonial Rule in Cameroon: Inventing Chieftaincy, French and British Style*. Africa: Journal of the International African Institute, Vol. 63, No. 2 (1993), pp. 151- 175. Published by: Edinburgh University Press

Goheen, Mitzi. 1992. *Chiefs, Sub-Chiefs and Local Control: Negotiations over Land, Struggles over Meaning*. Africa: Journal of the International African Institute, Vol. 62, No. 3, Rights over Land: Categories and Controversies (1992), pp. 389-412. Published by: Edinburgh University Press

Government of Cameroon. 2010. «Strategy Document for Growth and Employment (DSCE).»

Hansen, Ketil Fred. "The Politics of Personal Relations: Beyond Neopatrimonial Practices in Northern Cameroon" Africa: Journal of the International African Institute Vol 73, No 2 (2003).

Heinzen, Barbara J. 1983. *The United Fruit Company in the 1950s: Trusteeships of the Cameroons*. African Economic History, No. 12, Business Empires in Equatorial Africa (1983), pp. 141-156 Published by: African Studies Program at the University of Wisconsin--Madison

Hibou, B., 2004 [orig. published 1999]:*Privatizing the State*, Hurst & Company, p. 4 London in association with the Centre d'Etudes et de Recherches Internationales, Paris.

IRRI (International Rice Research Institution). Data compilation of Food and Agriculture Organization statistics. <http://beta.irri.org/index.php/Social-Sciences-Division/SSD-Database/> Downloaded: 3/10/10.

Kamga, Thomas Dakayi "Cadre institutionnel et processus de formulation de la politique commerciale au Cameroun Imperatifs africains dans le nouvel ordre du commerce mondial: case du cameroun. Editions CLE, Yaoundé , 2005 p 9-41

Konings, Piet. 1993. *Labour Resistance in Cameroon*. Leiden: African Studies Centre.

Kugelman, Michael & Susan Levenstein. "Land Grab? The Race for the World's Farmland." Woodrow Wilson International Center for Scholars-Asia Program, 2010.

La Via Campesina. "La Via Campesina Policy Documents-5th Conference, Mozambique." 2008.

Leonhardt, Alec. "Baka and the Magic of the State: Between Autochthony and Citizenship." *African Studies Review*. Vol. 49, n. 2 (September 2006).

Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton, NJ: Princeton University Press, 1996.

Mamdani, Mahmood. Beyond Settler and Native as Political Identities: Overcoming the Legacy of Colonialism, *Comparative Studies in Society and History* Volume No.4 (Oct, 2001)

Merry, S. E. (1988). Legal Pluralism. *Law & Society Review*, 22 (5), 869-896.

Ministry of State Property and Land Tenure. "The 100 Questions of the User 2008." Yaoundé, Cameroon. 2008

Newbury, Catharine The cohesion of oppression: Clientship and ethnicity in Rwanda, 1860-1960, Columbia University Press, c1988.

N'Cho-Oguie, Charles & Florence Charlier. *Sustaining Reforms for Inclusive Growth in Cameroon: a Development Policy Review*. Washington, DC: The World Bank, 2009.

Nguiffo, Samuel, Pierre Kenfack and Nadine Mballa. "The influence of historical and contemporary land laws on indigenous people' land rights in Cameroon." Land rights and the forest people of Africa: Historical, legal and anthropological perspectives. Forest People's Programme (January 2009).

Ngwasiri, C. N. "The Effect of Legislation on Foreign Investment - The Case of Cameroon" *Journal of African Law*, Vol. 33, No. 2 (Autumn, 1989) pp 192-204.

Njoh, Ambe J. "Continuity and Change in Cameroonian Land Policy." Planning Perspectives. 15 (2000).

Nyamnjoh, Francis, 2002, 'Might and Right: Chieftaincy and Democracy in Cameroon and Botswana', Paper prepared for CODESRIA's 10th General Assembly on Africa in the New Millennium, Kampala, Uganda, 8-12 December.

Nyamnjoh, Francis and Michael Rowlands. 1998. *Elite Associations and the Politics of Belonging in Cameroon*. Africa: Journal of the International African Institute, Vol. 68, No. 3, The Politics of Primary Patriotism (1998), pp. 320-337 Published by: Edinburgh University Press.

Oyono, Phil René. One Step Forward, Two Steps Back? Paradoxes of Natural Resources Management Decentralization in Cameroon *The Journal of Modern African Studies* v. 42 no. 1. (March 2004). p. 91-111.

Patanaik, Prabhat. «The Accumulation Process in the Period of Globalization.» May 2008 r.

Patnaik, Utsa. «Export Oriented Agriculture and Food Security in Developing Countries and India.» *Economic and Political Weekly* 31, № 35/37 (1996): 2429-2449.

Patnaik, Utsa. «Theorizing Food Security and Poverty in the Era of Economic Reforms.» *Social Scientist* 33, № 7/8 (2005): 50-81.

RELUFA (Reseau Contre la Faim Cameroun) Njombe Mission: Report of the Meeting and Site Visits with the Farmers of Njombe Expulsed from their Land by the French Banana Export Company PHP (Plantations du Haut Penja). April 2005.

Rochegude, A. and C. Plancon. “Decentralisation, foncier et acteurs locaux” Foncier et Developpement. May 5, 2009.

Sánchez-Castañeda, A. (2006). Los orígenes del pluralismo jurídico. In N. González Martín, *Estudios jurídicos en homenaje a Marta Morineau* (pp. 471-485). Mexico DF: Universidad Nacional Autónoma de México.

Sellers, Patrick and Firmin-Sellers, Kathryn. Expected Failures and Unexpected Successes of Land Tilting in Africa. *World Development* . Vol. 27. No. 7.(1999). pp. 1115-1128.

Sharpe, Barrie. "First the Forest': Conservation, 'Community' and 'Participation' in South-West Cameroon" *Africa: Journal of the International African Institute* Vol. 68. No 1. (1998) p 25-45.

Stephens, Supreme Court decree in the Bessala Awona / Bidzogo Genevieve affair, Cor. A n° 445 of 3 April 1962.

Tchopa, Theodore. Le Jour. *Douala: Les Cases ont Commence sur le Nouveau Site de l'Universite*. Thursday, February 25th, 2010.

Vanderlinden, J. (1993). Vers une nouvelle conception du pluralisme juridique. *Revue de la Recherche Juridique-Droit Prospectif*, 18.2, 573-583.

Yenshu, Emmanuel. 2003. *Levels of Historical Awareness: The Development of Identity and Ethnicity in Cameroon (Niveaux de conscience historique. Développement de l'identité et ethnicité au Cameroun)*. Cahiers d'Études Africaines, Vol. 43, Cahier 171 (2003), pp. 591-628. Published by: EHESS

Young, Crawford. *Politics in the Congo: Decolonization and Independence*. Princeton, NJ: Princeton University Press, 1965.

Scharpf, Fritz W. Interdependence and Democratic Legitimation - MPIfG Working Paper 98/2, September 1998

Rasheed, Madawi. *Contesting the Saudi State: Islamic Voices from a New Generation*. New York: Cambridge University Press, 2007

Roitman, Janet “Regulatory authority in the Chad Basin” In Thomas M. Callaghy; Ronald Kassimir; Robert Latham (eds.): *Intervention & Transnationalism in Africa. Global-Local Networks of Power* (Cambridge: Cambridge University Press, 2001)

Interviews:

Interview with Christine Andela, Executive President, COSADER. Interviewed by Trzcinski, L., Hogstad, J., January 8, 2010

Interview with Elizabeth Atangana, Alangeh Romanos Che, *President and Vice-President CNOP-CAM*. Interviewed by Trzcinski, L., Hogstad, J., January 6, 2010.

Interview with Jacques Bakolon, Director, Institut Pan-Africain de Developement (IPD), Interviewed by Belaunde, S., Cortes, M., Ku Gonzales, E., Nascimento, K. March 17th, 2010

Interview with Dr. Gilbert Baluba, Chief of Planning, Department Habitant Foncier et Plannification Urbaine, Commune de Douala, Interviewed by Belaunde, S., Cortes, M., Nascimento, K. March 22nd, 2010

Interview with Roger Belibi, Chef de la Cellule des Etudes et de la Reglementation Division des Affaires Juridique, National Ministry of Land Issues (MINDAF), Interviewed by Ku Gonzales, E., March 23rd, 2010

Interview with Bernard Njonga, President, Citizens Association for the Defense of Collective Interests . Interviewed by Trzcinski, L., Hogstad, J., January 8, 2010. Jonathan Hogstad Leah Trzcinski.

Interview with local farmer, PHP contractor, Interviewed by Belaunde, S., Cortes, M., Ku Gonzales, E., Nascimento, K. March 16th, 2010

Interview with Daniel Hamaha, RELUFA contact in Njombe, GIC Terrespoire, Interviewed by Belaunde, S., Cortes, M., Ku Gonzales, E., Nascimento, K. March 19th, 2010

Interview with Paul Jeangille, Assistant Technique, Ministries and Banana Association's assistant from the EU, Interviewed by Belaunde, S., Cortes, M., Ku Gonzales, E., Nascimento, K. March 16th, 2010

Interview with Guy Songue, Professor, University of Douala, Interviewed by Belaunde, S., Cortes, M., Ku Gonzales, E., Nascimento, K. March 20th, 2010