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Decentralisation of university infrastructure and impact on local land tenure: case of the city of Bertoua, East Cameroon

Eleno MANKA'A FUBE¹, Souleman NGOUHO², Alphonse YAPI-DIAHOU³

Abstract

With the university reform of 1993, the government of Cameroon a political will to endow the ten regions with a State university, at least, a faculty. In this light, some regional capitals have become hosts of State universities. The city of Bertoua, host to the Faculty of Legal Sciences of the University of Yaoundé II, and recently the Higher Teacher Training College of the University of Ngaoundere is no exception. The establishment of university infrastructure requisitions land in urban centres or peripheries, dislodging autochthons and engendering socio-spatial changes. This is compounded by the fact that most often their land is not registered or legally secured. This poses acute problems of land ownership in Cameroon. The objective of this article is to show that endowing these cities with university infrastructure, a major land grabber, impoverishes the local population. To achieve this, both qualitative and quantitative methods were used viz. reviewing related literature and regulatory texts, and questionnaire administration. The main premise of this study is that despite the fact that the local population receives compensation, in the medium and long terms they become poorer than before owing to loss of identity and socioeconomic prestige. Consequently, a revision of the land law to include a compensation procedure based essentially on an "eviction-relocation" model and an accompaniment of locals' reestablishment is imperative and seen as plausible solutions.

Key words: University decentralisation, university reform, land inheritors, socio-spatial reorganisation, eviction-relocation, Bertoua

Décentralisation universitaire et impact sur le foncier local : cas de la ville de Bertoua, Est Cameroun

Résumé

Avec la réforme universitaire de 1993, l'Etat camerounais affiche une volonté politique de doter chacune des dix régions du pays d'une université d'Etat, ou, à défaut, d'une faculté. C'est ainsi que certaines capitales régionales ont accueilli des démembrements des grandes universités. La ville de Bertoua abrite ainsi depuis 2014 une annexe de la faculté des sciences juridiques et politiques de l'Université de Yaoundé II, et Université de N'Gaoundéré s'est vu dotée d'une ENS (école normale supérieure) La mise en place des infrastructures universitaires exige de réquisitionner des terrains dans les centres urbains concernés ou en leurs périphéries, entraînant le déplacement des populations, souvent des *autochtones* et des recompositions sociales et spatiales. Surtout, dans des contextes où très souvent les terres des autochtones ne sont pas immatriculées, et donc non sécurisées. Ce qui pose le problème du droit à la propriété foncière au Cameroun. L'objectif de cet article est de montrer comment l'équipement de ces villes en infrastructures universitaires, grandes dévoratrices d'espace contribue à appauvrir les populations locales. Sur le plan méthodologique, ce texte s'appuie sur exploitation de la littérature scientifique, la compilation des textes réglementaires sur le foncier, ainsi que des données d'enquêtes menées dans le cadre d'une recherche sur les procédures de délogement et indemnisation ainsi que l'impact de ceux-ci. Les populations locales affectées par ces opérations deviennent plus pauvres qu'auparavant, du fait de la perte des prestiges socioéconomiques et identitaires, liés à la terre. Et pourtant, elles ont reçu des indemnisations pour les terres perdues. Nous proposons une révision de la loi foncière et de la procédure d'indemnisation qui devrait être basée

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essentiellement sur le modèle « délocalisation-relocalisation » et un accompagnement des populations locales dans leurs réinsertions comme des solutions possibles.

Mots-clés : Décentralisation universitaire, réforme universitaire, héritiers de la terre, recompositions spatiales, délocalisation-relocalisation, Bertoua

Introduction

Land appropriation on a large-scale is a topical issue at micro, meso- and macro scales the world over. In Africa, Latin America, Central and Southeast Asia in recent times land appropriation especially in the tune of hundreds or thousands of hectares by state or parastatal and individual investors is rife. Cutola Lorenzo et al. (2009) in reviewing the key trends and contractual arrangements that have underpinned land acquisitions in Africa since 2004 underscore the international character of this phenomenon and posit that international land deals and their impacts on rural people still remain little understood. They further state that the connection of millions of rural folks to their ancestral lands, livelihoods, culture and identity especially in developing countries is being undermined through large-scale acquisitions of farmlands. In Cameroon and elsewhere in Africa, national projects geared at agro industrial, energy and infrastructure development as well as non public investments and speculative interests amount to appropriation of hundreds of thousands of hectares of rural farmland and/or forest land (Sulle E et al., 2009; Nhantumbo, I. et al., 2010, Ndobegang, 2011, Lahiff, E et al., 2012, Fube et al, 2017).

There are varied value judgements as to the raison d'être of this phenomenon and its ensuing impacts. Cotula Lorenzo et al (ibid.) observe that large-scale land appropriations present new livelihood opportunities for low income earners but argue that the negative repercussions outweigh any positive economic benefits through negative social impacts notably loss of local land rights, water and other natural resources; threats to local food security; marginalisation of farm families; repercussions on livelihoods and food security for the future, etc. The IIED Briefing of September 2013 corroborates these negative impacts and holds that commercial land grabs within a backdrop of weak governance and poor land use planning damages biodiversity and dispossesses people from customary rights and livelihoods. The IIED report (2012) on large-scale land appropriation in SE Asia denoted that the idea that such land acquisitions are being promoted on 'idle', 'empty' or 'waste' land which facilitate their acquisition is grossly fallacious for multiple reasons. For instance, land that is classified as 'idle' is often under customary tenure and use; thus land deals on such 'idle' lands infringe on local land entitlements on the one hand and on the other hand do not respond to local development needs. Similarly, it is viewed that expanding investment into such 'idle lands', adds pressures to soil and water resources as well as loss of biodiversity. Citing Ravanera and Gorra (2011), the IIED report (2012) states that over 70 million hectares of tropical forest has been lost or degraded in Indonesia. In Myanmar, more than 7.2 million hectares of 'cultivable waste land' is held by the government; and 2 million hectares in the Philippines by the Philippines' Agricultural Development and Commercial Corporation, thus putting such lands out of reach and use by local populations. In Africa, colonial appropriation of land and subsequent inaccessibility to land by indigenes has been reported as the principal source of instability and conflicts in most countries (CUA-CEA-BAD, 2010)⁴. From colonial imprints, large expanse of land held by capitalist plantations in South-west Cameroon generated

⁴ Commission de l'Union Africaine (CUA), Commission Economique pour l'Afrique (CEA) Banque Africaine de Développement (BAD)

problems widely known as the Bakweri land problem that have remained largely unresolved till present day (Baye, 2010; Ndobegang, 2011).

Recent large-scale land acquisitions in Cameroon have been motivated by government concerns to guarantee food and energy security, increase the offer of tertiary education and investment opportunities in view of laying the foundations for economic emergence by 2035. Irrespective of the objective, the aforementioned impacts of such large-scale land acquisitions are not uncommon in Cameroon, yet the adoption of participatory management systems and stronger land governance in land appropriations and compensation of locals is yet to become effective. Cameroon's tertiary educational policy gears at creating at least a full-fledged State university in each regional administrative headquarters. Until 2014 with the creation of the Faculty of Law and Political Sciences, a university centre under tutelage of the University of Yaounde II Soa, Bertoua was one of the regional headquarters that did not host a State university. This university centre opened its doors on 5th October 2015 with 475 undergraduate and 45 Masters I students at the temporary site at ENIEG Bertoua⁵ and some 250 student-teachers of ENS Bertoua as from March 2018. The creation of these university centres falls in line with government initiative to create a full-fledged university in each regional capital city to absorb the ever growing numbers of students in quest for university education and, thus by extension more demand on land and further land expropriations. The compensation of locals for expropriation from their ancestral land has often been posterior to acquisition. This raises concerns with regards to the growing numbers of landless indigenes owing to development projects and the need to safeguard the intrinsic values and livelihoods of this populace. According to Schreckenber K et al (2010), there is growing emphasis on the need for full and effective participation of indigenous and local communities (especially adopting their management systems and customary use of land) as a measure to guarantee sustainable development and contribute to eradicate rural poverty.

Data sources

Primary and secondary data sources were invaluable for this paper. A review of existing literature and the Cameroon land laws provided an essential starting point for further analysis while fieldwork generated a substantial amount of primary data for the study for corroboration or negation. Interviews with the local population and local authorities helped in determining the indigenous land tenure systems and modes of land appropriation; the impact of land expropriation on the indigenes and their adaptation strategies. Officials of government departments of land tenure and state property were consulted to get insights on the eviction-compensation-relocation procedures for the local population.

Findings

Cameroon land laws and entrenchment of rural poverty

The seeds of Cameroon land laws can be traced to the colonial period when the land registration better known by its French appellation of '*Immatriculation foncière*' and land register known as '*livre foncière*' regimes were instituted to publicly register the concessionary rights of colonial masters to the lands they controlled. This colonial legislation took precedence over the existing undocumented customary land laws. Then after, the independent Cameroon government defined State rights to land cognisant of the existing indigenous customary rights to land but maintained most aspects of the German colonial law

⁵ MINESUP (2016) SUP-INFOS Bilingual monthly review of the Ministry of Higher Education, Edition Double 2016

(Nkankeu & Ngamini, 2010)⁶. This explains why all unoccupied land was considered State land until the law of 17 June 1959 (law n°59-47). Relics of this law still apply because any customary claims to ownership of ‘unoccupied land’ has to be proven beyond any doubt that such land belongs to that local community, by way of a title deed. Thus, wherever the State requisitions land for public purpose from any local community, State rights supersedes local rights to that land. Such land is not entitled to indemnity unless the local population present title deeds of ownership; which in most cases are inexistent. Thus, most indigenes often get evicted without compensation or without some form of assistance towards relocation.

Another problematic dimension of Cameroon’s land laws is its equivocality. Existing literature abounds with regards the ambiguity of Cameroon land legislation⁷ and the conflicts that arise owing to the multiplicity of interpretations that result from this ambiguity. Generally, two types of communal land rights are recognised by most rural communities in Cameroon apart from legal ordinances; notably ownership rights and occupancy rights. Ownership right has a legal backing by way of a title deed while occupancy right has no legal backing, though such rights are recognised and upheld by the indigenous community. There is therefore a dichotomy between legal and customary land laws. In Cameroon, 70% of occupied land is not registered however the occupants claim rights to such land and often confuse it for ownership rights (Tchapmegni, 2010). This explains the high rate of non-possession of title deeds amongst aboriginals (Figure 1) and consequently, no compensation upon eviction from their ancestral land.

State procedures for land expropriation and compensation

The law applicable in Cameroon on expropriation is traced to the colonial law of 24 March 1897, which created the legal rights of the State to all ‘vacant’ land and did not recognise customary land rights over untitled land. This prevailed till the national reforms of 17 June 1959 that suppressed de facto the notion of ‘vacant’ land and recognised customary individual or collective ownership of land as well as State ownership (Nkankeu & Ngamini, 2010). It was further modified by Ordinance n° 74-3 of 6 July 1974 on the procedures governing expropriation of land for a public purpose and the terms and conditions of compensation. The latter in its Chapter 1 stipulated that the law on land expropriation is applicable only on private property (individual or collective) hence State-owned land, be it private or public, is not liable to expropriation. Expropriation takes effect only after the administrative and investigation procedures have been effected by the powers that be under the auspices of the Ministry of Land Tenure. Upon completion of the procedure, the expropriation is pronounced by presidential decree. Compensation for expropriated land can be in kind (land of the same value as the expropriated land), or in monetary value related to direct, immediate and material damage caused by the eviction. In spite of these reforms, most autochthones rarely receive compensation when evicted from their land because the law makes provisions for indemnity only to title holders of individual or customary tenure.

Most registered lands in rural Cameroon are held by elites who are absentee landlords who bought land for next to nothing from the local population. These elites are more versed with the legal code, the existence and timing of major State projects hence they benefit more from

⁶ Decree of 15 June 1896 on the creation, possession and alienation from crown land, acquisition and alienation of land in Cameroon and the Imperial decree of 21 November 1902 relating to land rights in German colonies. These decrees attributed all lands that were described as having no “owner” as the Crown land thus belonging to the Reich.

⁷ Various land laws were adopted from the German, French and British administrations and are plagued with flawed translation from one language into the other.

the compensation of expropriated land owners than the underprivileged locals upon eviction from their ancestral lands, owing to the ignorance of the latter. In this current study, out of the 66.7 % of the study population earmarked for expropriation from the prospective site of the university, 88.9% of the indigenous population do not own a title deed for the land they occupy due to ignorance (22.2%) and weak economic backing to establish it (66.7%), consequently are alienated from compensation.

Challenges faced in setting up State university infrastructure

It is legendary in Cameroon for offices, schools among others to be created on paper and to go functional in provisional sites and structures, sometimes for decades, prior to the construction of infrastructure to host such offices or schools. Examples abound with State administrative and/or educational institutions, such that this '*Cameroonisation*' of institutions has tended to be the rule over the years; helping to increase internal debts and complicate compensation of evicted local population. The university reforms of 1993 can be historically traced to the period of the explosive growth in numbers of the lone State university which stood at over 45 000 in 1991 (Ngwana, 2001) and the university student uproars between 1991 and 1993. This necessitated the creation of other State universities. In most cases, these universities were officially created on paper and lodged in some existing government structures pending construction of the university infrastructure. This has been the trend of all State universities (University of Douala on the campus of ESSEC Douala; University of Yaoundé II Soa on the campus of ENIEG Soa; University of Buea on the campus of ASTI; University of N'Gaoundere on the campus of ENSAI N'Gaoundere; University of Dschang on the campus of ENSA Dschang; University of Bamenda on the campus of ENS and ENSA Bambili) except for the pioneer university in Yaounde that was constructed prior to its going functional. The setting up of infrastructure to host new universities has been very challenging owing to hasty planning; the need to procure funds for construction and for compensation and resettlement of evicted local populations simultaneously. Usually provisions are not made for development of infrastructure of State universities before they commence, hence the setting up of infrastructure for these universities has always been rather ill-conceived, impromptu and substandard. By virtue of these challenges, the State resolves to use existing structures in a bid to meet up with her responsibilities to educate her youths.

The challenges to setting up State university infrastructure can equally be explained by the absence of Parents-Teachers' Associations (PTAs) at tertiary education level. PTAs are a common phenomenon in Cameroon's primary and secondary school cycles and have recorded major successes as an effective partner of the State in constructing and equipping school infrastructure, recruiting and catering for teaching and support staffs in many schools. This organisation plays a determinant leverage role in educational development in Cameroon. Its absence at the tertiary level enlightens on the difficulties that the State faces in assuming its responsibility in infrastructure development in tertiary education.

Complete overturn of rural economy and social status

It is commonplace in most rural areas to witness overlapping and opposing demands for the same rural space notably for farming; recreation and tourism; development of infrastructure and the rural economy; conservation amongst others. The requisitioning of large expanse of rural land formerly farmed or held under construction by various local populaces for infrastructure development produces a chain reaction towards a complete overturn of rural social status and the rural economy at large (Figure 1). This often sets in a number of stresses that in turn generates multivariate sentiments amongst rural populations.

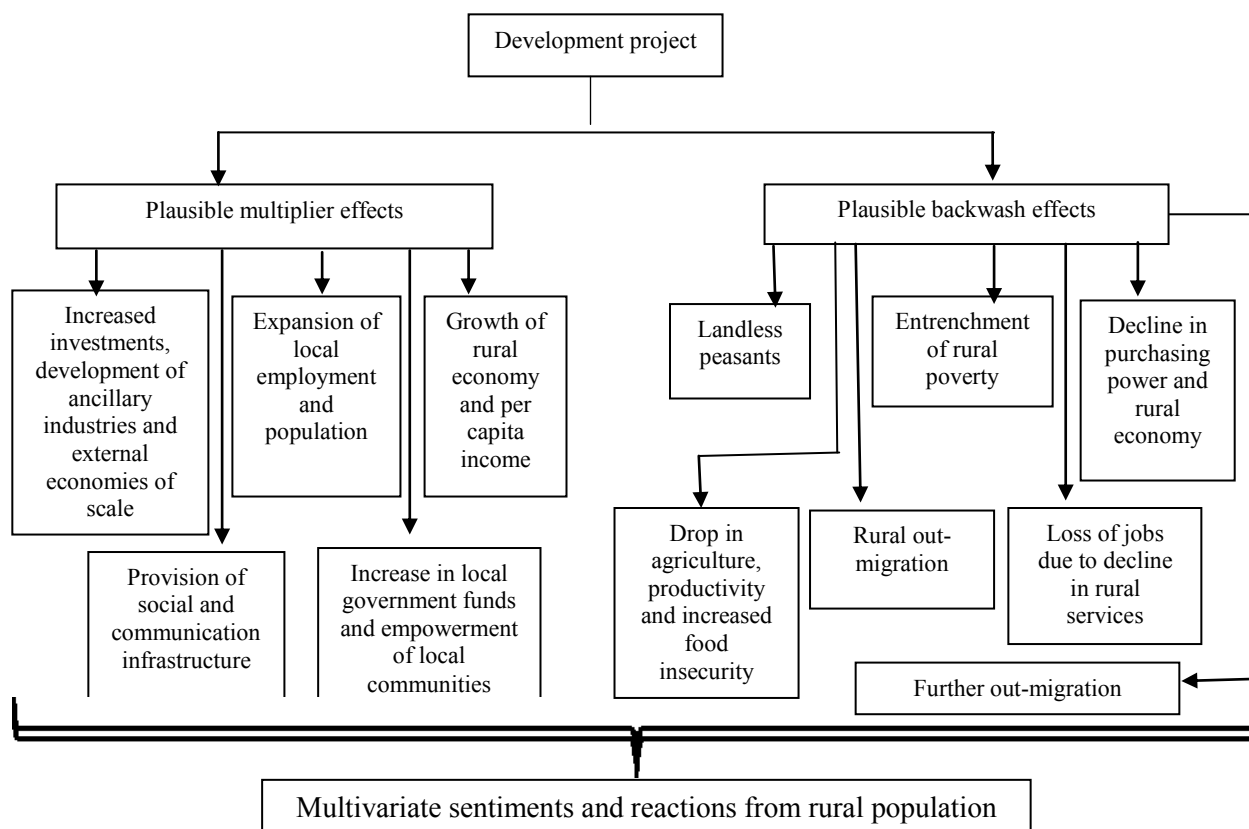


Figure 1: Plausible effects of development-induced schemes in rural milieus

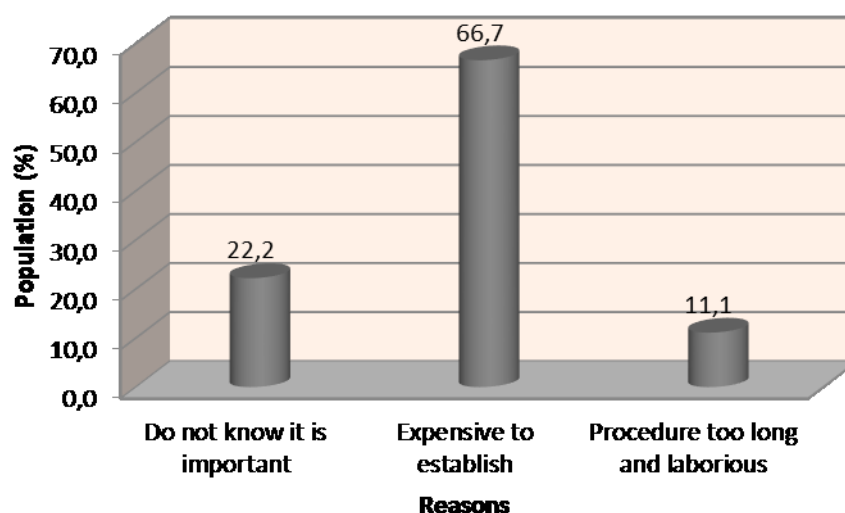
In the case under study, backwash effects constitute most of the observed impacts of the siting of the State University in Bertoua. Field data revealed that 66.7% of the sampled population noted a loss of cultivable land, drop in agricultural yield by 22.2% and decrease in revenues from sale of agricultural produce by 11.1% as consequent impacts of eviction from ancestral land. With many peasants becoming landless, rural deprivation sets in provoking increased risks of food insecurity, increased entrenchment of poverty and ensuing rural out-migration, thus a continuous downturn in rural services and the rural economy.

Development-induced schemes have been noted to produce more negative than positive impacts through displacement of rural populations and accentuation of rural exodus as noted by Cutola Lorenzo et al., (2009); Ndobegang, (2011); IIED report (2012), amongst others. In Cameroon, the negative impacts are compounded by the protracted procedures of registering evicted rural population, assessing the value of their land and landed property, and securing funds for the eventual compensation. This spurs most untitled land holders to adopt resilient strategies to curb the level of vulnerability and improve on their livelihoods.

Strategies by indigenes to safeguarding their land

The loss of access to resources; land rights; identity and social status; food insecurity and threatened livelihoods; marginalisation of farm families; entrenchment of rural poverty is rife and this often offsets the overall benefits of national development projects. The current findings corroborate the aforementioned views and portray the vulnerability of the local population in the envisioned site for the State University; 88.7% of earmarked evictees are still awaiting compensation upon commencement of construction works. This serves as an impediment for the locals to carry out any significant development on the site. In the face of

such uncertainties, most indigenes have resorted to various self-protective measures. Some 22.2% of these indigenes (holders of 2-5 hectares) have sold off part of their land, prior to the effective eviction, to more affluent land speculators on give-and-take basis for assistance in establishing title deeds for them. This serves as a safeguard for the remainder of their land. Smaller land holders (over 55% with less than 2 hectares) have sold to private investors who can afford to establish title deeds while awaiting the pending compensation by the State. These strategies are largely triggered by the fact that a majority of these indigenes do not own title deeds as shown on Figure 2, consequently are not eligible for compensation according to Cameroon land laws.



Source: Field data

Figure 2: Reasons for non-possession of title deeds by indigenous population

The strategy of selling off land by potential evictees is becoming commonplace in most rural areas in Cameroon; but how far this practice helps the rural population to safeguard their land and livelihoods remains questionable. Most rural folks sell off the land at give-away prices which does not permit them to invest the proceeds into any substantial business venture couple with their lack of business astuteness. In addition, these peasants with a very low per capita income⁸ scarcely have a regular source of income and with no tradition of banking are hardly able to handle the lump sum of money received from the sale of their land. Consequently, much of it is squandered on revelries and after a couple of weeks, they are plunged into more abject living conditions with a quasi-landless status, loss of agricultural land, reduced agricultural yields and resultant food insecurity.

Discussion

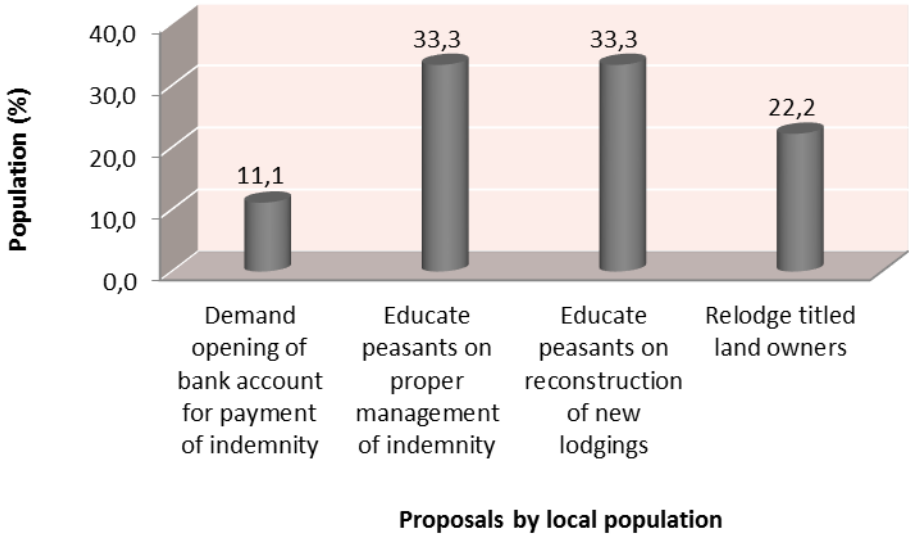
The rush for land for largescale land-based investments is a global and enduring phenomenon however measures to curb the repercussions this phenomenon engenders must be endogenous. The need to incorporate local realities into initiatives that target to reverse the trend is imperative for any meaningful and lasting solutions that could improve upon the livelihoods of the rural populace. This study therefore posits that largescale development projects are unavoidable for attaining national development goals, however their implementation should

⁸ According to the World Data Atlas, Cameroon rural poverty rate stood at 56.8 % in 2014 up from 55% in 2007 and the World Bank, Cameroon's GNI per capita PPP stood at US\$3,250 in 2016.

consciously target to improve local livelihoods rather than undermine them. The contrary will further entrench rural poverty and jeopardise rural livelihoods, thus rendering national development initiatives unsustainable.

For the local population of Ndélé in particular and Bertoua in general, the decentralisation of the University of Yaounde II constitutes risks and opportunities, each depending on how the land acquisition is handled by the State, the main investor. A lot of dichotomy still exists between documented land laws and procedures and the reality on the ground, which explains the fact that the local population incurs the major social cost of land losses and the brunt of such losses. The compensation for eviction from land generally does not take into consideration the intrinsic cultural and sentimental value of such land to the local population or the future economic value cognisant of the futuristic value-added nature of land. Only the face value of the land at the time of eviction is considered and this, in the event of ownership of a title deed. In the worst scenario, irrespective of the face value of the land at time of expropriation, the non-possession of a title deed excludes from all forms of compensation. This is a pointer to the deepening poverty gap between the absentee elites (title deed holders) and the resident local population (predominantly non-title deed holders) that further undermine their status.

The payment of compensation dues of bulk sums without any accompaniment for local population in the form of creation of micro-finance institutions, education and assistance of local populations to open bank accounts for the money to be paid into; leads to exhilaration and excesses without any concrete investments by the indigenous population. Figure 3 depicts the expectations of the local population on government responsibility with regards to procedures for efficacious compensation and reinsertion of evictees.



Source: Field data

Figure 3: Perception of indigenes on State’s role in reinsertion of evictees

Drawing from the perception of the local population, it is glaring that State role in land expropriation for a largescale development project is not limited to compensation of evictees. The latter needs State accompaniment to assuage the ramifications of largescale land-based development schemes. It is hoped that such accompaniment will not only alleviate rural poverty but will guarantee the success of any government development project. In view of an effective realisation of development schemes that are beneficial to the local population and to

attaining national development goals, this article advocates the adoption of an eviction-relocation model for land-based development projects, as shown on Figure 4.

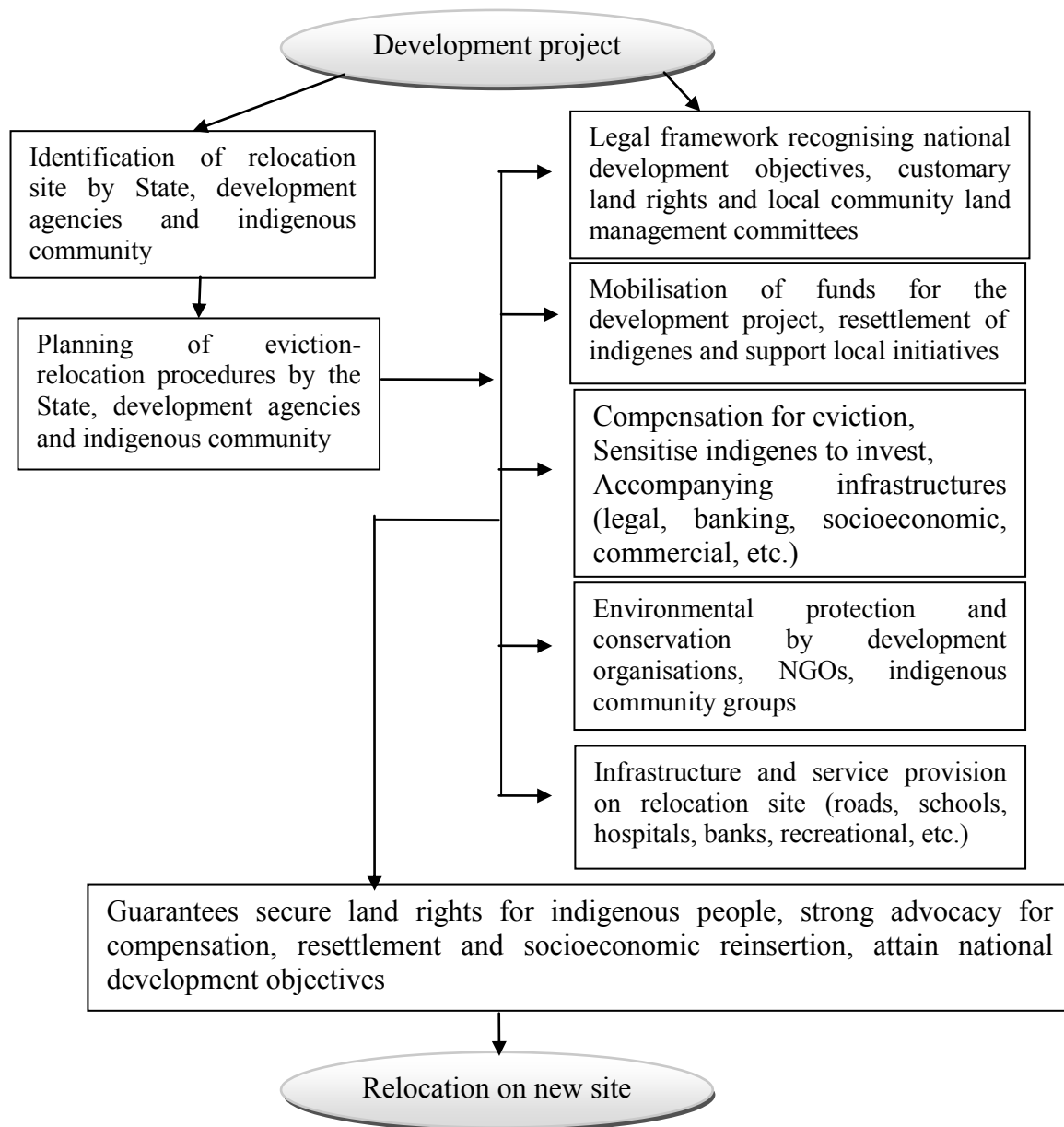


Figure 4: Proposed eviction-relocation model to curb rural poverty and social turnover

The adoption of an eviction-relocation model necessitates careful concertation amongst all the stakeholders towards a holistic approach of executing development schemes, land expropriation, compensation and resettlement. It is therefore hoped that such a model would be incorporated in future land law reforms in Cameroon.

Conclusion

Land is an indispensable asset to attain both national and local community development goals. It is rather unfortunate that African countries inherited a system of colonial land appropriation and administration which they have perpetrated for decades and side-lined indigenous land

tenure systems. Despite some piecemeal reforms, there is glaringly an inefficacious implementation of these reforms to the benefit of the indigenous population. In Cameroon, despite moves to reform land laws in 2005 and 2013 to simplify the process of acquisition and ownership of land, its application is problematic as the 1974 land law, which is obsolete with regards to executing national development objectives, was not abrogated and is still in force with regards to land registration. The land reforms in Cameroon in 2013 were engineered by the decisions of the CUA-CEA-BAD (See note 4 p 2) consortium of 2009 on the framework and guidelines on land policies in Africa towards reinforcing land rights, ameliorating productivity and conditions of livelihood. Questions arise as to whether such reforms were a response to government policy options or simply followed the dictates of the consortium. It is of utmost importance that the government of Cameroon per se perceives the crucial need to reform its land laws urgently and resourcefully in order to ease the implementation of national development goals on the one hand and safeguard rural communities from deprivation, on the other.

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