



Colonial legacies, land policies and the millennium development goals: Lessons from Cameroon and Sierra Leone

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This paper undertakes a comparative analysis of the land policies of Cameroon and Sierra Leone and arrives at the following conclusions: 1] the land policies of the two countries embody the politico-administrative philosophies of their erstwhile colonial master nations; 2] despite their marked differences, the policies share some features in common; and 3] land policies are critical in efforts to achieve the millennium development goals (MDGs). The analysis further shows that: 1] the land policy of Sierra appears better positioned than Cameroon's to guarantee access to land for all as well as ensure environmental sustainability; and 2] Cameroon's land policy appears to outperform Sierra Leone's with respect to fulfilling the preconditions for eradicating extreme poverty and hunger by ensuring land tenure security, maintaining uniform land laws, and facilitating land markets.

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Introduction

Britain and France controlled most of Africa during the colonial era. These two erstwhile colonial powers had sharply contrasting avowed colonial philosophies. While Britain favored 'indirect rule,' France employed 'direct rule.' The former entailed, in large part, politico-administrative decentralization marked by the incorporation of indigenous institutions in the colonial governance process. In contrast, the latter largely involved supplanting all indigenous institutions with Eurocentric alternatives, and concentrating all decision-making powers in the metropole.

It has been demonstrated that the indigenous leadership in African countries inherited the politico-administrative models of their respective erstwhile colonial master nations (e.g. [Amin, 1976](#); [Austin, 2010](#); [Chazan, Motimer, Ravenhill, & Rotchild, 1992](#); [Ihonvbere, 1994](#); [Mamdani, 1996](#); [Rodney, 1982](#)). The question that remains to be adequately addressed has to do with the specific ways in which the colonial politico-administrative models have affected policy making in different domains.

The present paper attempts to address this question through a comparative analysis of the land policies of Cameroon and Sierra Leone. Cameroon and Sierra Leone are ideal for this comparative analysis of post-colonial land policy in Africa for the following reasons. First, the two countries are among the few with dual land tenure policies on the continent. Second, Sierra Leone and a significant portion of Cameroon experienced British colonialism. Third,

both countries have a significant 'urban stranger' population problem with implications for land (re)distribution. Finally, both countries maintained the same land tenure system during the pre-colonial era. In this regard, access to land in pre-colonial Cameroon and Sierra Leone was guaranteed either through the principle of first clearance/occupation or conquest. In both cases land was never treated as a commodity, and whole communities under the leadership of local chiefs, as opposed to individuals, constituted the land-owning unit.

At the same time, Sierra Leone differs markedly from Cameroon. The entire Cameroonian territory experienced German colonialism from 1884 to 1919. Thereafter, most of the territory fell under the orbit of French colonialism. On its part, Sierra Leone experienced only British colonialism. This provides a good contrasting background against which to evaluate the land policies of the two countries.

The analysis has three specific aims. The first is to show the impact of different colonial philosophies on these policies. The second is to depict areas of convergence and divergence between the policies as well as the institutional frameworks for administering them. The third is to evaluate the policies within the broader context of efforts to achieve the millennium development goals (MDGs). The paper begins in the next section by reviewing colonial development strategies especially with respect to the two countries under examination.

Colonial governance strategies in Africa

The main administrative strategies employed in colonial Africa can be roughly grouped into two main camps, namely 'indirect' and

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'direct' rule. It is common to associate the former with the British colonial project and the latter with that of the French.

Direct rule

A distinguishing mark of direct rule as a politico-administrative strategy is centralization. The roots of centralization, not only as a colonial governance strategy, but a model of politico-administrative organization, run deep in French history. In this regard, France, especially under Louis XIV, has always operated under a highly centralized government structure. This explains, at least in part, the decision on the part of French colonial authorities to adopt direct rule as the model of choice for colonial governance in Africa. In fact, all French colonies in Africa were governed directly from Paris (Njoh, 2000). The French were typically oblivious to the differences that characterized the various groups under their colonial tutelage. In fact, French colonial authorities actually sought to efface these differences as they attempted to bring disparate groups under a common centralized administrative umbrella (Njoh, 2000, p. 165).

In Africa, as Mamdani (1999) noted, direct rule presumed a single legal order. This order reposed essentially on the principles of colonial law. In particular, and especially with respect to land tenure, the legal principles adhered to were those of the Napoleonic code. An important attribute of this code is that it commodified land. No attempt was made to incorporate any aspect of indigenous traditions or culture, including so-called 'native' institutions in the land policy making process.

Efforts to completely efface indigenous African land tenure systems were cut short by the demise of the colonial era in the 1960s. As shown below, the task of bringing all land under a singular administrative system was assumed by the indigenous leadership in erstwhile French colonies in tropical Africa. Thus, these authorities not only inherited the politico-administrative model bequeathed to them by their colonial predecessors, they rapidly moved to become the model's staunchest advocates. Yet, some of the most nagging administrative problems in Francophone African countries are traceable to the following twin features of direct rule. First, there is the concentration of governance functions in the center (i.e., the national capital). Second, there is the corresponding absence of power at the provincial or sub-national levels.

Indirect rule

This strategy involved the incorporation of traditional or indigenous structures and institutions into the colonial politico-administrative machinery. The variant of indirect rule often alluded to in the discourse on colonialism is that which was refined by Lord Frederick Lugard during his tenure as the British colonial Governor-General of Nigeria from 1899 to 1906 (Khapoya, 1998; Njoh, 2000). This model of colonial rule entailed the use of indigenous power structures and institutions, including local kings, chiefs, village elders and lineage heads to discharge colonial government duties. Examples of these duties included the maintenance of law and order, and tax collection.

As a colonial politico-administrative strategy, indirect rule was cleverly designed to give the 'ruled' the false impression that they were meaningfully involved in the colonial governance process. However, in reality, it was, as Mamdani (1999) has argued, a mode of domination in which the otherwise 'free' peasantry was effectively transformed into a 'communal customary'—possession. In the new economic order in which the goal was to harvest raw materials for onward transmission to the metropole, peasant communities were reproduced within the context of a spatial and institutional autonomy (Mamdani, 1999). One of the consequences of indirect rule, especially with respect to land tenure, was the emergence of

two unequal systems. One of the systems under this dualistic structure was governed by received or so-called modern property laws. The other functioned under customary laws and principles relating to the control and maintenance of real and other property. To be sure, preservation of indigenous institutions was hardly the objective. Yet, such preservation was necessary to guarantee the smooth functioning of the colonial system. It is therefore hardly any wonder that while indigenous African structures are vibrant and function in tandem with the received varieties in Anglophone countries, such structures are almost non-existent in Francophone countries. Yet, indirect rule is not without blemish as far as contemporary development initiatives on the continent go. In this connection, the culturally relative and ethnically specific nature of indirect rule has contributed to accentuating ethnic consciousness, hence tensions in erstwhile British colonies (Mazrui, 1983). Evidence of these theoretical relations and other traces of the contrasting colonial administrative philosophies of Britain and France can be easily gleaned from the following section. The section briefly reviews the history and other background material on Sierra Leone, a former British colony and Cameroon, most of which was controlled by France during the colonial era.

Background: Sierra Leone and Cameroon

Sierra Leone

European contact with Sierra Leone dates back to 1447 with the arrival of Portuguese explorers. However, the foundation of what evolved to become a British Crown Colony in 1808 was established in 1792 by The Sierra Leone Company. Table 1 summarizes the major transactions involving land in colonial Sierra Leone. The first of these transactions occurred in 1787 through the treaty that provided land for freed enslaved Africans from Nova Scotia. More deals involving land transfers soon followed as colonial authorities fervently sought to convert all the land in the peninsula or Western Area into Crown land. Under the Sierra Leone Company Transfer Act of 1807, the entire Freetown was transferred from the Sierra Leone Company to the African Institution, whose first president was the nephew of King George III (Moyo & Foray, 2009; Thomas, 1988). The official onset of the European colonial era in Africa did not begin until the Berlin Conference of 1884/85. About a dozen years thereafter in 1896, the rest of Sierra Leone was declared a British protectorate. However, while direct rule applied to the Western Area, the rest of Sierra Leone was subjected to indirect rule. Accordingly, while land in the Western Area came under the direct auspices of the colonial state, control or 'ownership' of all land in the provinces was vested in the traditional chiefs and 'tribal authorities' (Moyo & Foray, 2009). It is important to note that the colonial governor was authorized under the Protectorate Ordinances to acquire so-called 'vacant and ownerless lands' as well as wastelands for public purposes. The governor was also authorized to tax real property. In fact, barely two years after extending protectorate status to the rest of Sierra Leone, the governor moved to impose a hut tax throughout the territory. Nevertheless, colonial authorities succeeded in creating a dual land tenure system in the territory (Renner-Thomas, 2010).

Some have argued that the contemporary land tenure structure of Sierra Leone qualifies more as a complex heterogeneous, than a dual, system (see e.g., Alie, 2004; Renner-Thomas, 2010). Yet, it is safe to contend that the country's land tenure system continues to assume the dualistic form that was established by colonial authorities. In this connection, land in Western Area of which Freetown is a part, is governed by received statutory laws under the principles of freehold, while the traditional or customary land tenure system dominated by 'family and lineage land ownership' is

Table 1
Major land laws in Sierra Leone during the colonial era.

| Item | Title of law | Year adopted in Freetown | Remarks |
|------|--|--------------------------|---|
| 1. | Sierra Leone Company Transfer Act. | 1807 | This is the instrument that permitted the transfer of Freetown to the African Institution. |
| 2. | Statutory Declaration Act. | 1835 | Taken verbatim from the British Statutory Act of the same title. All British colonies and excolones (e.g., Australia & New Zealand) of the time had this statute in their land law books. |
| 3. | Protectorate Native Law Ordinance. | 1905 | Law acknowledges the existence of other than Eurocentric laws in the territory. |
| 4. | Protectorate (Amendment) Ordinance. | 1926 | |
| 5. | Native Courts Act. | 1960 | |
| 6. | Imperial Statutes (Law of Property) Act. | 1960 | This Act, also known as Law of Property recognized individualized as opposed to communal or group ownership of property. |
| 7. | Crown Lands Ordinance. | 1960 | Also known as Crown Lands Ordinance. |
| 8. | Chieftaincy Council Act. | 1960 | Also known as the Tribal Authorities Act. This Act accentuates the dualistic nature of land tenure in Sierra Leone. |
| 9. | Unoccupied Lands Act. | 1960 | Traditional Chiefs are on record for protesting law, as they do not believe there is any such thing as 'unoccupied lands.' |
| 10. | Compulsory Acquisition of Property Act. | 1960 | Permits the State to compulsorily acquire or confiscate private land for a compelling public use. |

in force in the provinces. Some of the major land and land-related Acts that were promulgated in the country at the eve of independence constitute a testament to this assertion. Prominent in this regard are the Native Courts Act, the Crown Lands or State Lands Act, and the Chieftaincy Council or Tribal Authorities Act, all which were enacted in 1960 (see Table 1). Some of these laws are applicable in Freetown and its environs, that is, the 'modern' region, while others are applicable exclusively in the so-called native areas or provinces.

This dualistic land tenure system has its roots in the British colonial administrative system of indirect rule. Through this system British colonial authorities ensured the preservation of the indigenous land tenure system in the rural areas as they went about developing and instituting Eurocentric land laws in the capital city, Freetown, and its environs. Currently, land in the provinces is controlled, but not owned, by families or lineages under the tutelage of traditional paramount chiefs. In essence, therefore, most land in Sierra Leone is controlled by chiefdoms and governed by traditional land laws. These laws attribute the right to control, use and plant cash or permanent crops on land exclusively to 'indigenes.' To qualify as an indigene in any given geographic area or village, and be endowed with the right to access land in that area, one must be able to trace one's ancestry, pre-dating the colonial era, to the area. Otherwise, one is classified as a 'stranger' in the area in question. This classification schema has proven to be a nagging

problem in efforts to re-settle persons who were internally displaced by the country's eleven-year civil war (1990–2001). By some estimates, displaced persons, ex-combatants, refugees and foreigners make up as much as 20–40% of the population in some chiefdoms (Unruh, 2008, p. 102).

Cameroon

This country's colonial history began in 1884 when the territory was annexed by the Germans. Soon after annexing the territory, the Germans initiated a number of actions with far-reaching implications for land tenure in the country. Table 2 summarizes the most pertinent of these actions throughout the colonial period in Cameroon. On 15 July 1896, the German colonial government enacted a landmark land law, the Crowns Lands Act that converted all so-called vacant and unoccupied lands throughout the territory into property of the German Overseas dominions. The tenure of the Germans as Cameroon's colonial master nation came to an abrupt end following the outcome of the World War I.

As part of the events marking the end of the War, the Cameroonian territory was converted into a Mandate Territory of the League of Nations, under the Versailles Treaty of 28 June 1919. On 10 July 1919 France and Britain, the two allies who had combined to oust the Germans from Cameroon, agreed, under the Anglo-French Declaration, to divide the territory up into two unequal parts of

Table 2
The evolution of land legislation in colonial Cameroon.

| Item | Action or title of law | Year adopted | Remarks |
|------|---|--------------|---|
| 1 | Formal annexation of Cameroon by the Germans. | 1884 | Cameroon officially becomes a German colony. German colonial government expropriates massive quantities of land, for private German plantation farmers and colonial government use. |
| 2 | Crown's Lands Act. | 1896 | This act converted all so-called 'unoccupied and ownerless' lands in the territory into property of the German Overseas Dominion. |
| 3 | <i>La legislation d'attente.</i> | 1921 | Extended the French law of 1855 to Cameroon. |
| 4 | <i>L'indigenat</i> law. | 1924 | Law governing rural land or land belonging to unassimilated 'natives.' |
| 5 | Lands and Native Rights Ordinance. | 1925 | Adoption in Southern Cameroons of a Northern Nigeria law that had been in effect since 1910. |
| 6 | Decree of 1938. | 1938 | This law converted all so-called 'vacant and ownerless' (or <i>terres vacantes et sans maître</i>) into property of the colonial state. |
| 7 | Ordinance No. 38 of 1946. | 1946 | This law vested the colonial governor with powers over native lands. |
| 8 | Article 8 of the Trusteeship Agreement. | 1947 | This Article required Trustees of the U.N. Mandated territories such as Cameroon to respect the rights, customs and traditions of the 'indigenes' in land-related matters. |
| 9 | Law No. 59-47. | 1959 | Law to repeal the <i>legislation d'attente</i> of 1921. |

four-fifths and one-fifth (DeLancey, Mbu, & DeLancey, 2010; Eyongetah, Brain, Mbuagbaw, & Thomas, 1987). France controlled the larger portion, while Britain was in charge of the smaller part, of the territory. Under the League of Nations Mandate Agreement, France and Britain were not colonial authorities but trustees of the League (Eyongetah et al., 1987). In this regard, both colonial powers were instructed to respect the indigenous cultures and customs of the native population, especially in matters relating to land tenure. In this regard, the trustees were particularly instructed under Article 8 of the UN Mandate Agreement of 13 December 1947 as follows.

In framing the laws relating to the holding or transfer of land and natural resources, the administering authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population (Quoted in Meek, 1957, p. 370).

Britain named the portion of the territory under its control, British Southern Cameroons, and instituted indirect rule therein. In particular, it administered it as an appendix of Nigeria, its adjoining colony to the west. Although Southern Cameroons was administratively a part of colonial Eastern Nigeria, the colonial government adopted the Land and Native Rights Ordinance No. 9 of 1910, which was already in force in colonial Northern Nigeria. This is because the said Ordinance was conscious of indigenous custom, and therefore more in line with the UN Mandate Agreement than the land laws that were in force in colonial Eastern Nigeria. Another action on the part of the British colonial government in Southern Cameroons with implications for land tenure has to do with the creation of the Southern Cameroons House of Chiefs in 1957. This action also goes to attest to the British colonial government's proclivity toward acknowledging the importance of traditional institutions in the governance process.

Unlike the British, the French were inattentive to indigenous customs, only barely conforming to the dictates of the UN Mandate Agreement. Instead, they moved to institute a policy of paternalism (Fisiy, 1992). In this regard, and in line with their proclivity for direct rule, French colonial authorities wasted no time in importing metropolitan legislation to French Cameroun. In this regard, a French colonial government decree of 4 October 1924 created two systems of land laws. This law had been in force in French West Africa since 1917. One of the systems, namely *l'indigénat* governed the so-called unassimilated members of the 'native' population or *les indigènes*. The other, was applicable to assimilated members of the population or *les assimilés* or *les évolués*. However, as Fisiy (1992, p. 34) noted, when it came to land appropriation and reallocation, the distinction between the 'unassimilated' and 'evolved' members of society disappeared. In other words, French colonial authorities, like their German predecessors, were bent on assuming full control of all land in the territory. Two major legislative acts attest to this tendency. The first is the *legislation d'attente* which was promulgated on 24 July 1921. This law constituted an extension of a law of 1855 that introduced the transcription system in France. In 1959, the law was replaced by Law No. 59-47 of the same year. Another is the enactment of the Decree of 12 January 1938, which declared as property of the colonial state all unused and unoccupied lands.

French Cameroun secured independence in 1960. In 1961, a plebiscite resulted in British Southern Cameroons becoming part of a federated Cameroon. Immediately thereafter, the Francophone-dominated leadership insisted on adopting French politico-administrative philosophy and principles in matters of governance. This led to the supplanting of all sub-systems of governance bearing British colonial rule with those rooted in French politico-administrative tradition. In the land domain, the leadership

moved to enact a series of land laws that essentially sought to discount and ultimately eliminate the role of traditional institutions. For instance, Decree No. 63-2 of January 9, 1963 effectively nullified all laws that attributed any role in the land domain to traditional authorities and institutions. In addition, the decree nullified all claims of entitlement to land backed by customary instruments. In 1972, the federal system was abolished in favor of a unitary state.

After dismantling the federal government system, the leadership moved to lay the groundwork for the country's landmark land law by enacting Law No. 63-3 of 9 July 1973. This law authorized the Head of State to establish rules governing land tenure throughout the whole country. The landmark land law was enacted on July 6 1974, and revised in 1976. Part I Section 1 (2) of the Law makes the State the guardian of all lands in the country. Part III authorizes the government to convert into private property of the state, lands for which there is no officially-issued certificate. Individuals claiming entitlement to land backed by other than formal titles (issued by the state) living in urban areas were given ten years from the date of passage of the law (i.e., 1974) to formalize the instruments. Those in rural areas were given fifteen years to do likewise. Thus, as of 1989, claims of entitlement to land backed by customary instruments became null and void in Cameroon. The different colonial philosophies of Britain and France notwithstanding, as the next section suggests, the land policies and cognate features of Cameroon and Sierra Leone are similar as well as different on many dimensions.

Similarities and variations

Similarities

As we have already hinted, despite rhetoric to the contrary, colonial authorities, regardless of their avowed philosophies, employed similar strategies in pursuit of identical goals. Thus, although as a colonial governance strategy, direct rule is often associated with the French, it is worth noting that the British also employed this strategy whenever necessary. For instance, British authorities in Freetown and the entire Western Area, employed the direct rule colonial governance strategy. Therefore, in Freetown, the British, like their French counterparts in Cameroon, promulgated policies that converted as much land as possible into property of the colonial state. In fact, land titles in Freetown and the Western Area, as in Cameroon, are derived from a grant of the state. Also, in both situations, colonial governments and the indigenous authorities who succeeded them have sought to expropriate land by all means necessary. During the colonial era, this land was in turn placed at the disposal of European investors for settlement or plantation development purposes. Conversely, Africans were coaxed or compelled to sell their labor to European farmers, planters or mine-owners (Austin, 2010).

The most common thread running through the colonial projects of these authorities was an unwillingness to accept or promote the emergence of markets in land rights on land that was in the hands of Africans. For instance, in Sierra Leone, while markets in land rights were encouraged in Freetown and the Western Area, they were actively discouraged in the provinces. The unique history of Freetown had something to do with this. Here, it is informative to recall that the first group of people to inhabit Freetown in significant numbers were freed enslaved Africans from Nova Scotia. Essentially, these individuals saw themselves, and related to land, more as Westerners than as Africans. Therefore, British colonial authorities probably did not see anything wrong with introducing Western concepts of land in the region. In Cameroon, French colonial authorities were pre-occupied with efforts to convert as much land as possible throughout the territory into property of the

colonial state (Fisiy, 1992; Njoh, 2003). Consequently, they paid little attention to any claims of entitlement to land by members of the indigenous population.

Another noteworthy similarity between the land policy of Cameroon and that of Sierra Leone is the fact that both grew out of borrowed pieces of legislation that were in vogue at one time or another in Europe. For instance, the British Conveyancing and Law of Property Act of 1881, the Settled Act of 1882, and the Trustee Act of 1888 were all transplanted to Sierra Leone in 1932 (Renner-Thomas, 2010, pp. 39–40). Similarly, the *legislation d'attente* that was enacted on 24 July 1921, constituted for all practical purposes, a transfer of a French law that had been promulgated to introduce the transcription system in France in 1855 (Fisiy, 1992; Njoh, 2003, 1998).

There are also some similarities in the political economy of land in general in both countries. Thus, with respect to competing powers in the land domain, the state owns all land in Cameroon as in Sierra Leone's Western Area. Also worth noting is the fact that the dominant actors in land domain in Sierra Leone and Cameroon include, entrepreneurs, bureaucratic elite, and traditional leaders, particularly local chiefs. Here, it is important to mention that despite efforts on the part of the Cameroonian leadership to marginalize traditional institutions traditional chiefs continue to wield power in the land domain. This is especially true in the Anglophone or former British Southern Cameroons region of the country.

Furthermore, it would appear that authorities in the two countries are oblivious to the importance of land in poverty reduction efforts. A recent study (Place, 2009) revealed that the Poverty Reduction Strategy Reduction Papers (PRSPs) of Cameroon (completed in 2003) and Sierra Leone (completed in 2006) failed to acknowledge the importance of land tenure as a viable tool to combat poverty.

Finally, it is important to note that the problem experienced by 'strangers' is not unique to Sierra Leone, where, conventional wisdom is likely to view such a phenomenon as a function of 'indirect colonial rule.' Rather, it is also commonplace in Cameroon, which experienced mainly French colonialism. From a theoretical perspective, by preserving indigenous institutions, the British indirect rule strategy helped to reinforce ethnic consciousness, thereby aggravating 'stranger' versus 'indigene' cleavages (Mazrui, 1983; Njoh, 2000). Thus, it is conceivable that such cleavages would be present in erstwhile British, but not former French, colonies. However, as the study reported here reveals, this is not the case in reality. Instead, in Sierra Leone, as in Cameroon, the 'stranger'–'indigene' divide remains alive, well and strong. This divide is not inconsequential for the political economy of land. Rather, as evidence from Sierra Leone indicates, this divide is spelling enormous difficulties for efforts to settle internally displaced groups such as refugees, ex-combatants, and foreigners. By some estimates, as much as 20–40% of the population of some chiefdoms of the country is comprised of persons classified as 'strangers' (Unruh, 2008, p. 102).

In Cameroon, the French colonial project and subsequent efforts to unify the country under one national umbrella failed to erase cleavages borne of ethnic heterogeneity. Consequently in the country's largest and economically most vibrant city, Douala, the 'stranger'–'indigene' dichotomy, threatens urban development efforts (Orock, 2005). In fact, this dichotomy does not only constitute a source of rising inter-ethnic tension, it is being exploited by the country's bureaucratic and political elite. Members of this latter group have resorted to politicizing the country's land question in order to aggrandize their political positions. For instance, in Fako Division, arguably the country's most agriculturally fertile region, the indigenous Bakweri's have been paired with groups from other

parts of the larger Southwest Region under an invented geo-ethnic category known as 'Sawa's' or 'sons-of-the-soil' (Orock, 2009) In an effort to 'divide-and-conquer,' politicians shrewdly pit this group against members of hinterland groups, known as "strangers" or more pejoratively as "come-no-go." In Cameroon, as in Sierra Leone, such a classification scheme and the attendant feuds over access to land, make 'strangers' reluctant to undertake any meaningful investment in land or landed property.

Variations

Despite the noted similarities, the striking differences between the land policies in particular and the political economy of land in general, of the two countries can hardly be missed. Some of these differences are worth identifying here. First, according to Cameroon's landmark land law of 1974, all land in the country belongs to the state. Consequently, all land owners in the country are considered tenants of the state. This is not the case in Sierra, where, with the exception of Freetown and the Western Area, paramount chiefs are in control of land. The Sierra Leonean Constitution states in Act No. 6 of 1991 at ss. 5 (2) (a) that "sovereignty belongs to the people of Sierra Leone." Some analysts do not construe this as implying that the Sierra Leonean territory belongs to Sierra Leoneans, and not the Sierra Leonean State (see e.g., DFID, 2006). However, a number of legal authorities believe otherwise. For instance, the country's former Chief Justice, Ade Renner-Thomas, asserted that the doctrine of tenure, a foundational common law principle which makes all land owners tenants of the State, is not applicable in Sierra Leone as elsewhere (Renner-Thomas, 2010).

Another notable difference is that while land policy making in Cameroon is a highly centralized and harmonized activity, it is not so in Sierra Leone. In Cameroon all policy mandates in the land domain emanate from the capital city, Yaounde, and the same land laws apply everywhere throughout the country. However, in Sierra Leone land policy administration is characterized by duality, or even 'heterogeneity' (Unruh, 2008). In particular, statutory tenure prevails in the Western Area while land throughout the rest of the country or the provinces, is governed by customary law. Both systems are a legacy of their respective colonial past. Thus, while the land policies of Cameroon are rooted in French tradition, those of Sierra Leone grew out of the English tradition.

Two other related differences characterizing the land policy contexts of Sierra Leone and Cameroon are as follows. In Sierra Leone, in contrast to Cameroon, there is no unified code of law or system in charge of land. Thus, in Sierra Leone, it is conceivable for the country's 149 chiefdoms and 300 customary courts to interpret land laws according to the traditions, customs, and mores of the tribal communities within their respective jurisdictions. In this case each court may ignore, or be oblivious to, alternative interpretations in other jurisdictions (Unruh, 2008). In Cameroon, in contrast, customary courts and other traditional institutions have no officially recognized role in the land domain (Njoh, 2003). Instead, as noted earlier, the Francophone-dominated government of the country, which has sought to adopt, verbatim the French colonial governance system, has systematically worked to sideline these institutions (Jua, 1995). Consequently, the Cameroonian government, in contrast to that of Sierra Leone, does not recognize the importance of land in the traditional African framework. This framework recognizes the fundamental inalienability of land. In other words, it recognizes that land must remain in the family lineage, and that land belongs to the dead, living and unborn.

Yet another difference between the Cameroonian and Sierra Leonean land situation worth mentioning relates to the 'stranger'–'indigene' dichotomy. This dichotomy is certainly more accentuated in Sierra Leone than in Cameroon. In Sierra Leone,

'strangers' are considered no more than temporary occupants of any piece of land under their control. Additionally, unlike the Cameroonian situation, 'strangers' anywhere in Sierra Leone are required to surrender a certain portion of the crop yield to the land-owning family or landlords (Unruh, 2008). This arrangement is designed to serve as a constant reminder of the temporary residency status of the 'stranger.' Perhaps more noteworthy is the fact that 'strangers' anywhere in Sierra Leone are not permitted to cultivate cash crops. Among the many negative implications of this, albeit, unwritten policy is its impact on the national economy as it severely limits maximization of land's productivity, hence the country's gross domestic product (GDP). This situation differs markedly from what obtains in Cameroon, where most of the cash-crop land-owner–farmers in the country's coastal or forest regions originate in the hinterland or grass-field regions.

Restricting the access of 'strangers' to land or denying them the privilege to maximize the utility of their lands, has emerged as a source of violent conflicts in Sierra Leone but not in Cameroon. Conflicts of this sort involving ex-combatants and 'returnees' have been registered during this decade in Kailahun District on the Sierra Leone–Liberia border (Unruh, 2008). In addition, tensions with the potential for violence involving disenfranchised youths and chief-tain structure, and between lineage holders and disenfranchised youth, strangers, women's groups, and displaced persons, have also been reported in other parts of the country (Unruh, 2008).

Implications of both systems for efforts to attain the MDGs

Our aim in this section is to gauge the extent to which land policies facilitate attainment of the millennium development goals (MDGs) in Cameroon and Sierra Leone. However, before heading any further in this direction, we pause to highlight some of the criticisms that have been leveled against equating attainment of MDGs (elaborated below) with development. Some critics (e.g., Attaran, 2005) contend that MDGs are imprecise and therefore ineffective as agents of development. In addition, many of the MDGs suffer from a dire lack of scientifically valid data (Attaran, 2005). Perhaps the most poignant criticism of MDGs as a proxy for development comes from Samir Amin (2006). Amin contends that while at first sight MDGs may appear unobjectionable, as a measure of development in South, they must be viewed with skepticism. This is particularly because they did not originate in the South. Rather, they were pushed primarily by, and designed to attain important objectives of, advanced capitalist countries and concomitant institutions such as the World Bank, the International Monetary Fund, and the Organization for Economic Cooperation and Development. Even then, it is arguable that the MDGs remain the best-known and most credible for gauging development progress at the international level today.

As a blueprint for development, the MDGs were unanimously adopted by world leaders at the United Nations in September 2000. This blueprint is intended to guide efforts to improve living conditions, and reduce socio-economic inequalities in developing nations. The blueprint comprises eight different but overlapping declarations as follows (World Bank, 2010):

1. Eradicate extreme poverty and hunger;
2. Achieve universal primary education;
3. Promote gender equality and empower women;
4. Reduce child mortality;
5. Improve maternal health;
6. Combat HIV/AIDS, malaria and other diseases;
7. Ensure environmental sustainability; and
8. Develop a global partnership for development.

Developments in the land domain have direct implications for the attainment of at least three of the above goals. These include, Goals 1, 3 and 7, which speak respectively to issues of poverty, gender equality and empowerment, and environmental sustainability.

To appreciate the relevance of land policy for efforts to attain these goals, it is necessary to first understand the concept of land governance. Land governance strives to determine and implement sustainable land policies. Furthermore, it seeks to establish strong relationships between people and land. From this vantage point, land governance is crucial for efforts designed to achieve sustainable development, reduce hunger, combat poverty, and eliminate gender-based socio-economic inequalities. To this end, it is therefore arguable that land policies constitute a key component in efforts to accomplish the MDGs.

From this vantage perspective, good land policies can make a positive and significant contribution to these efforts. Good land governance initiatives entail more than simply controlling and managing the use of physical space. They must, among other things, be holistic, and seek to create the conditions necessary to facilitate attainment of the MDGs. Table 3 summarizes these conditions and evaluates the land policies of Cameroon and Sierra Leone with respect to their ability to facilitate attainment of the three MDGs in question.

Goal one: eradicate extreme poverty and hunger

Attainment of this goal ultimately depends on accessibility to land. Accessibility to land is necessary to guarantee food security and self-sufficiency in any economy. However, it is important to note that accessibility alone is a necessary, but not a sufficient condition for maximizing the food productive capacity of land. Foremost among the many other factors that serve to guarantee the productivity of land is security of tenure (Feder, 1988; Feder & Noronha, 1987). In

Table 3
Millennium development goals with implications for land policy.

| Goal number | Goal statement | Necessary condition for attaining goal | Relative real or potential advantage | |
|-------------|---------------------------------------|--|--------------------------------------|--------------|
| | | | Cameroon | Sierra Leone |
| One | Eradicate extreme poverty and hunger. | - Land tenure security for all; - Effective land markets; - Ease of access to land for all. | X X | X |
| Three | Promote gender equality. | - Ease of access to land for all, especially women; - Uniform land laws that apply to all without regard to sex, socio-economic status or geographic location; - Involvement of all stakeholders in the land domain in the land policy making process. | X | X X |
| Seven | Ensure environmental sustainability. | - Recognition of the value of land in all its facets (economic, social, cultural and spiritual). | | X |

Sierra Leone, access to land in the provinces is often not a problem. What tends to be problematic are the conditions under which the vast majority of provincial or rural dwellers or the so-called 'strangers,' must fulfill in order to maintain this access. As noted earlier, 'strangers' have and maintain access to land at the will of the 'indigenous landlords.' In addition, 'strangers' are not permitted to plant cash crops on the lands they may occupy at any given time.

This situation, as noted above, is unlike what obtains in Cameroon. Here, although there also exist a 'stranger'–'indigene' dichotomy, restrictions on the manner in which 'strangers' can use their lands are absent. Furthermore, it is worth noting that in Cameroon there has been a single official land tenure system since 1989. Thus, all access to land is governed by a single code. Such a harmonized system is likely to be more functional that one comprising a multiplicity of systems. This latter is what obtains in all of Sierra Leone except Freetown and the Western Area (Unruh, 2008). Thus, it is safe to say that Cameroon is slightly ahead of Sierra Leone when it comes to access to land and the functionality of the land delivery system (see Table 3).

The eradication of extreme poverty and hunger also depends on effective and sustainable land reform initiatives, as well as recognition of the multiple facets (including economic, social, cultural and spiritual) of land. The Cameroonian government has undertaken extensive land reform actions since obtaining independence. On its part, the Sierra Leonean government has never carried out such an exercise. The latter is currently pre-occupied with efforts in this connection. Recent scoping studies by the Department for International Development (see DFID, 2006) for the Sierra Leonean government constitute part of these efforts. Paradoxically, Sierra Leone's status as a late-comer in the land reform arena constitutes an advantage. As a late-comer, Sierra Leone has many lessons to learn from the tried-and-failed land reform initiatives of other African countries. Other factors playing in Sierra Leone's favor include the fact that the country experienced indirect colonial rule. This resulted in leaving most of its indigenous institutions intact. Also, the fact that Sierra Leone's indigenous land tenure system has been operating in tandem with the received English statutory system bodes well for its sustainability. As indicated earlier, Cameroonian authorities have always strived to sideline indigenous institutions and concomitant knowledge in the land domain (also see Jua, 1995; Njoh, 2003). This has negative implications for the sustainability of the country's land policy. For this reason, we judge Sierra Leone's land policy as potentially more sustainable than Cameroon's (see Table 3). Here, we would be remiss if we failed to acknowledge the arguments of proponents modern land tenure systems. Proponents such as Hernando de Soto (e.g. 2000) have argued that such systems, especially when they involve land titling, improve access to, and transfer of, land. In addition, they contend that land titling also improves the access of the poor to credit and financial institutions. However, as Firmin-Sellers and Sellers (1999), and Njoh (1998) have observed in the case of Cameroon, land titling guarantees access neither to land nor credit for the poor, women and other disenfranchised groups. In fact, evidence from de Soto's own native Peru and Bogota bolster these findings (Gilbert, 2002). This has led some (e.g. Payne, 2002) to recommend group land titling as a means of improving the access to land of poor people, especially slum dwellers. The logic is that group land titles akin to the communal landholding that obtains in the African customary land tenure system, would insulate slums and squatter settlements from aggressive and unscrupulous land hunters.

Goal three: promote gender equality

This goal invariably calls for some appreciation of the tripartite concept of equity, fairness and justice (EFJ) as it relates to the land

question. The essence of this concept can be summarized to include "the state, quality, or ideal of being just, impartial and fair" (TFD, Online). It also implies some modicum of ethics. Questions of EFJ rose to prominence in the spatial studies literature in the 1960s and 1970s (see e.g., Harvey, 1973; Lefebvre, 1968, 1972). After a brief hiatus in the late-1970s to the early-1980s, these questions have since experienced a resurgence (see e.g., Badcock, 1984; Harvey, 2002; Smith, 1994; Soja, 2009). Recent calls for a return to normative social justice theory as a guide to planning practice deserve the credits for the increasing attention to these questions in land management and planning (Harvey, 2002; Smith, 1994). This is especially true considering the conflicting claims of entitlement and questions of distribution and/or redistribution that are inevitable in the land domain. These questions typically revolve around 'who gets what, where and when?' Equity, fairness and justice questions appear explicitly or implicitly in the literature on land reforms (Feder & Noronha, 1987; Migot-Adholla, Hazell, Blarel, & Place, 1991; Njoh, 1998). Two opposing approaches to appreciating these questions in the land and related domains are worth noting here. One, exemplified by the works of Rawls (1971) is concerned with issues of redistribution. The second approach focuses on decision-making processes (see e.g., Young, 1991).

The concept of EFJ as it applies to land comprises several variants, which can be summarized to include, procedural fairness, fulfillment of legitimate expectations, formal and substantive equality, rights and entitlements and basic needs fulfillment (Barry, 1990; Hay, 1995). Colonial authorities, like the indigenous authorities who succeeded them advanced the need to promote EFJ as a *raison d'être* of the land reform measures they initiated throughout Africa. Yet, it would appear that the only area in which some measure of fairness has been attained by these reform initiatives is related to procedural fairness. In this regard, it is safe to argue that where land reform initiatives have been successfully implemented uniform laws apply to all without regard to sex, socio-economic status or geographic location. Accordingly, we contend that Cameroon has a relative real advantage over Sierra Leone.

However, procedural fairness has one drawback that is worth noting. It stands in stark contrast to distributive justice, particularly as it relates to resource redistribution efforts that are designed to correct past wrongs. In the land domain, this means that those who have benefited from past injustices continue to benefit. Conversely, those who have been historically disenfranchised by these injustices remain disadvantaged. One case in point from Sierra Leone lends credence to this assertion. Recall that the country functions under a dual land tenure system. Thus, while Freetown and the Western Area benefited from extensive land reform initiatives that culminated in the adoption of English statutory laws, the rest of the country operates under customary land laws. One upshot of the statutory system is that access to land for all is ensured only through outright purchase. This has meant, among other things, that only those willing and able to pay, or those connected to the levers of power, are guaranteed access to land. Consequently, many who need land but lack this connection and/or the means to pay resort to squatting. About five years ago, government efforts to forcefully eject squatters from Hill Station, Freetown, met with violent resistance that resulted in the death of one official and several seriously injured civilians and officers of law and order (DFID, 2006, p. 6). As a product of the growing problem of land scarcity in Sierra Leone, squatting has grown and proliferated in Freetown and the Western Area. However, the problem remains unknown in the provinces. Therefore, it is arguable that the commodification of land as a function of so-called land tenure modernization initiatives contributes to the problem of squatting. Perhaps more worrisome is the fact these initiatives have also been

known to constitute a source of land-related violence. Yet another case from Sierra Leone serves to bolster this contention.

In Cameroon, the commodification of land through colonial and post-colonial land reform initiatives has also resulted in unduly favoring those with formal and verifiable sources of income and/or ties to the power structure. Consequently, access to land by women and the poor, most of whom depend on irregular sources of income for survival, has been severely curtailed (Njoh, 2003). Thus, while in theory, land reform initiatives, and especially the adoption of Eurocentric land laws is supposed to facilitate access to land for all, it has in fact curtailed this access. The reason for this is simple. Gender-based discrimination in the formal employment sector effectively translates into gender-based discrimination in the land domain. Yet, contrary to popular opinion, customary land tenure systems continue to guarantee access to land for women through inheritance. Research on customary land tenure has uncovered evidence attesting to the fact that women do in fact inherit land in Sierra Leone (DFID, 2006) and Cameroon (Njoh, 2006). However, as noted earlier, and as stipulated in Cameroon's landmark land law of 1974, customary instruments of entitlement to land ceased being recognized by the state as of 1989. Thus, we feel that Sierra Leone, where most land continues to be governed under customary law, holds a relative advantage over Cameroon in ensuring access to land for women. In other words, customary tenure holds greater promise when it comes to guaranteeing equitable access to land than the received systems promoted under pro-Western land reform initiatives (cf., DFID, 2006, p. 9).

Goal seven: ensure environmental sustainability

Target 7A of this goal is addressed specifically to governments. Governments are exhorted to “integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources” (World Bank, 2010, p. 18). This clarion call reflects the sentiments of the Brundtland Report that was prepared by the World Commission on Environment and Development (WCED) more than two decades ago. In this report, sustainable development is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (WCED, 1987).

Although apparently unbeknownst to many in the international development community, this characterization of sustainability, especially in relation to land, dovetails neatly into the African traditional ethos. The perception of land within this ethos contrasts sharply with the Eurocentric view that is widely promoted through most land reform programmes in Africa. Within the Eurocentric framework, land is a commodity that can be individually owned. From this vantage point, an individual could do as s/he pleases, within legal limits, with any parcel of land s/he has paid for. In contrast, African tradition views land as a sacred entity that cannot be bought, sold or owned by anyone. As stated earlier, in traditional African thought, those alive have a duty to hold land in a sacred trust for the dead and the unborn generations. Thus, what traditional Africans consider as tenure never implies outright ownership. Rather, tenure is taken to encompass no more than “rights and duties of use, transfer and administration of access, occupation, and reversionary control” (Njoh, 2003, p. 70). The African traditional social system has always been cognizant of the independent attributes of nature (Hamilton, 1920; O'Flaherty, 1998; Shipton, 1994; Sorrenson, 1967). Accordingly, they have always strived to promote a sense of duty and responsibility among people vis-à-vis their privileges over water, the forest, land and concomitant natural resources. This sense of duty remains alive, well and strong in polities where the leadership has made conscious efforts to preserve traditional institutions. Authorities in Sierra Leone, unlike

their counterparts in Cameroon, have succeeded in this regard. Consequently, the advantage with respect to land policies that are likely to “ensure environmental sustainability” goes to Sierra Leone.

Conclusion

This paper focuses on the relative impact of the ‘direct rule’ strategy of the French, and the ‘indirect rule’ system of the British, on contemporary land policy making in Cameroon and Sierra Leone respectively. With this focus, the paper has avoided two major pitfalls of analyses of land policies in contemporary Africa. First, it does not make the meaningless generalizations common in previous analyses. Second, and above all, it provides the discussion with a critical historical framework that is woefully lacking in other analyses. The paper marshals evidence showing the land policies of the two countries as a legacy of their respective colonial experience. An evaluation of the policies with respect to their ability to facilitate attainment of the millennium development goals reveals strengths and weaknesses on different measures for both countries. If nothing else, the paper has succeeded in portraying land policies as a legacy of the colonialism in African countries. Thus, any meaningful effort to reform these policies, or employ them as instruments of development must be attentive to their colonial origins.

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