

**Memorandum Dated 3rd March, 1999 to H. E. President Paul Biya Concerning the
Privatisation of the Cameroon Development Corporation (CDC)**

3RD March 1999

H.E. President Paul Biya

State House, Yaounde

Your Excellency,

Privatisation of the Cameroon Development Corporation (CDC)

A. A Historical Background

A Delegation of several members of the government recently visited the South West Province with a view to explaining to the Chiefs, elite, and the population, Government's intentions with regard to the Privatisation of the CDC, and to allay their fears on such questions as employment, social services, and land currently leased to the Cameroon Development Corporation.

We must respectfully point out that the land leased to the Cameroon Development Corporation, on which stands the plantation developments for various crops, has a long history behind it. Some 104,000 hectares of the most fertile land in Fako Division was originally forcibly expropriated by the German colonial administration and handed over to German plantation developers without compensation to the dispossessed indigenes. Prior to 1914 the Bakweris whose land was grabbed protested to the German Imperial government in Berlin, but the corrective measures then contemplated were aborted by the outbreak of the First World War in 1914.

After the First World War, these plantations were classified as Enemy property but the only buyers who showed any interest were the original German planters, who returned and continued to exploit the land. When the Second World War broke out in 1939, the plantations again became Enemy property, but this time the British Colonial Government, (partly due to loud protests from the Bakweri Land Claims Committee both to the United Nations and the British Administering Authority) bought back all of the German estates from the Custodian of Enemy Property, declared the land "Native Lands" under the

Lands and Native Rights Ordinance, and created the Cameroon Development Corporation in 1946 after due consultation with the indigenous Bakweris who had been dispossessed of their lands. The amount paid to the Custodian of Enemy Property was taken over as a loan by the CDC, which was able to repay it within a few years thus freeing the land from any encumbrances.

British Cameroons was a territory under UN Trusteeship, so the Governor-General of Nigeria, representing the British Government as Trustee, originally leased these “Native Lands” to the CDC for a term of sixty years from 1st January, 1947. In order to show that the CDC was only a tenant on the land which did not belong to it, it was required to pay Ground Rent to the Trustee who, had he acted correctly, should have paid the money to the dispossessed beneficiaries. Instead, this trust money has been misapplied to successive trustees, who have erroneously treated it as State revenue for the benefit of persons, the majority of whom have no interest in the alienated lands and whose occupation of their own ancestral lands is undisturbed.

The view that the land was held in trust by the Governor of Nigeria is affirmed by studies carried out by the eminent British scholar Dr. C.K. Meek in his book “land Tenure and Land Administration in Nigeria and the Cameroons” published in 1957 by Her Majesty’s Stationery Office in London as Colonial Research Studies No. 22, the relevant portion of which reads:

And where the Government had itself assumed the position of landlord, it had done so to protective native interests: the vesting of the land in the Governor had not implied a transfer of the ownership of the land of the territory to the Governor but had merely conferred on him a power of supreme trusteeship. Nor did it affect the existing titles, whether community or individual.

Apart from the clamour by the Bakweri as recent as 1994 when the question of the sale of CDC, or its privatisation, was first mooted, evidence of their sustained demand for the return of their lands would be found in the Petition of the Bakweri Land Claims Committee to the Trusteeship Council, in Report of the U.N. Trusteeship Council Visiting Mission, 1949, U.N. Doc. T/PET.4/3. Bakweri demand for restoration of their

lands has spanned many decades, but fortunately, they now have a Government of their own people, to right the wrongs of the past.

We therefore expect that our Government, in considering the privatisation of the CDC, will do so in keeping with the spirit and letter of the preamble in Law No. 96-06 of January 1996 to amend the Constitution of the 2nd June 1972 which in part states:

"Proud of our linguistic and cultural diversity... Bound by the same destiny... assert our firm determination to build the Cameroonian fatherland on the basis of fraternity, **justice**, and progress.

-the state shall ensure the **protection of minorities** and shall preserve the right of indigenous populations in accordance with the law.

Ownership shall mean the right guaranteed every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law.

B. The 1974 Land Law (Ordinance No. 74-1 of 6 July 1974 to establish rules governing land tenure)

It has been presented in certain circles that the 1974 Land Law classified all CDC lands as National Lands to be administered by the State in such a way as to ensure rational use and development thereof. This argument has been used to justify the position of the State in negotiating the privatisation of the CDC.

Let us now look at the Relevant provisions of Ordinance No. 74-1:

PART I

General Provisions

1. (1) The State guarantees to all natural persons and corporate bodies having landed property the right freely to enjoy and dispose of such lands.

(2) The State shall be the guardian of all lands. It may in this capacity intervene to ensure national use of land or in the imperative interest of defense or the economic policies of the nation.

(3) The terms and conditions of such intervention shall be fixed by decree.

PART II

Private Property

2. The following categories of land shall be subject to the right of private property:
 - a. Registered lands;
 - b. Freehold lands
 - c. Lands acquired under the transcription system;
 - d. Lands covered by a final concession;
 - e. Land entered in the Grundbuch.

PART III

National Lands

14. (1) National lands shall as of right comprise lands which, at the date on which the present Ordinance enters into force, are not classed into the public or private property of the State and other public bodies.

(2) **National lands shall not include lands covered by private property rights as defined in Article 2 above**

(3) In the event of forfeiture as provided for in Articles 4 and 5 of the present Ordinance, or of non-completion of the procedure referred to in Article 6, the lands in question shall be incorporated as of right in the national lands.

15. National Lands shall be divided into two categories:

- (1) lands occupied with houses, farms and plantations, and grazing lands, manifesting human presence and development;
- (2) lands free of any effective occupation

16. (1) National lands shall be administered by the state in such a way as to ensure rational use and development thereof.
 - (3) Consultative boards presided over by the administrative authorities and necessarily comprising representatives of traditional authorities shall be established for this purpose.
17. (1) National lands shall be allocated by grant, lease or assignment on conditions to be pursued by decree
 - (2) Provided that customary communities, members thereof, and any person of Cameroonian nationality occupying or exploiting lands in category 1 as defined in Article 15, at the date on which the present Ordinance enters into force, shall continue to occupy or exploit the said lands. They may apply for land certificates in accordance with the terms of the decree provided for in Article 7.”

Our Position on the 1974 Land Law

At the coming into force of Ordinance No. 74-1, CDC lands were the subject of a lease granted by the trustee for the Bakweri indigenes that had been dispossessed. In order to grant the lease, the land was fully surveyed, demarcated and registered, as ground rent payable by CDC was based on area. There can be no doubt whatsoever that by definition CDC lands fell in the domain of private property, over which the indigenes have a right to apply for a land Certificate.

The confusion in the minds of certain people arises from Article 15(1) quoted above. The lands referred to in that article are those not clearly demarcated or registered anywhere officially, nor belonging to any person. Thus, if someone establishes a cattle ranch somewhere in Cameroon, or even a plantation, such land is still national land until the Consultative Board, as prescribed by Art. 16920, has met over the lands, surveyed and demarcated it, whereupon the occupier may apply for a land certificate. This cannot possibly apply to CDC occupied land, which has been mapped and registered in official records prior to the commencement of the Land Ordinance

of 1974. These CDC occupied lands were known even to the German colonial administration, and would have featured in the official German land registers, because as many as 23 German plantations were involved. **These lands were entered in the Grundbuch, and do not fall in the category of National Lands over which the State has powers of intervention.**

Having now demolished the argument of lands occupied by CDC being labeled State Lands, the position of the Bakweris is that upon Cameroon attaining independence, the role of the State in continuing to act as trustee over Bakweri lands, effectively ended. Existing contracts, e.g., the original 60 years granted by the Governor General of Nigeria, should be allowed to run its full course. Any subsequent extension of that lease by a Government of Cameroon, however called, is invalid, as the trustee relationship terminated when Cameroonians assumed political independence and were not subject to control by a foreign imperial power. The trusteeship status had ended.

Thus, however good the intentions of the Cameroon government may be in courting external finance in order to cater for thousands of employed Cameroonians working or dependent on the CDC, the truth of the matter is that the State cannot arrogate to itself the administration of property it does not own. Undoubtedly, the Bakweri can muster the manpower to negotiate with foreign investors over their lands, while, in the interest of national unity and to protect the interest of workers, Government should play a catalyst role to ensure equity to all parties concerned.

If because of economic exigencies, privatisation is the immediate remedy, we humbly pray your Excellency, as head of State of the independent democratic Cameroon Republic, to accede to the following requests of a loyal and law-abiding minority:

- (i) Affirm that lands occupied by the CDC are private property, and therefore that ground rents are payable to a Bakweri Land Trust Fund for the benefit of the dispossessed indigenes

- (ii) In respect of unpaid rents over the years, these should be paid to the Bakweri Land Trust Fund and the amount charged to public Revenue, or deducted from the proceeds of the sale of the plantations to private companies. *(As stated above, this non-payment amounted to misconduct by the Trustee)*
- (iii) The Bakweris should be fully involved in the negotiations with private companies wishing to invest, and grant them reasonable terms to make investment attractive
- (iv) The Bakweri Land Trust Fund should use its resources to purchase shares in the private companies, among other things.

While we eagerly await your profound consideration to our petition,

Accept, Mr. President, our humble regards to your high office.

(Over 300 signatories of Chiefs, Notables and Elites to the above petition are contained in the accompanying sheets)

Billa F. Manga Williams
Paramount Ruler
Victoria Coastal District Traditional Authority

Chief Philip Mofema Ewusi
Chairman, Bakweri Land Claims Committee

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