

UNIVERSITE DE YAOUNDE I

.....
**CENTRE DE RECHERCHE ET DE
FORMATION DOCTORALE EN
"SCIENCES HUMAINES, SOCIALES
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.....
**UNITE DE RECHERCHE ET DE
FORMATION DOCTORALE EN
SCIENCES HUMAINES ET SOCIALES**

.....
DEPARTEMENT D'HISTOIRE



THE UNIVERSITY OF YAOUNDE

.....
**POST GRADUATE SCHOOL FOR
SOCIAL AND EDUCATIONAL
SCIENCES**

.....
**DOCTORAL RESEARCH UNIT
FOR SOCIAL SCIENCES**

.....
DEPARTMENT OF HISTORY

TRADITIONAL AUTHORITIES IN POLITICS AND DEVELOPMENT IN THE SOUTHERN CAMEROONS 1922 – 1972, A HISTORICAL ANALYSIS

A Thesis Submitted in partial fulfillment of the requirements for the Award of a Doctoeat/
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ABSTRACT

This study explores the impact of Traditional Authorities in politics and development in Southern Cameroons from 1922 to 1972. Southern Cameroons, located in present-day North West and South West Regions of Cameroon, with diverse tribes and cultures with dynamic centralized and segmentary polities. Before colonial influence, Traditional Rulers were respected visionary leaders who promoted cultural heritage and territorial integrity. The study emphasizes the significant influence of their rule on the geo-political and socio-economic development of Southern Cameroons, culminating in the establishment of the Southern Cameroons House of Chiefs in the 1960s for example. Unfortunately, the key position once occupied by Traditional Authorities in their communities as absolute masters was snatched away by the colonial masters and replaced by that of auxiliaries to the administration. However, the post-colonial State has maintained this 'emasculatation regime', thus depriving them of their sovereignty of yesteryear. In either case, they have lost much of their credibility with populations, who, however, remain much attached to them after all. As it is the case, the regulatory framework and institutional bodies for decentralisation have been in place since 1972. Despite its meticulous progress, this regulatory framework has provided a key status to Traditional Authorities in local governance. Thus how can this uncomfortable situation of Tradition Authorities regain credibility with their populations, a certain balance or neutrality not found in politics? The study utilized primary and secondary sources, questionnaires, interviews, and oral information to analyze the contributions and challenges faced by traditional authorities. The role of Traditional Authorities in governance and development remains a topic of debate, as their historical significance and contemporary relevance are questioned.

RESUMÉ

Cette étude vise à examiner le rôle des autorités traditionnelles dans la politique et le développement au Southern Cameroons, de 1884 à 1972. The Southern Cameroons est situé dans les régions actuelles du Nord-Ouest et du Sud-Ouest du Cameroun, avec plus d'une centaine de tribus, de langues et de cultures diverses caractérisées par des politiques centralisées et segmentaires dynamiques. Avant l'influence coloniale, les chefs traditionnels étaient des dirigeants visionnaires qui pilotaient les affaires de leurs domaines à des hauteurs enviablées, leur donnant le respect, l'influence politique et économique pour répondre aux désirs de sa population. Ces autorités traditionnelles étaient déterminées à protéger et à préserver l'intégrité territoriale et le patrimoine culturel de leurs royaumes. L'étude articule la nécessité de comprendre les potentiels écrasants possédés par ces autorités traditionnelles et l'influence puissante et importante qu'elles ont eue dans le développement géopolitique et socio-économique du Cameroun méridional. Les Européens ont compris les traits de leadership de ces États pendant la colonisation et ont rapidement imposé la culture, l'administration et la dépendance économique du temps. De même, à l'indépendance, leur rôle consultatif sur les questions de développement, la protection et la préservation des traditions et des coutumes de leurs communautés ne pouvait pas être sous-estimé dans la création de la Chambre des chefs du Southern Cameroons dans les années 1960, la débâcle du plébiscite et la restauration de son histoire. En explorant les concepts, les thèmes, les théories et les faits liés à l'argument central, les Fons et les chefs ont contribué à l'idée que les grands leaders sont nés et ne sont pas faits, même s'ils sont tombés en disgrâce dans la recherche moderne sur le leadership. Les résultats montrent que quel que soit le parti qui arrive au pouvoir, il aura besoin de l'aide des autorités traditionnelles pour servir de lien entre le gouvernement et les masses. De même, les résultats révèlent également que les gladiateurs politiques ont refait surface, cédant la place à l'apparition de l'incertitude et à l'effondrement des autorités traditionnelles, les entraînant dans la politique partisane. et plus encore, les mettre en conflit avec leurs « sujets ». La question est donc de savoir si ces autorités traditionnelles visionnaires, malgré leurs contributions, ne sont que du papier à en-tête ou une panacée pour une valeur heuristique de nouvelle gouvernance ? Les principales données utilisées au cours de cette étude sont les sources primaires et secondaires, les questionnaires et les entretiens.

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ABBREVIATIONS AND ACRONYMS

ACRONYM	FULL MEANING
AAC1	All Anglophone Conference 1
AAC2	All Anglophone Conference 2
CDD	Community Driven Development
CDA	Critical Discourse Analysis
CPNC	Cameroon People's National Congress
CFA	<i>Communauté Financière Africaine</i>
CNU	Cameroon National Union
CCC	Cameroons Commons Congress
CIP	Cameroons Ideological Party
CFU	Cameroon Federal Union
CNF	Cameroon National Federation
ENAM	National School of Magistracy
FRG	Federal Republic of Germany
GDR	German Democratic Republic
JEUCAFRA	Jeunesse Camerounaise Française
KNDP	Kamerun National Democratic Party
KUP	Kamerun United Party
KNC	Kamerun National Convention
KUNC	Kamerun United National Council
KPP	Kamerun People's Party
PCF	French Communist Party
PhD	Doctor of Philosophy
PRO	Public Records Office
NAA	Native Authority
NAB	National Archives Bamenda
NAB	National Archives Buea
NWEFU	North West Fons Union
RDA	<i>Rassemblement Democratique Africain</i>
SDF	Social Democratic Front
SWELA	South West Chiefs Association
SCNC	Southern Cameroons National Congress

SCHC	Southern Cameroons House of Chiefs
TLs	Traditional Leaders
TRs	Traditional Rulers
UK	United Kingdom
UNO	United Nations Organisation
UPC	<i>Union des Populations du Cameroun</i>
USA	United States of America
WCHC	West Cameroon House of Chiefs
WWI	World War I
WWII	World War II

DEDICATION

To my lovely family

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GENERAL INTRODUCTION

1. General Context of the Study

This study focuses on contemporary history of Traditional Authorities in Politics and Development in the British Southern Cameroons¹ from 1922 to 1972. Traditional Authority leadership in Africa is not a recent creation. Long before contact with European merchants, African societies have had a robust sophisticated centralized and non-centralized communities and kingdoms (the Ghana and Mali Empires, the Kingdoms of Lake Victoria area etc). They existed in different forms of governance within African societies, even before the advent of the colonial powers. These were African based systems of governance, built around their values, traditions and norms. Before European colonization, ethnic nationalities or groups like elsewhere in Africa had well established traditional political institutions that took care of the social, economic and political needs of its peoples. The term Traditional Authorities as used in this study connotes not just the Chiefs, but embraces also the whole structure of those who governed, such as traditional title holders, district heads, village heads and the nobilities. These were called the *Fon, Mfoi, Mfon, fua, Nfor, shufai, fai, Shey, Chefor, Ndifor, Mformi, Tav, Mofor, Ya'a, Akamachu (village representative out of the chieftdom) etc*. They were well noted for the preservation of peace in their communities, customary legal adjudication, custodians of tradition and preservers of ancestral lands. Their role also extended to religious functions as they were in charge of ancestral offerings.²

Edward Bovill and Hallett Robin draws attention to the fact that many West African kingdoms had rulers with enormous wealth, organized judicial systems, and large armies before the fifteenth century. Pre-colonial societies ranged on a continuum from largely acephalous societies with loosely linked segmentary lineage systems to extremely hierarchical societies with militarized forms of kinship or chieftaincy. Traditional Authorities in politics and development constitute a strong force that the political elite of a developing country

¹The Southern Cameroons was the southern part of the British League of Nations mandate territory of the British Cameroons in West Africa. In 1954 British Southern Cameroons was given a limited degree of self-government as a *'quasi-federal territory'* within the Nigerian Federation. In 1958, the 'quasi-federal' status was dropped and 'Southern Cameroons' was given local autonomy and a Ministerial government with a House of Chiefs. Southern Cameroons became part of Cameroon on 1 October 1961, where it makes up the Northwest Region and Southwest Regions. Foncha served as Prime Minister of West Cameroun and vice-president of the Federal Republic of Cameroun.

² A. Legesse, *Three Approaches to the Study of African*, New York, Free Press, 1973, pp. 154-157.

cannot afford to ignore. They had an organized judicial systems based on local and Islamic law.³

Pre-colonial chieftaincies setting were instrumental in trade, politics, and civilization of the communities. By the time European merchants arrived on the coast of the Atlantic, many advanced civilizations had risen and fallen while many more were flourishing. The case of the Forest Region of Cameroon was profoundly different from that of the Grassfields. In most parts of South West Regions, notably amongst the Banyang, Ejagham, Bafaw, Bakossi and the Bahweri, the people were organized in several different villages made up of many families. July 12th, 1884 the Germino-Douala treaty was signed between the Germans officials and Douala Chiefs.⁴ During this period, native chiefs were given a place in trade, politics. Prelude to 1922, British had contact with the Douala Kings and King William of Bimbia along the coast of present-day Limbe. Likewise the chiefs faced German domination in the Bamenda Grassland on the eve of the First World War.⁵

Moreover, the success of nationalist politicians in their independence movement thus, depended on the support of chiefs, especially the paramount *fons* and *chiefs*, because they could gather the support of the people and thus, put pressure on the colonial administration. As a result, the Bamenda GrassfieldS *fons* for example played a large role during the British Southern Cameroons independence struggle, both reasserting their precolonial power and newly integrating their customary authority into modern state processes. As a result, the various nationalist political movements in the Southern Cameroons, such as the Kamerun National Congress (KNC), the Kamerun National Democratic Party (KNDP), and Kamerun People's Party (KPP) pushed for the active role of chiefs in independence.⁶ Understanding the importance of the Chiefs, the colonial administrators supported the idea of the House of Chiefs that operated like the House of Lords in Britain a real representative body of traditional rulers. Most politicians co-opted and pulled those chiefs into partisan politics. They were asked to rally their people behind them by promising positions in the House of Chiefs. On September 5th 1960, the House of Chiefs sat for the first time at Buea. Addressing the House, the High Commissioner stressed its historical importance not to express the views of the

³ E. W. Bovill and R. Hallett, *The Golden Trade of the Moors: West African Kingdoms in the Fourteenth Century*, Princeton, NJ, Weiner Publishers, 1995

⁴ S.G. Ardener, *Eye-Witnesses to the Annexation of Cameroon 1883-1887*, Government Press, Buea, 1968 p.22

⁵ E.M. Chilver, *Paramountcy and Protection in the Cameroon, the Bali and the German, 1889-1913*, New Haven, Yale University Press, pp 479-511.

⁶ P. Geschiere, "Chiefs and colonial rule in Cameroon: Inventing chieftaincy, French and British style", Cambridge University Pres, 1993, pp151-175.

different political parties but as the traditional leaders and spokesmen of their communities. At independence, President Ahidjo drew inspiration from traditional chieftaincy to obtain the fundamental principles of an African democracy necessary for national political development. Besides its democratic foundation, another chieftaincy was needed to protect intrinsic traditional values such as humane living of which the chiefs are depositories. He took the option of co-opting chiefs into the political and administrative structures of the state as a means to ensure an effective integration of chieftaincies into the administrative machinery of the state not as parallel force but an integral part of the Administration.⁷

Above all, at the initial stage of the federation, Ahidjo was largely tolerant towards Traditional Authorities. He allowed the Federated States of West Cameroon to handle chieftaincy matters in its own way until such a time that the federal government would find it necessary to step in and regulate its activities. Stated by Federal constitution, the House of Chiefs of the Southern Cameroons shall be maintained but reserved the right to determine its powers and functions to the West Cameroon State. Thus on October 1 1961, the SCHC became the WCHC with regards to its role, powers and duties it followed the same pattern as the defunct SCHC. Thus, in conformity with the disposal of the Federal and West Cameroon Constitutions, the WCHC was created and went operational in April 1962. It became the Upper Chamber of the West Cameroon State, which became a bicameral character that was not the case in East Cameroon. This statutory recognition gave the chiefs of West Cameroon the opportunity to assert themselves and contribute to the edifice of nation building by participating in governance and in the decision making process of the emerging state.⁸

2. Motivation of Choice of Topic

Choosing this theme, stem from the fact that as Anglophone Cameroon, Traditional Authorities and Traditional Institutions have remain very important in organizing the life of the people at the local level, despite modern state structures. This was because the dignity, authority and sacredness of the Fons and chiefs, no one can contest and it is never dragged into the mud by whomever. Moreover, traditional institutions command high loyalty among it communities due to strong beliefs that a failure to look at taboos or rules governing them could cause misfortune. Recent experience has shown that successful decentralization has to take existing traditional structures into account.

⁷ Cameroon Government, West Cameroon Consitution, 1 October 1961, Part 2

⁸ Ibid

Therefore, we should be able to tell our own stories, celebrate our heroes, and restore pride in our history and culture. Colonial Treaties with chiefs amongst others issues in Cameroon contemporary history demonstrated the recognition of the ultimate role of Traditional Authorities in politics and development. If Europeans could co-opt Traditional Authorities in order to succeed with their imperialism, why should modern governments not co-opt them for good governance? Interestingly conceptual issues coloured our initial thoughts, power⁹ and compatibility on Traditional Authorities and politics for the development of Southern Cameroons. Where politics was effectively working, traditional authorities had an important complementary role, filling in gaps by addressing contingencies not provided for by formal institutions. In this role, they assumed an important efficiency enhancing role supporting formal institutions in achieving intended policy outcomes. Traditional leaders can disposed to perceiving their communities' needs, and community members reaching out to them with feedback. This strategy is often used by actors who dislike outcomes generated by formal rules, but are unable to openly violate them. While this implies diverging from formal rules, it may overall, still contribute to effective policy outcomes for the poor.¹⁰

3. Conceptual Framework

Émile Durkheim finds that above all, we must agree on the meaning to be given to words and concepts, the latter being very often polysemic. It is thus useful to proceed to a definition of the key terms used, in order to specify the meanings which will not be of any use to us and to avoid any misunderstanding which could arise from any interpretation contrary to the orientation given in this work.¹¹

We will propose the definition to certain key concepts without neglecting the derivatives and neighboring words that accompany them: they are administration, traditional Authorities, politics and development, so that we know exactly what they are.

3.1 Traditional Authority

Moved by Max Weber's tripartite classification of Traditional Authority as a leadership in which the authority of a ruling regime is largely tied to tradition or custom and

⁹ Power is here defined in terms of a relation between people, and is expressed in simple symbolic notation

¹⁰ K. Baldwin, "Why vote with the chief? Political connections and public goods provision in Zambia", *American Journal of Political Science*, 2013, pp794-809.

¹¹ E. Durkheim, *Les Règles de la méthode sociologique*, Paris, Payot, coll. "Petite Bibliothèque Payot", 2009

highly respected. Weber claimed that the other two styles of authority were charismatic authority and rational-legal authority. Weber noted that, in history, these ideal types of domination always seemed to occur in combinations. Weber traced traditional domination back to patriarchs, their households, and the ancient tradition of the family. In such systems, the master, almost exclusively an older father, is designated in accordance with the rules of inheritance. He has no administrative staff, nor any machinery to enforce his will by force alone. Instead, he depends on the willingness of subservient group members to respect his authority. They obey him based on the belief that this is their duty, sanctioned by tradition. Patrimonial government is related to this model, but is slightly different. This occurs when a patriarchal ruler's household expands to governmental offices. In this style of leadership, all officials are personal dependents or favorites of the ruler, and are appointed by the ruler. Their interactions with the ruler are based on paternal authority and filial dependence. Military force is an important instrument of patrimonial rule. Patrimonial dominance has often prevailed in the East.¹²

The Chambers Twentieth Century English Dictionary not different defines 'tradition' as handing over, oral transmission from generation to generation, anything bound up with or continuing in the life of a family or community. It defines an 'authority' as 'a person or body holding power or right, permission derived from office or character' More specifically, according to Osborn's Concise Law Dictionary, 'authority is a body charged with power and duty of exercising prescribed functions'. Traditional Authority as such refers to an institution or power that is received and handed down or over from generation to generation. Tradition here therefore is a part of culture that is passed from person to person or generation to generation, possibly differing in detail from family to family. The 20th Century German born American political scientist, Hannah Adrent equally considered auctoritas as the source of political authority and the continuous conservation and the increase of principles handed down.¹³ It is in this direction that Frank Bealey, when he defines authority as "the legitimate power that a person or a group of persons consensually possess and practice over other people. This was the proper understanding of authority, a divine privilege given to an individual or group of people to fascilitate living together. This was the divine authority of the Fon in the Traditional Bamenda¹⁴.

¹² P. M. Blau, "Critical remarks on Weber's theory of authority", *The American Political Science Review*, 1963, pp. 305-316.

¹³ H. Adrent, *On Revolution: The Revolutionary Tradition and Its Lost Treasure*, Penguin Books, London, 1963, PP. 215-280

¹⁴ F. Bealey, R. A. Chapman, and M. Sheehan, *Elements in political science*, Edinburgh, University Press, c1999

However, etymology of traditional leadership legitimacy is rooted in tradition and custom, often combined with religious and divine or sacred rules. Legitimacy of leadership in modern societies is based on elections and embedded in constitutional and legal procedures and rules. In general, traditional authorities are often perceived as chiefs or kings who have inherited their title from their fathers, then passed on to their sons. There are a great variety of traditional forms of leadership. Some of the titles of traditional leaders can be inherited by an individual person or within a family. Other common forms of traditional leadership are not inherited but are selected by the elders in a society, or the people themselves can choose or influence the selection of the traditional leaders. In other cases, elected government institutions approve or even appoint chiefs. In the latter case, though the leadership selection is by the elected government, the functions of the leaders are within the traditional domain. Their functions are often related to land allocation, natural resource management and dispute settlement, but their oversight can extend beyond these functions. In many cases, traditional leaders also serve as spiritual and religious leaders.¹⁵

Equally, the process of traditional leadership selection has often been more stable in many cases than the leadership functions themselves. But this does not mean that the process of leadership selection is not open to change. It therefore implied that the British policy of IR was officially introduced into the territory and chiefs were used in the administrative set up and acted as local authorities. They thus became NAs in themselves or chiefs in council. Where a paramount chief was found and ruled over a larger area, he was appointed an NA. This was more practicable in centralised polities like those of the Western Grassfields where the Fons of Kom, Bum and Nso wielded much power over their subjects. Where centralised polities did not exist, composite NAs that were made up of chiefs wielding power together as court judges and councillors, were appointed and one of the chiefs acted as president. But in segmented societies like those of the Forest Zone, chiefs were appointed to exercise authority over these units.¹⁶

Also, Traditional Authority refers to historic roots of leadership, which legitimizes the execution of power. Many forms of traditional leadership existed. In Europe, the rule of kings and nobles was the dominant governing force for a long time until it was gradually replaced by democratic structures. In Africa, Asia, and Latin America, traditional authorities are mostly referred to as chiefs and elders. “Traditional leadership” in anthropology is regarded as

¹⁵ H. Tatah Mbuy, *Fons of Traditional Bamenda and Partisan Politics in Contemporary Cameroon*, Imprimeie de la CENC, Mvolye, Yaounde, 2021

¹⁶ V. J. Ngoh, *History of Cameroon since 1800*, Limbe: Presbook, 1996. pp145-195

political, sociopolitical and politico-religious structures that were rooted in the pre-colonial period, rather than in the creations of the colonial and post-colonial states. Traditional leaders here include kings, other aristocrats holding offices, heads of extended families, and office holders in decentralized polities, as long as their offices were rooted in pre-colonial states and other political entities. Traditional forms of authority differ from the modern state in that the leadership in modern societies are usually elected or appointed by elected officials, while traditional leadership is usually inherited or appointed. Traditional leaders are not subject to an electoral process, although some are subject to accountability mechanisms. Modern states and traditional leadership have different sources of legitimacy.¹⁷

To some scholars, Traditional Authority's according is synonymous with traditional chieftdom and rulership. They argued that, traditional authority was used by colonialists to contrast with the modern powers that they represented. Its connotation is therefore, denigrating. For instance, 'the use of the term "chief" (authority) instead of "king" by the colonial masters was meant to denigrate African rulers'. Crowther and Ikime equally assert that, the word 'chief was a distinctive diminutive colonial term meant to reduce the status of great African Kings like the Obase of Benin, who in colonial times considered themselves and were considered by their people as "Kings".¹⁸

Perham, Lugard distinguished Traditional Authority feature in the landscape of contemporary Africa as indispensable. In many African countries, traditional leadership remains important in organizing the life of the people at the local level despite modern state structures. The colonial administration of the pre and post-independence era in Southern Cameroons used traditional authorities on large scale in governance. Since then, traditional authorities have found themselves confronted with providing complimentary leadership in their domain. The post colonial difficulties and mutations of traditional authorities or chieftdoms have indeed constituted the subject of vast scholarly interest, and traditional authorities have in the process served diverse purposes. Through indirect rule, the British sought to borrow legitimacy from traditional authorities for the implementation of colonial policies. Chiefs appointed as Native Authorities in the Bamenda region of Cameroon were empowered to collect tax revenue within their jurisdictions for expenditure by colonial masters. Their relevance in the contemporary societies has had apposite impact but during

¹⁷ M. Perham, *The year of authority 1898-1945*, Vol II, London, Collins, 1960.

¹⁸ M. Crowder & O. Ikime, *West Africa Chiefs, Their changing status under colonial rule and independence* University of Ife press, 1970, pp.453.

post-independence it started diminishing with the result that various tiers of government appear to perceive and use them in governance in different ways and levels.¹⁹

To corroborate with the above facts, Reverend Tatah Mbuy in his book *Partisan Politics in Contemporary Cameroon*, under scored that the Southern Cameroons House of Chiefs was a unique structure by the British who wanted to benefit from the power which the local traditional rulers already had over their population. These rulers gave advice to the administrators in traditional matters and also helped to resolve conflicts, collect taxes and organized the people. In this way, they were of great assistance to the British administrators who quickly discovered that the chiefs had more control at grassroots than anyone of them could have. But it should be noted that the SCHC had limitations. In the Bamenda grassfields in particular, if any traditional ruler overstepped his bounds, (the *kwifon*, *nwerong*, *ngumba*)²⁰ regulatory body in the palace brought him to order. This was because the dignity, authority and sacredness of the Fons and Chiefs, that no one contested it and it was never to be dragged into the mud by whomever. Contrary to this analysis, Chieftaincy laws of categorization have changed the attitudes of chiefs and fons in politics and development.²¹

The role of traditional authorities could be recognized like the *inculturation* in the Catholic faith. Epistemological validity of European Cultural superiority led many missionaries to not only bring the Christian faith but also Western culture at the expense of local cultures and religious traditions. 'Faith and *'Inculturation'* issued by the International Theological Commission of the Roman Catholic Church in 1987 supported the process of inculturation defined by the Church as efforts to make the message of Christ penetrate a given socio-cultural milieu. The 'inculturation' included the notion of growth, of the mutual enrichment of persons and groups, rendered possible by the encounter of the gospel with a social milieu.²²

¹⁹ Ibid pp.19

²⁰ The functions of *these authorities* were carried out through different agencies or lodges. One important duty of *kwifor* included the enforcement of rules regarding the authority of the Fon and the decisions he took. *Kwifor* worked hard towards maintaining peace in the *fondom*. It resolved conflicts within the context of a judiciary system that was set up in the central palace. The Bafut judicial system, as analysed by Chilver and Kaberry, was broadly similar to that of another 'Tikar' Kingdom, Nso. The point of agreement is that justice was decentralised as much as possible and the Fon only dealt with serious cases. As far as possible, disputes were usually submitted for arbitration and settlement in family circles, from the extended family up to the lineage, depending on the nature of the case. Beyond the family, quarter and village heads dealt with some cases between families such as thefts, assaults and land matters. More serious cases, such as murder, arson, witchcraft, destruction of property and aggravated thefts were referred to the Fon who dealt with them in consultation with *kwifor*.

²¹ Ibid pp.19

²² B.Kwame, *Christianity in Africa: The Renewal for non-Western Religion*, Edinburgh, Edinburgh University Press, 1995.

The theme of engagement with the world, and with it, *inculturation*, would be key elements not only of the Council document *Gaudium et Spes* (Pastoral Constitution of the Church in the Modern World), but also of *Lumen Gentium* (Dogmatic Constitution on the Church) and *Ad Gentes* (Decree on the Missionary Activity of the Church). *Lumen Gentium* emphasized the positive relationship between the Gospel and “whatever good lies latent in the religious practices and cultures of diverse people. Pope John Paul II's in his 1985 encyclical *Slavorum Apostoli* brought in ‘Inculturation’ the incarnation of the Gospel in the hereditary cultures, and at the same time, the introduction of these cultures into the life of the Church’ . Bishop Joseph Blomjou in 1980 supported the termed ‘*interculturation*’, that inculturation was not a one-way process, and that the Christian faith, or the particular form of its transmission to a given culture, will itself undergo transformation. Therefore Christian faith should be made indigenous and to develop from within the cultures of the people. The faith should be made a way of life of Africans in which their experiences are appealed to and aspirations met. In fact, the faith should be African.²³

To conclude here, the foundation of states came from the existed traditional states and traditional authorities well politically structured. Since the loss of independence by African societies and the formation of the colonial State, chiefs have essentially operated between two political and social forces. On the one hand, the State often attempts either to co-opt chiefs or to abolish their authority altogether, especially if they fail to comply with its demands and directives; on the other hand, communities expect their chiefs to be custodians of their collective interests. Chiefs, like most other political leaders, can be expected to have conflicting tendencies; either to advance self-interest at the expense of community interests, or to curb their self-interest in order to promote community interests. The pursuit of either tendency is, however, constrained by the demands that the State and their communities place upon them. Chiefs cannot ignore the demands of the State, as they retain their position at the State’s pleasure and often they depend on the State for resources. This dependence compels them to perform tasks that link the State with rural communities.²⁴

3.2 Politics

Aristotle (384-322 BC), made politics the ‘master science’: that is, nothing less than the activity through which human beings attempt to improve their lives and create the good

²³ D. M. Doyle, *The Concept of Inculturation in Roman Catholicism, A Theological Consideration*, Dayton, University of Dayton, U.S.A, Catholic University of America Press, 2012

²⁴ M. Crowder, and O. Ikime (eds), *West African Chiefs: The Changing Status under Colonial Rule and Independence*, New York, Africana Publishing Company, 1970

Society. Politics is, above all, a social activity. It is always a dialogue, and never a monologue. Politics emerges only with the arrival of a man. Nevertheless, the disagreement that lies at the heart of politics also extends to the nature of the subject and how it should be studied. Disagreement about the nature of politics as an academic discipline means that it embraces a range of theoretical approaches and a variety of schools of analysis. Politics as the art of government is derived from *polis*, meaning literally ‘city-state’. Ancient Greek society was divided into a collection of independent city-states, each of which possessed its own system of government. The largest and most influential of these city-states was Athens, often portrayed as the cradle of democratic government. In this light, politics can be understood to refer to the affairs of the *polis* in effect, ‘what concerns the *polis*’. The modern form of this definition is therefore ‘what concerns the state’. This view of politics is clearly evident in the everyday use of the term: people are said to be ‘in politics’ when they hold public office, or to be ‘entering politics’ when they seek to do so. It is also a definition that academic political science has helped to perpetuate.²⁵

For Arendt, politics is an activity which is an end in itself. In her initial sketch of her theory, written in the late 1950s, and now published as *The Promise of Politics*, Arendt explains this view of politics:

The meaning of politics is that men in their freedom can interact with one another without compulsion, force, and rule over one another, as equals among equals, commanding and obeying one another only in emergencies that is, in times of war but otherwise managing all their affairs by speaking with and persuading one another. Politics is therefore centered around freedom, whereby freedom is understood negatively as not being ruling or being ruled, and positively as a space which can be created only by men and in which each man moves among his peers.²⁶

According Merriam Webster’s Dictionary definition, politics is the art or science of government; the art or science concerned with guiding or influencing governmental policy; the art or science concerned with winning and holding control over a government. Politics are the actions or activities concerned with achieving and using power in a country or society. Politics is also an academic subject sometimes indicated by the use of ‘Politics’ with a capital, it is the study of this activity. Politics is thus inextricably linked to the phenomena of conflict and cooperation. On the one hand, the existence of rival opinions, different wants, competing

²⁵ K. M. Cherry, *Plato, Aristotle and the Purpose of Politics*, Cambridge, Cambridge University Press, 2012

²⁶ Hannah Arendt, *The Promise of Politics* ed. Jerome Kohn, New York, Schocken, 2005. This book, written in the 1950s but not published then, was the initial sketch for *The Human Condition*, but it is a clearer statement of the thesis, even if sometimes less consistent about the separation of ruling and politics.

needs and opposing interests guarantees disagreement about the rules under which people live. On the other hand, people recognize that, in order to influence these rules or ensure that they are upheld, they must work with others hence Hannah Arendt's definition of political power as 'acting in concert'. This is why the heart of politics is often portrayed as a process of conflict resolution, in which rival views or competing interests are reconciled with one another. However, politics in this broad sense is better thought of as a search for conflict resolution than as its achievement, as not all conflicts are, or can be, resolved. Nevertheless, the inescapable presence of diversity, politics is an inevitable feature of the human condition. Any attempt to clarify the meaning of 'politics' must nevertheless address two major problems. The first is the mass of associations that the word has when used in everyday language; in other words, politics is a 'loaded' term. Politics is defined in such different ways: as the exercise of power, the science of government, the making of collective decisions, the allocation of scarce resources, the practice of deception and manipulation²⁷.

Politics as compromise and consensus is another conception of politics related not to the arena within which politics is conducted but to the way in which decisions are made. Specifically, politics is seen as a particular means of resolving conflict: that is, by compromise, conciliation and negotiation, rather than through force and naked power. This is what is implied when politics is portrayed as 'the art of the possible'. Such a definition is inherent in the everyday use of the term. For instance, the description of a solution to a problem as a 'political' solution implies peaceful debate and arbitration, as opposed to what is often called a 'military' solution. Once again, this view of politics has been traced back to the writings of Aristotle and, in particular, to his belief that what he called 'polity' is the ideal system of government, as it is 'mixed', in the sense that it combines both aristocratic and democratic features. One of the leading modern exponents of this view is Bernard Crick. In his classic study *In Defence of Politics*, Crick offered the following definition: Politics is the activity by which differing interests within a given unit of rule are conciliated by giving them a share in power in proportion to their importance to the welfare and the survival of the whole community.

According to Jakob Norberg, Politics is the expression "political concepts" refers to a set of concepts essential to any serious reflection on political life. This set includes authority, democracy, equality, freedom, justice, power and concepts that represent fundamental political values and principles. Politics is exciting because people disagree. They disagree

²⁷ H. Arendt, *Theory of Power as Communication: A Feminist Critique*. Fordham, Fordham University Ed, 1987

about how they should live. Who should get what? How should power and other resources be distributed? Should society be based on cooperation or conflict?. They also disagree about how such matters should be resolved. How should collective decisions be made? Who should have a say? How much influence should each person have and so forth?.²⁸

Consequently, Traditional leaders equally played an eminent role in national policy, local democracy and civil society activism. Some chiefs of the larger and smaller Chieftaincy are important business leaders but must be kept out of party politics. In local government there are limited viable options for incorporating them into institutional structures. Traditional leadership of local development efforts needs to be allowed to develop spontaneously, as it does now, depending upon local circumstances. In contrast, the role of the chiefs in land administration is so important that it cannot be left as ‘informal’. Over the past twenty years, many human sciences and especially historical studies have helped clarify how pre-colonial societies of Cameroon were composed. *The law in this era was fundamentally customary in character, having its bases in the general practices and traditions of people.* The British authorities understood the strength of traditional authorities through reverence that the people hold for village chiefs and used that to their advantage. In this respect, the British colonial authorities tried to preserve the traditional administrative practices by introducing the Indirect Rule. However, this indirect rule system was somehow replaced by a more rigid centralized system after independence and the unification of the British and French Cameroon. For instant, Southern Cameroons was represented in the Eastern House of Assembly by two Native Authority Representatives in the persons of Chief Manga Williams of Victoria and His Higness Galega II, the Fon of Bali.

3.3 Development

Development is defined by Cambridge Dictionary as the process in which someone or something grows or changes and becomes more advanced, as the social change that allows people to achieve their human potential. An important point to emphasise is that development is a political term: it has a range of meanings that depend on the context in which the term is used, and it may also be used to reflect and to justify a variety of different agendas held by different people or organisations. Development is not simply about the interactions between human groups; it also involves the natural environment. Development is equally about the conversion of natural resources into cultural resources. This conversion has taken place

²⁸ N.Jakob, *Political concepts*, published in The Encyclopedia of Political Thought, ed. Michael Gibbons, 2015, Duke University Press, Durham, 2015.

throughout the history of human societies, although the process has generally increased in pace and complexity with time. Development also means an increase in the size or pace of the economy such that more products and services are produced. Conventionally, a common assumption has been that, if an economy generates more products and services, then humans will enjoy a higher standard of living. The aim of many conventional approaches to development has been to increase the size of the economy economic growth in order to increase the output of products and services. Of course, without any change in the fundamental economic processes involved, the production of more products and services will inevitably require more raw materials and energy, and will generate more waste.²⁹

The term “development” has various meanings to different people and can be explained in different contexts. For example, the development needs of a starving population must be different from those where there is sufficient nutrition. Development has often been confused with “economic growth as measured solely in terms of annual increases in pre-capita income or gross national product, regardless of its distribution and the degree of people’s participation in effective growth”. Development means the conditions for realisation of the human personality. Its evaluation must therefore take into account three linked criteria: where there has been a reduction in (1) poverty, (2) unemployment, (3) inequality”.³⁰

According to Pearson (1992), development involves “An improvement qualitative, quantitative or both - in the use of available resources”. He also asserts that development does not refer to one particular perspective on social, political and economic betterment. Instead, it is a hybrid term for a myriad of strategies adopted for socioeconomic and environment transformation from current states to desired ones.³¹

State institutions are not the only political institutions important for local development. In many developing countries local non-state actors play a crucial governance role. One such actor in Africa in terms of development were *traditional authorities*, rulers who have power by virtue of their association with the customary mode of governing a place-based community. Across Africa, this definition will encompass a variety of traditional leaders who vary in their historical origins and local power. Many traditional authorities are part of lineages that have been in power locally since before colonial occupations. Others were instituted, replaced, or propped up by colonial administrators. Conceptually and

²⁹ Cambridge Dictionary

³⁰ R. Abuiyada, *Traditional Development Theories have failed to Address the Needs of the majority of People at Grassroots Levels with Reference to GAD*, Dhofar University, International Journal of Business and Social Science Vol.9, 2018

³¹ Ibid pp.25

empirically, I focus on the most local level of traditional authorities, namely village chiefs or headmen. These traditional authorities possess authority independent of the state, even if their office was created or modified by the colonial government. Traditional leaders are highly influential in their communities. Through their association with customs and traditions, they are endowed with local authority over the population. They control resources, most importantly land, and their standing allows them to impose social sanctions. Whilst they might use their authority for their own benefit, this authority also enables them to provide services and public goods to the community such as allocating land and providing justice.³²

The idea of development therefore is taken to be roughly equivalent to social progress- which has undergone many sharp changes through its evolution in human history and human consciousness. Understandings of the meaning of development are closely linked with people's most fundamental views of the place of humankind in the universe. That is, our understandings reflect our cosmological frameworks. We often forget that there was a long period in human history in which there was practically no conception of progress at the social level. The cosmological view was that of a static world, a world in which one's life task was to adjust to these unchanging conditions. If there was any progress, it was in one's progression beyond this world to other worlds and other lives. This static view prevails today in many corners of the world, but we tend to dismiss it, relegating it to the past by describing it as pre-modern. From the definition of the concept of traditional authorities, politics and development, this study hereby examines the role of traditional authorities in pre-colonial and post-colonial periods in politics and development in Southern Cameroons.

3.4 Administration

According to Theo Haimann, “Administration means overall determination of policies, setting of major objectives, the identification of general purposes, and laying down of broad programmes and projects”. According to Newman “Administration means guidance, leadership & control of the efforts of the groups towards some common goals.” According to Pfiffner and Presthus (1967) administration means “An activity or process mainly concerned with the means for carrying out prescribed ends.” As the definition clearly indicates, administration is mainly concerned with the means that are necessary for the accomplishment of pre-determined goals. Here means is the way by which something is done or obtained. When groups of individuals are working for the accomplishment of a common goal, a division

³² S. J. Henn, *Complements or Substitutes? . How Institutional : Arrangements Bind Traditional Authorities and the State in Africa*, Chicago University, 2021

of labor is necessary, so that each individual will know what to do. Or there is the need for an authority structure to control and coordinate the activities of the individuals involved.³³

Thus dividing the work among the members, having a proper role assigned to every member in the group, following the leaders instructions are nothing but the means to achieve the goal. In this sense, administration is an activity mainly concerned with the means which also requires cooperation as well. According to Simon, Smithburg, Thompson (1950) “Administration can be defined as the activities of groups cooperating to accomplish common goals” Human activity is cooperative if it has the effects that would be absent if the cooperation did not take place. Thus, administration is “the complete effort of the group to control, guide, and adapt to accomplish the pre-determined goals.” For example, let us suppose our common goal is to educate a group of individuals in the field of marketing for medicines. Public Administration therefore, consists of all those operations having for their purpose the fulfilment of public policy as declared by authority.” Both above definitions are done from traditional viewpoint and related only to the functions and actions of Administration. A common objective, goal or interest always leads to thinking, feeling and acting in the same direction for all the members of the group which is very essential for the accomplishment of that objective.³⁴

Consequently, in our context, Traditional Authorities are referred to by the generic term of Traditional Chieftaincy. The chieftaincy is a level of the administrative organisation. It is governed by the 1977 decree and the 2013 decree which amends and supplements certain provisions. Over the years, the role and place of Traditional Chieftaincy has constantly evolved. As custodian of customs and traditions, it originally constituted micro-States or vassal States in the pre-colonial era. With colonisation, it played a collaborative role which, not without distorting its original value, continues in the post-colonial era. Within the framework of decentralisation, implemented by Law No. 96/06 of 18 January 1996, the status of traditional authorities has undergone a new evolution which certainly gives them a certain visibility in the decentralised local authority without, however, removing their confined role of auxiliary to the administration. Instead of essentially addressing the issue of over-centralisation of decisions at the summit of the State, including the exclusion of vulnerable social groups and the lack of interest in local institutions, decentralisation through the

³³ Pfiffner and Robert Presthus, *Public Administration*, New York, Ronald Press Co. 1967, pp. 551-554

³⁴ M. Laxmikanth, *Public Administration*. New Delhi: Tata McGraw Hill's Series, 2011. Pp. 1-15

politicisation of chiefs is also likely to be a source of conflict between chiefs and populations that they are supposed to defend and lead.³⁵

4. Objectives of the study

The main objective of the study is to substantiate the compatibility and preconceptions of the role of traditional authority in politics and development of Southern Cameroons.

4.1 Specific Objectives

- To bring to the limelight the context in which Traditional Authorities existed before 1922 and during the period of colonialism;
- To elucidate the role and influential strength of Traditional Authorities in politics and development through out colonial periods of 1922-1972 in Southern Cameroons;
- To make understand that colonial power was limited by chiefs' obligation to ensure community well-being to maintain the legitimacy on which colonial authorities depended;
- To institutionalize Traditional Authorities as partners in governance and decision making in governance of Southern Cameroons and Cameroon as a whole.
- Find out why at independence, educated elites saw chiefs as threats to their power and impediments to modernisation and nation-building, and tried to curtail their role in local government and national politics.

5. Interest of the study

The interest of the study is to determine the approach that might enhance the role of Traditional Authorities in politics and development. In particular, my future research interests are shaped by the emerging trend towards *the role of Traditional Authorities*. We cannot take it for granted that traditional leaders act in accordance with the interests of their communities and that traditional rule enhances genuine popular participation in decision making. The institution of chieftaincy is characterised by ambivalence, where it needs to mediate between the past and the present by propagating the image of itself as a '*symbol of tradition*' while, at the same time, striving to serve as an agency for 'modern projects'.

³⁵ Décret N°77/245 du 15 juillet 1977 portant organisation des chefferies traditionnelles

Interested in the way traditional institutions served several purposes and remained important to their people, the British colonial administration at the beginning relied on these institutions with indirect rule approach. These were regulatory societies like the *Kwifon* and *Ekpe* served as legislatures for traditional governance or administration. As the legislative arm of the traditional government, both *Kwifon* and *Ekpe* had the power and ability to regulate the power of the king. The Germans used the *Ekpe*, for example, in facilitating governance within the ethnic groups of the Cross River region of Cameroon. Through the highly respected *Ekpe*, the Germans instructed the people of the Cross River region on governance. Their relevance transcended the socio-cultural, economic, and political spheres. The *Kwifon* regulatory society in the North West Region of Cameroon was and remains a dignifying and royal institution. In the Kom Kingdom, for instance, it was the executive arm of the government of the Fon (Chief) and exercised advisory, judicial, and ritual functions. *Kwifon* retainers communicated important messages from the Fon to the people. The institution also regulated the economic affairs of the fondom such as the inauguration of crop harvests and market activities. In the Laimbwe villages of Cameroon, the *Kwifon* (*Kuifuai*) maintained justice, peace, progress, and stability.³⁶

Cultural institutions from other parts of Africa served similar functions to those in Cameroon. The *Poro* and *Sande* of the Mende and Temne chiefdoms in Sierra Leone and Liberia and the *Ogboni*, *Agemo*, and *Egungun* of the Yoruba of Western Nigeria carried out ritual ceremonies and diplomatic missions for good neighborliness and peaceful co-existence. These institutions also served as guardians and policemen of public morality in their chiefdoms. As local tribunals, they settled disputes, litigations, and other matters among their people, and created a congenial environment for socio-economic activities to thrive. Similar to the practices of the Cross River region, some of these institutions hunted witches and wizards to rid society of these unwanted elements. The *Atam* masquerades or mask performers (mostly men) among the Bakor of South East Nigeria performed several functions, including the imposition of fines on offenders, control of palm oil production for export, regulation of harvesting fruits, and protection of forest reserves from destruction. Ganyi et al. observe that the *Atam* facilitated the circulation of information through which cherished cultural values were preserved. It was a contribution of ancestors to the legitimization of the ethical code of the community. It also purified and enhanced a cordial and crisis free communal existence by stigmatizing stealing, sexual immorality, greed, and intolerance. In

³⁶ P.N. Nkwi, and Warnier, J.P., Elements for a History of the Western Grassfields, Yaounde, SOPECAM, 1982

spite of the important role of these cultural institutions in Africa, the colonial administrators and missionaries painted them in a different light.³⁷

6. Scope of the study

This study begins from the year 1922 and ends in 1972. The period 1922 involved Traditional Authorities' participation in modern politics and development. Following the Treaty of Versailles, the German territory of Kamerun was divided on 28 June 1919, between the French and the British by the League of Nations Mandate. The French mandate was known as Cameroun. The British mandate comprised two adjacent territories, Northern Cameroons and Southern Cameroons. They were administered from, but not joined to, the British territory of Nigeria through the British Resident (although some incumbents had the rank of District Officer, Senior Resident or Deputy Resident) with headquarters in Buea.

Effective occupation of British Cameroons by British authority required a form of governance with which the Cameroonians would comply willingly, rather than coercively. This imperative led to the indigenization of the colonial state through the adoption of the system of indirect rule. Directives to rule Southern Cameroons on 'the principles of Indirect Administration' were issued only subsequent to the 1919 Milner-Simon Agreement. Intrinsic to the colonial project was a European design to dominate physical space, to integrate local economic histories into the Western perspective and to reform the natives' minds.³⁸

Traditional Authorities of these regions had a different historical experience under the Germans and the British. They were at the forefront of the decolonisation process and enjoyed legislative powers in a distinct House of Chiefs³⁹. They demonstrated a high degree of resilience, thus they have continued to be a potent institution for political and socio-economic development. However, the colonisation of Kamerun by the Germans in 1884 saw the role of traditional rulers as they became auxiliaries of the colonial administration. They acted as tax collectors, recruiters of labour for the German plantation, provided porters to the colonial administrators, kept peace and order and dispensed justice. Though given authority in the management of local affairs, traditional rulers were answerable to colonial administrators and their decisions could be rejected or adjusted to fit colonial policies. Their departure (Germans)

³⁷ M. T. Aletum, "The Place of Traditional Institution in the modern Political System", in *Cameroon Law Review*, No 9, 1976, pp.65-85

³⁸ B. N. Jua, "Indirect Rule in Colonial and Post-Colonial Cameroon" *Paideuma: Mitteilungen zur Kulturkunde*, published by Frobenius Institute, 1995, pp.39-47

³⁹ Anglophone chiefs had already acquired a strong constitutional base before independence and reunification. This was materialized with the creation of the House of Chiefs.

from Cameroon after World War I and the inception of British rule saw the introduction of the Indirect Rule System where chiefs became local authorities. They deliberated over local affairs in local assemblies and were responsible for the development of their communities. However, the creation of administrative divisions in Southern Cameroons⁴⁰ and their subsequent upgrading to local governments (councils) brought changes in the entire British administrative system. The educated elements were encouraged to take up seats in local government legislatures and for the first time, traditional rulers had to share power with them.⁴¹

These regions today North West and South West regions of Cameroons by 1961 period of independence equally saw the traditional governing institutions that were put in place by the traditional authorities, the West Cameroon House of Chiefs. The periodizations of our subsidiary themes have however followed a broader trend on the dynamism of traditional authorities in politics and the local development of the area. The limit of this study in 1972 marks the dissolution of the West Cameroon House of Chiefs in Cameroon by President Amadou Ahidjo and the numerous challenges witnessed by traditional authorities during that period. The efforts made by the governments of Southern (West) Cameroon in resisting attempts at disbanding the privileges enjoyed by traditional rulers as local government legislators. It holds that though efforts were made by the colonial administration at democratising the local government system, traditional rulers did not lost the preponderant role accorded them in these institutions. The surge in nationalism and quest for their departure from the political scene after World War II was not heeded to as they were maintained as ex-officio members. Upon independence and reunification of Cameroon, they continued enjoying this role and attempts at disbanding this special status by the federal government met with stiff resistance from the State government of West Cameroon government. However, this status was lost with the enactment of a new law on local government and centralisation of power after unification.⁴²

With a superficial area of 42710 km² these regions had a population of 17% of a population of 17 million 2005. The native population comprises a variety of ethnic and linguistic groups. The main ethnic groups are of Tikar origin: (Tikari, Widikum, Fulani,

⁴⁰ The area named Southern Cameroons was rebaptised West Cameroon when this former British colony reunited with East Cameroon (former French colony) to form the Federal Republic of Cameroon in 1961

⁴¹ P. M. Tem, *Flaws in the Native Authority System in Southern Cameroons: A factor for the 1949 Creation of Local Government Units*, Afro Asian Journal of Social Sciences, Vol. III, 2016, pp. 1-24.

⁴² V.G.Fanso, *Cameroon history for secondary schools and colleges*, Vol. 2, the colonial and postcolonial periods, Macmillan Publishers Ltd, 1989.

and Moghamo) and the Bantu of the forest region (Bakweri, Bakundu, Bakossi and Bassossi, Bayange, Ejagham etc). Bamenda grassfield region count about 129 fondoms with paramount fondoms of Nso, Bali, Bafut, Mankon, Kom etc while in the forest region of South west counts many chiefdoms with paramount chiefs of Buea, Victoriam Kumba etc. The state of Cameroon caters for the various traditional rulers according to their grades profered through presidential decree number 77/245 of 15 july 1977, organizing chieftaincy. There are three categories of chiefs, the first class chiefdom are chart toppers with a clear definition based on their ruler ship over an area not exceeding an administrative division. Equally, they must have under their sphere of reign at least two second class chiefs. 13 September 2013 presidential decree fixed salaries for chiefs ranging from 50 000F to 200 000F⁴³

7. Theoretical framework

This study is based on some basic theories of sustainable theory for this political participation, emphasized on the imperative of all inclusive political system and process that draw together social forces and make them the cornerstones of the democratization process. The traditional rulers in any political society are the essence of the democratic system and they do this through their involvement, contribution and participation in the political process. Ake sees traditional participation as the involvement of the traditional rulers in the process of setting goals and making decision about involvement in the process not just the acceptability of the end results which satisfies the need of the participant. Two arguments are presented, which either support or oppose their integration within modern democratic structures. These arguments are based on some theories of leadership suc as:

Max Weber perceives traditional authority from the perspective of legitimacy, whereby acceptance of the right to rule is based on tradition or custom, rational, charisma. Weber defines authority as legitimate forms of domination, that is, forms of domination which followers or subordinates consider to be legitimate. Legitimate does not necessarily imply any sense of rationality, right, or natural justice. Rather, domination is legitimate when the subordinate accept, obey, and consider domination to be desirable, or at least bearable and not worth challenging. It is not so much the actions of the dominant that create this, but rather the willingness of those who subordinate to believe in the legitimacy of the claims of the dominant. Weber outline three major types of legitimate domination: traditional, charismatic, and legal or rational. These three forms do not constitute the totality of types of domination

⁴³ Ibid

but they show how it is possible for some people to exercise power over others. Authority extends and maintains power and shows a study of its origins can show how people come to accept this domination as a regular and structured phenomenon. Also note that these are ideal types, with any actual use of power being likely to have aspects of more than one type of authority, and perhaps even other forms of power such as the use of force or coercion. Such authority could therefore govern a family, household, clan, or a whole society. The leader may emerge naturally (on the basis of age), or is selected on the basis of adherence to traditional principles. As long as this method of selection is accepted by others in the grouping, the rule of the patriarch's authority must be accepted. Weber viewed the future as one where rational-legal types of authority would become more dominant. While a charismatic leader or movement might emerge, the dominant tendency was for organizations to become more routinized, rational and bureaucratic. It is in this sense that legal authority can be interpreted. In modern societies, authority is in large part exercised on the basis of bureaucracies.⁴⁴

The republican mode enables the creation of powers and institutions for which accountability is owed to the electorate, unlike the traditional ruler who is largely accountable to a traditional council of notables and to his subjects. It has to be understood that this dichotomy results from migration and interaction of people of various ethnic backgrounds who have to live together in a common geographical environment.⁴⁵

Contrary to claims for a long time in Eurocentric histories, which infantilized Africans and doubted their innovative ability, there is now a general consensus that, state formation in Africa is not a post-colonial development. For instance, functional states like the Ashanti kingdom, the Zulu kingdom and the Great Zimbabwe existed in pre-colonial Africa. Recent historical and sociological publications on the Bamenda Grassfields prove that pre-colonial polities were innovative and had well-organized political institutions of power.

Consistent with the communalist nature of traditional society, at the basis of traditional governance during this period was the institution of the family and kinship, which defined the social and economic positions, especially access to land of members of society. The heads of these dynastic families often used their control over resources like land, cattle, and the bride price through strategic political marriage alliances, to establish themselves as a privileged economic and social stratum. Moreover, religious beliefs and practices, which at this time

⁴⁴ M. Weber, *Economy and Society: An Outline of Interpretive Sociology*, New York, Bedminster Press, 1968

⁴⁵ Ibid.

were family based in the form of ancestral reverences, were used by the family to mobilize and discipline members in the process of state formation. Despite the resilience of traditional governance structures and the fact that they vary greatly from highly centralized to decentralized systems, there is still no consensus on the desirability of integrating them into modern democratic governance structures.

The neo-traditionalist and neo-liberal arguments

Essentially, two main divergent views are discernible in the existing literature, namely, those who contend that traditional leadership is compatible with modern democratic governance because it possesses certain democratic elements and those who hold the view. For example, commenting on the organization of African societies around traditional leadership structures and the religious, legislative, administrative, and judicial roles they played in pre-colonial times, those holding the first view observed that:

Traditional Leaders once held a firm grip on the social, economic, and political system that governed society. There were systems and in place to regulate behaviour and rules were well enforced to ensure a safe and orderly society. They had adequate revenue through taxes and other donations and royalties to support families and meet their societal obligations¹²⁸.

For these and other holding the same view, while the hierarchy characteristic of most traditional governance structures was only a means to maintain order and stability in society, they upheld democratic principles in the sense that everything was done in the open¹²⁹. Mokgoro admits that although African traditional leadership has always been hereditary and therefore not subjected to the electoral process that characterizes modern governance, power was traditionally exercised only through the Council which helped to negate absolutism⁴⁶. Thus, according to this view; traditional leaders helped to maintain a system of government based on accountability, consultation and decentralization. Supporting Mokgoro's view, Williams has noted that,

The democratic aspects of traditional leadership and authority systems were instrumental in mediating the autocracy of the kingdom but were undermined by colonialism. "Physical force" as the means by which African leaders exerted their authority was apparently exceptional before

⁴⁶ A. Williams., On the subject of Kings and Queens: Traditional African leadership and the Diaspora imagination. *African Studies Quarterly*, 6(4): 1, 2002. [online] URL: <http://web.africa.ufl.edu/asq/v6/v6i3a1.htm>, accessed on July 23, 2020.

colonialism¹³¹. Potentially, highly exploitative practices such as polygamy and taxation were possible because of citizen deference to kingly authority and via specific ceremonial procedures and limitations.

To this group of scholars therefore, the two structures of governance can and must be integrated. The observations about the democratic nature of traditional governance notwithstanding, some scholars with neo-liberal views have argued against the involvement of traditional governance structures in modern administration because, to them, by its very nature, traditional authority compromises the democratic project underway in many African countries⁴⁷. Those holding this view, argue that, chieftaincy was corrupted by the colonial state and by the clientelism of the Post-colonial mode of governance; the populations under traditional authorities lived as “subjects” rather than as “citizens” of the state and democratic governance would not be achieved while such systems continue to exist; and that traditional institutions impede the pace of development as they reduce the relevance of the state in the areas of social services and, moreover heighten primordial loyalties.¹³³ This group therefore rejects any notion of accommodating traditional leadership in a modern democracy.

The neo-traditionalist argument has presided over social, economic and political systems, which ruled over societies before colonialism came to the continent of Africa. They developed and implemented policies, which enabled them to promote good governance in the society. Through the revenue base that they controlled, they were able to promote the development of their communities. The case study in Same, Tanzania by Lerise has shown that the participation of local chiefs contributed to the effective implementation of development projects before independence; but when they were marginalized after independence, government failed to implement those projects alone because it lacked the capacity to do so. Another study in Sudan by Deng showed that when local chiefs participated in the development projects, there was frequently a success in the implementation of such projects. This implies that, the participation of traditional authorities in policy implementation is crucial, as the case study in Tanzania and Sudan has shown. In Swaziland, Botswana, Nigeria and Mozambique traditional leaders continue to work with government in the development of their areas, to improve the lives of their citizens.⁴⁸

“Imperialists” school of thought saw the roles of chiefs not in economic terms but in political and administrative terms. Chiefs were portrayed as partners in the civilizing mission of Europe in Africa. In *The Dual Mandate*, Lord Fredrick Lugard set out to define the role and

⁴⁷ M. Mamdani., *Citizen and Subject*. Princeton: Princeton University Press, 1996, pp.34-56.

⁴⁸ Ibid

place of Traditional Chiefs and Fons in the British colonial administration. Native chiefs retain their titular positions, and were allowed the exercise of restricted powers. Chiefs were administrative partners with some degree of autonomy in bringing the benefits of European progress to indigenous people. Chiefs were employed in organizing social services, implementing taxation, public work, and other exaction made by colonial authorities. They were not co-equal with the colonial administrators, but were conduits through which the colonizers oversaw the daily lives of the people. Indirect rule, therefore gave legitimacy to the chiefs in the eyes of his people, but enslaved them in the eyes of the colonial authority. In this way, the chiefs in the colonial British system in Africa carried out the dual mandate required by the colonial authorities and the active political and spiritual roles expected of them by their subjects.⁴⁹

A study that was conducted in Ghana revealed that 79% of the 214 respondents who were interviewed thought that traditional authorities were effective in their performance in local governance. It was deduced that traditional authorities could play a positive role in the area of policy implementation beyond their mere attendance of municipal council meetings as ex-officio members. The neo-liberal argument are some scholars who, despite the fact that traditional leaders have played such roles in the past, still feel that traditional governance structures should not be involved in the modern governance structures, since, by virtue of their hereditary nature, which according to them did not promote democracy, they have compromised on democratic principles. The following section discusses the participation of traditional authorities in policy implementation. Neo-liberals agree that traditional authorities have played a positive role in their communities, but base their argument on constitutional matters. However, it could be implied that traditional leaders are elected leaders, who are elected in terms of the customary values, which are not similar to those of modern leaders. The election of Chief Mamitwa of the Valoyi traditional authority in Limpopo could be a case at hand. The Baloyi traditional authorities could have discussed the matter, but failed to finalize the matter, and the Constitutional Court had to study the protocol employed when appointing a chief, and then make an award.

Chilver, and Kabbery. Operating and establishing facts mostly from an anthropological perspective, have covered a wide extensive area of the Grassfields. They treated issues of economic, political and social developments within this area. These documents either in a single or combined, handled broad and specific topics like states and chiefdoms, pre-colonial

⁴⁹ F. Lugard, *The Dual Mandate in the British Tropical Africa*, London, Rouledge Press 2013

economy, land tenure and the way Grasslands traditional leaders related with each other. In their *West African States of the 19th Century*, they identified and studied each of the states that existed in the pre-colonial era. Indeed, the traditional institutions like the (Kwifoyn, Ngumba, Kwifor and Nwerong) were well handled by these authors. They asserted that the region of the Bamenda Western Grassfields had specific traditional institutions responsible for the administration of the society. Though these works are useful in providing important hints in the understanding of our study, their studies are limited to events in the pre-colonial era with some sort of superficial treatment of the colonial period.⁵⁰

Chilver and Kawbery have equally wrote many articles that are focused on the Grassfields. All of these articles have handled pertinent aspects of the Bamenda Grassfields during the pre-colonial and colonial periods. In a way, they addressed some key elements and equally helped in the formulation of some of the basic concepts developed by our work. Similarly, these documents have treated the main tenets of traditional administration and institutions either in the Grassfields or other related areas. Most of them only helped to justify the fact that all the elements of African historiography have been of immense focus especially after independence.⁵¹

This study is based on the dynamism of the role of traditional authorities in the Southern Cameroons. Their essence was justified by the dualist theory which argues that, traditional rulers remain important elements of administration within this new dispensation of change and adaptation. This school of thought opines that, the survival of traditional authorities in the present age must be based on a principle of social contract. In this kind of contract, the modern system of administration needs to recognize, understand, tolerate and harness them for dual governance. This theory equally objects the notion that traditional rulers have outlived their usefulness and as such, were relegated to traditions and customs of the people. Infact, the traditional rulers of Southern Cameroons needs to be liberal in its approach and cognizant of the changing patterns of time.

Traditional institutions belong to historical relies and should be rested. The argument is based on the fact that these institutions did not only serve as hindrance to socio-economic development, they were also divisive and expensive to run. Apart from these, they are viewed as partners to coloniaists who abhorred democracy and as such do not belong to the newly

⁵⁰ E. Chilver and P. M. Kawberry, *West African States in the Nineteenth century*, London: 1967, E. Chilver and P. M. Kawberry, *Traditional Bamenda, the Precolonial History and Earth group of the Grassfields*, Buea, SI, 1967

⁵¹ M.D Jeffrey, "Who are the Tikars" in *African studies*, Vol 23 1964 pp141-53.

found post-colonial independent state.⁵² Ejiofo argued that some school of thought feels that no political transformation can be achieved without the involvement of traditional institutions. It is the belief of these scholars that as custodian of history and culture, traditional rulers are useful in the reconstruction of the African state.⁵³ This view is corroborated by Dore that when policy neglects history, culture, and social context, huge amounts of effort and resources can be wasted on poorly conceived initiatives. The last school provides a middle of the road argument. While acknowledging the shortcomings of the traditional institutions during the period of colonialism, it recognizes the fact that “traditional institutions constituted crucial resources that have the potential to promote democratic governance and to facilitate access of rural communities to public services. In this line of thought are Perrot & Fauvelle-Aymar who contend that: “Just before the period of independence, the destiny of African (traditional) leaders appeared to be sealed; often accused of simply serving the colonizers, and under all circumstances considered a backward looking force. It seemed that there was no longer a case for their existence in the new states. Forty years later, traditional authorities have generally survived and often it is the same government officials, university members and the literate elite who previously criticized them who are now being enthroned.”⁵⁴

Traditional authorities again are a complex, it has no universal form, in Africa, Asia and Latin America, it refers to the leaders of traditional communities who are generally referred to as chiefs and elders. In Europe, these leaders are referred to as kings. Tetey et al argue that traditional authorities encompass kings, other aristocrats holding offices in political structures that pre-date colonial states and post-colonial states, as well as the heads of extended families and other political religious offices in decentralised polities that also date back to the pre-colonial period. Traditional authorities are generally viewed as the representatives of the poor.⁵⁵

The leadership of Traditional Authorities is not a product of the electoral process; but it is inherited or appointed, and its legitimacy is solely rooted in tradition and culture; while that of modern democracy is a product of the electoral process. The modern leadership derives its legitimacy from the electoral process, which is the product of the constitutional principles. Chiefdoms have evolved over time from a complex stateless society. Traditional authorities

⁵² United Nations, Economic Commission for Africa (ECA), *Relevance of African Traditional Institution of Governance*, Addis Ababa, 2007

⁵³ P. Ejiofo, *Chiefs Constitutions and Policies in Nigeria West Africa*, 2004, Review pg:30-35

⁵⁴ C. H. Perrot et al, *Les autorités traditionnelles et l'Etat en Afrique contemporaine, Le retour des rois*, Paris, Editions Karthala, 2003

⁵⁵ Tetey et al, *Conceptualization of the Role of Traditional Authorities in Policy Implementation Within the Discipline of Public Administration*, Victoria university, 2003, Chapter 3.

were not only manipulated by colonial governments, but also by the modern countries as well. This view is corroborated by Chiweza, who found that in Malawi they were simply being used to solicit support from the rural communities. This could have been a strategy they might well have used to survive over the years. The study by the Economic Commission for Africa Southern Africa, has revealed that traditional institutions have survived because of their resilience; and consequently, they were legally recognised and protected by new governments.⁵⁶

Moreover, in each of the local government authorities in Nigeria closer to Cameroon, there are traditional councils of chiefs. The Local Government is responsible for all the policy-making. The traditional councils comprised traditional office bearers and the chairperson of the Local Government authority. The traditional council was responsible for discussing and making suggestions to the Local Government authority on matters affecting them. The traditional council was also responsible for advising on customary laws and practices on various issues that relate to land. The Local Government was responsible for the maintenance of order and good government. It is of paramount importance to note that Local Government acts as a tool of development and as a training ground for the administration. However, there is a financial problem for the carrying out of Local Government work. The other challenge is that of the lack of skilled human resources, and the need for regular training through training courses and via the workshops of Local Government staff. The case study in Nigeria proves that traditional authorities can partner with local government structures; and together they could help in shaping those policies that have improved the lives of the rural people.⁵⁷

The same study also revealed that, while they are recognized in some countries, their role is limited to advisory and lobbyist functions. Their advisory role and the inability to have their own independent resource base have curtailed their ability to promote service delivery. From the above definitions, it becomes clear that there is a convergence on the definition of traditional authorities. The only difference depends on the terminology used in various countries. In Europe they are called kings, while in Africa they are referred to as chiefs and leaders, kings, aristocracy, heads of extended families and representatives of the poor. However, there are the following discernible distinct features in each of the above concepts. In Africa, Asia and Latin America, they are leaders of traditional communities, who

⁵⁶ H. S. Lewis, "The Origins of African States, *Cahiers D'études Africaines*, Vol VI No 4 1966 " pp.402-407

⁵⁷ P. O. Agbese, "Chiefs, Constitutions and Policies in Nigeria West Africa", *Africa Resource Center*, 2004, pp.30-35

are chiefs and elders; Representatives of the poor; Kings, other aristocrats holding offices in political structures that pre-date the colonial State and the post-colonial states, as well as the heads of extended families and other political or religious institutions whereas in Europe they are kings; and they perform an advisory role in government, but do not have their own independent resource base.

Thus, the Great Man Theory underpinned this research and answer the research questions posed. It will also help to unfold the sources of power and influence used by traditional leaders when governing their subjects. The great man theory of leadership suggests that some individuals are born with characteristics that naturally make them skilled leaders. According to this view, leaders are born, not made. It also suggests that leaders assume authority when their leadership traits are needed. Have you ever heard the phrase, "Great leaders are born, not made"? This quote sums up the basic tenet of the great man theory of leadership, which suggests that leadership capacity is innate. According to this theory, you're either a natural-born leader or not. The term "great man" was used because, at the time, leadership was thought of primarily as a male quality, especially in terms of military leadership.⁵⁸ Historian Thomas Carlyle also had a major influence on this theory of leadership. He stated, "The history of the world is but the biography of great men." According to Carlyle, effective leaders are those gifted with divine inspiration and the right characteristics.⁵⁹

Some of the earliest research on leadership looked at traditional Authorities as people who were already successful leaders with birthright. Because people of a lesser social status had fewer opportunities to practice and achieve leadership roles, it contributed to the idea that leadership is an inherent ability.⁶⁰

Even today, people often describe prominent leaders as having the right qualities or personality for the position. This implies that inherent characteristics are what make these people effective leaders. The great man theory of leadership is an example of using 'nature' to explain human behavior. The nature vs. nurture debate in psychology suggests that some skills are innate while others are acquired through learning and experience. In this case, great man theory suggests that nature plays the dominant role in leadership ability⁶¹.

From the above theories, Traditional Authorities are not product of the electoral process; but it is inherited or appointed, and its legitimacy is solely rooted in tradition and

⁵⁸ Kendra Cherry, MEd , Updated on September 06, 2023, Reviewed by Amy Morin, LCSW

1. ⁵⁹ Carlyle, Freud, and the Great Man Theory more fully considered. *Leadership*. 2015;12(2):250-260. doi:10.

⁶⁰Ibid.

⁶¹ Ibid.

culture; while that of modern democracy is a product of the electoral process. The modern leadership derives its legitimacy from the electoral process, which is the product of the constitutional principles. Chiefdoms have evolved over time from a complex stateless society. 68 Traditional authorities were not only manipulated by colonial governments, but also by the modern countries as well. This view is corroborated by Chiweza,⁶² who found that in Malawi they were simply being used to solicit support from the rural communities. This could have been a strategy they might well have used to survive over the years. The study by the Economic Commission for Africa Southern Africa, has revealed that traditional institutions have survived because of their resilience; and consequently, they were legally recognized and protected by new governments.⁶³

8. Literature Review

The history of Traditional Authorities has often occupied a privileged place in African studies, attracting a wide range of researchers from various disciplines such as ethnology, sociology, anthropology, political science and history. The contributions by various scholars towards the role of Traditional Authorities in politics and development have been placed on a large academic research. An attempt has been made to review general documents which have some bearing on the role of Traditional Authorities in politics and development. From the general approach we have narrowed down the research to particular documents that focused on traditional authorities in politics and development among societies in Africa and especially Cameroon and particularly the case of Southern Cameroons. One of the most noticeable features of the social-cultural heritage of the research regions is the role of chieftaincy institutions. Throughout history, traditional rulers have been at the center of the political, socio-economic and cultural life of their respective societies. However, a review of some works of selected researchers on traditional rulers will throw more light and bring out the different approaches to the subject and will enable the author to have a good mastery of his study.

In relation to Traditional Authorities in politics and development, Miller, Norman N. on his research about Political Survival of Traditional Leadership, to him, traditional Authority is characterized by fragmentation of various aspects of their political economy,

⁶² A. L. Chiweza, "The Ambivalent Role of Chiefs: Rural Decentralization Initiatives in Malawi", Published on behalf of the Africa Power and Politics Programme (APPP) by the Overseas Development Institute, London, 2007

⁶³ Tettey et Chiweza, *Conceptualization of the Role of Traditional Authorities in Policy Implementation Within the Discipline of Public Administration*, Pretoria, Victoria University, 2003.

including their institutions of governance. Large segments of the rural populations, the overwhelming majority in most African countries, continue to adhere principally to traditional institutions. The post-colonial State, on the other hand, essentially emulates western institutions of governance, which are often at odds with traditional African cultural values and the region's contemporary socio-economic realities. Fragmentation of the institutions of governance, along with economic and social fragmentation, has contributed to Africa's crisis of state-building, governance, and economic development. According to him treaties were negotiated, frontiers and territories were delimited, disputes were settled and potential crises argued away. The method employed to achieve these results included the sending of emissaries, presenting and receiving gifts thus enabling the understanding of chiefdoms relations within the Western Grass fields. This work directly reflects and creates an insight on the relation between neighbouring communities during the colonial period.⁶⁴

In conformity with the Western Scholars preoccupation was that Africans had evolved their system of governance and its specific nature. Chilver and Kabbery's perspective in their work covered a wide extensive area of the Grassfields. They treated issues of economic, political and social developments within this area. They handled broad and specific history of states and chiefdoms, pre-colonial economy, land tenure and the setting of traditional rulers. Indeed, the political role of the traditional institutions of the *Kwifoyn*, *Ngumba*, *Kwifor* and *Nwerong* were well studied by these authors. They asserted that the region of the Bamenda Western Grassfields had specific traditional institutions responsible for the conduct of diplomacy.⁶⁵ Though these works are useful in providing important hints in the understanding of the migration and settlement of the Southern Cameroons, they do not handle the different aspects of inter- state relations as covered by our study. Also, their studies are limited to events in the pre-colonial era with some sort of superficial treatment of the colonial period. Without necessarily concentrating on pre-colonial Cameroon or the Grassfields, these authors have studied various forms of diplomacy of African states. They in turn do agree that all established African states did share much in the domain of diplomacy. This work has also thrown more light on the way issues of traditional diplomacy are handled in our study.⁶⁶

⁶⁴ M.N. Norman, "The Political Survival of Traditional Leadership," *The Journal of Modern African Studies*, 1968, pp.183-198.

⁶⁵ E. Chilver and P. M. Kawberry, *West African States in the Nineteenth century*, London, 1967

E. Chilver and P. M. Kawberry, *Traditional Bamenda, the Pre-colonial History and Ethnography of the Bamenda Grassfields*, Buea cyclostyled, 1967

⁶⁶ Ibid

From the above argument, the first scholars treated the origins and historical development of traditional institutions. Their works have highlighted the structure of traditional political institutions at the point of their encounter with the colonial administrations. They demonstrated the centrality and paramountcy of traditional rulers in their polities. According to sociologist, *Bourdieu Pierre*, chiefs were ‘converters’ in today’s African societies, they converted the power of the ‘past’ to that of the present, the power of the secretive into public power, the law of tradition into codified ‘customary’ law, and the power of ritual into manifest political activity. The question is how the chiefs’ mutational work between the imposed and imagined in the African postcolonial situation actually functions: what is its language, what are its claims and (symbolic) representations. This is the analytical profile of the present collection of contributions to the study of chieftaincy in Africa, an analysis focusing on the various dimensions of such mutational work, which changes the representation of chieftaincy from a static into a dynamic, ever-changing phenomenon. Hence we might coin the verb ‘*chiefing*’ to reflect the creative nature of the mutational work chiefs perform in their present-day role of ‘converters’. Bourdieu’s work has helped to throw more insight in our study as it stresses on the status and functions of traditional rulers in the Bamenda Grassfields.⁶⁷

Similarly, Bernard Fonlon⁶⁸ in his book *to every Son of Nso*, the root of our ills, elaborated on the fact that, our political ills with traditional authority was that there was absent of a supreme and neutral authority which could step in and put things right, in times of extreme or general disorder. Such an authority for instance, in England, was the monarchy. In our more modest community, it is the Fon who belongs at once to all and to none. In England, it is said that the Queen may look in any direction she pleases but never towards 10 Downing Street (the Prime Minister's residence, the seat of the government). She reigns as they say, but does not rule. The queen keeps clean out of party politics; and that is why, there, they talk, not only of Her Majesty’s Government, but also of Her Majesty’s Opposition: all belong to her and she belongs to all and takes sides with none. Thus, in times of national crisis, the whole country can turn to the . monarchy. That, precisely, should be the role of the Fon among us today. It is only with the strength of this neutrality that he can step in, when things are falling

⁶⁷ P.Bourdieu, “What Makes a Social Class? On the Theoretical and Practical Existence of Groups”, *Berkeley Journal of Sociology*, 1987, pp. 1-17

⁶⁸ Bernard Nsokika Fonlon (19 November 1924–27 August 1986) was a Cameroonian politician and educationist who worked on the development of bilingualism in Cameroon. Bernard Nsokika Fonlon, rose from humble origins to become one of Cameroon’s most famous sons. He was a scholar, a poet, a politician, a philosopher

apart, as they are doing now, and put them together again, and rally his people round him, and heal all hurts, before they begin to rankle, and put the country back on its feet.⁶⁹

Engelbert offers a sharp argument in his book 'State Legitimacy and Development in Africa'. From Englebert's perspective, he believed that far from being the source of any chiefly legitimacy, African states have historically been in competition with traditional authorities for popular legitimacy. Rather than finding that chiefs derive what authority they have from the state, he argues instead that the fundamental problem of the state in Africa has been its inability to establish its own base of legitimacy and draw support away from chiefs and other customary sources of political authority. He notes that the efforts of historically illegitimate post-colonial states to establish themselves often took a revolutionary turn, aimed at "imposing the new state on the lives and minds of their citizens. All these regimes had in common their desire to quash competing centers of institutional allegiance (ethnic identification and ethnic-based political parties were often banned, as were customary chieftaincies), to force their societies into a new mold." However, Englebert observes that most of these revolutionary undertakings failed to meet their goals, most notably because "the resilience of alternative loyalties remained too high." According to Englebert, Africa's neo-patrimonial politics in fact arises from the redirection of the states' efforts toward co-opting customary authorities after their attempts to overthrow them failed, with an eye toward capturing the loyalty of their many followers.⁷⁰

To corroborate with the above argument, Traditional Authorities in Southern Cameroons have also been presented as actors in the decolonization process. Bongfen Chem Langhëë portrayed how they became involved in national affairs, sizing their influence in the political process vis-a-vis that of the modern political elite. He claims that more than the modern political leaders, traditional leaders played a more decisive role in conditioning the political future of British Southern Cameroons. Unfortunately, the political elites manipulated the events and had things their own way. That notwithstanding, post-colonial regimes raised the position of chiefs by giving them a place in the political system as members of assemblies, House of Chiefs on different levels, and re-valorized the position of particular chiefs who managed to place themselves at important positions within the national political structure.⁷¹

⁶⁹ B.N. Fonlon, *To Every Son of Nso, the root of our ills*, Yaounde, Centre d'édition et de production de manuels et d'auxiliaires de l'enseignement, 1965

⁷⁰ P.Engelbert, *State Legitimacy and Development in Africa*, Boulder, CO. Lynne Rienner Publishers, 2000

⁷¹ B.C. Langhee, "*Southern Cameroons Traditional rulers and the Nationalist Movements, 1953-1961*", Africa Zamani, 1984, pp.14-25

The paradoxes of Self-determination in the Cameroon under the United Kingdom Administration/ the search for Identity, Well-being and Continuity, Maryland, University Press of America, 2004

Also, Michael William, Jacques Lombard, Jean Suret-Canale, Peter Geschiere and Pierre Alexandre underlined the transformation of traditional rulers during colonial and post-colonial periods. Crowder was interested in studying the office of the Chief that was transformed under both the French and the British rule. To him, the French policy of indirect rule paid little attention to legitimacy and so gave the opportunity to those who have had no right to rule the people as chiefs. Such chiefs were appointed on the basis of administrative abilities, literacy in French and proven loyalty to France. Regarding British Africa, Crowder is of the view that the British were quite sympathetic to African chieftaincy and paid much regard to legitimacy, though in certain circumstances they appointed common men as chiefs. The result of opposing colonial systems where they did exist, Geschiere argues that their handling of chiefs differed dramatically. His study of the Maka chieftaincy in East Cameroon demonstrates that France left the chiefs little scope of action, which did not permit them to legitimize their position in the eyes of the local people⁷².

At the same time, Crowder affirms that chiefs' role as a symbol of unity is neither uncontested nor sufficient to secure their position in society. He presents a "multiple legitimacies" framework, with important roots in Ekeh's work on the "two publics" in Africa and Galvan's analysis of institutions. He argues that the public assesses the claims of both the state and traditional leaders to moral legitimacy alongside of their claims to "performance legitimacy," which in South Africa, and likely in most of Africa, is rooted in the delivery of development and social services. He identifies this as a second arena of both cooperation and conflict between the state and the chieftaincy as both seek to claim credit for successes and shift blame for failures. But most importantly to the topic of discussion, he cites performance legitimacy as "a critical part of the overall legitimation process" traditional leaders, he argues, cannot survive on moral authority alone.⁷³

Alternatively, chiefs' role in representing and preserving the culture and identity of community members may be a key driver of popular support. Traditional leaders may fulfill this function not just through the specific cultural and ceremonial roles that they played, but through their very existence as an institutional symbol of an enduring community and the norms and values that have shaped it (however changed they may be from the pre-colonial era). Williams suggests that:

⁷² J. M. Williams, *Chieftaincy the State and Democracy: political legitimacy in post Apartheid South Africa*, Indiana University Press, 2010

⁷³ M. Crowder, *West Africa under Colonial Rule*, Evanston Ill, Northwestern University Hutchinson Press, 1968, pp.15

“The notion that the people are bound together with the chieftaincy and that the chieftaincy gives meaning to the identity of the people is an extremely powerful idea that might be difficult for many to take seriously”.

Of course, it is also possible to cast this chiefly function as a symbol of communal identity in a more negative light as well, since the communities that traditional authorities symbolize and represent are, most of the time, sub-national, and ethnically-based. To the extent that allegiance to a chief and the community he or she represents comes *at the expense of* allegiance to national identity, support for chiefs might be regarded as bad for political stability and the African nation-state. And this concern may be especially pronounced in those countries where ethnic tensions are high. However, the notion that “identity” is a zero-sum concept, and that allegiance to one identity only comes at the expense of another, is open to question. As MacLean notes, “Local identities are not being definitively crushed or progressively replaced with attachment to the nation-state, but instead being reconstructed in complicated and particular ways citizenship today is not a simple, linear zero-sum competition between national and other competing identities.”⁷⁴

Most importantly for the purposes of this discussion, he finds that far from ruling merely at the behest of the state, the authority of customary leaders is independent of the state, resilient, and rooted in the historical continuity of the institution and its moral claim to rule. Relevant to Englebert’s analysis, Williams delves further into the claims of chiefs in South Africa to historical and moral legitimacy, regarding the moral claims of the chieftaincy as a key source of sustained popular legitimacy. He contends that much as Mamdani may have been correct that the colonial use of indirect rule changed the institution of traditional authority in fundamental ways, this did not sever the moral and ideological connections between chiefs and their communities. He finds evidence in South Africa that communities “*wanted the chieftaincy to continue not only for what it did on a daily basis, but because of what it meant to the community in the broader sense.*” In addition to resolving disputes or helping to provide development (and to a lesser extent, maintain law and order and allocate land), he found frequent reference to the role of the chieftaincy in securing “discipline, dignity, and respect” for the community, and providing the foundations for communal harmony and unity.⁷⁵

Similarly, Foupossy in a comparative study, exposed a rhetorical question which was: whether given the inherent prejudices and clashes between tradition and modern forms of

⁷⁴ Ibid

⁷⁵ Ibid

government, there is need to burn down or completely destroy chieftaincy? He argues with convincing evidences that Chieftaincy occupies an important place in all African traditions and that such institution and the people who incarnated them need to be protected and respected by their subjects). In this direction, Leon Kaptue goes further to assert that within the new era of multi-party dispensation and politics of deceit, the chiefs were caught up within two fragile extremes. These extremes depended on whether they should remain as pure and diehard custodian of African tradition as the assembly of chief demanded or, whether they should actively participate in partisan politics, relegate the ideals of its people to the background and gain the booty that comes with such participations. He further stressed that traditional rulers in Cameroon have been victims of triple colonial evils. These were colonialism, national unity and democracy. All these according to his argument have brought repeated pressures on the *modus operandi* of traditional institutions. The result of all these has been a fragmentation of the powers of traditional rulers and in some cases, empowering some against their subjects.⁷⁶

However, the arrival of colonial rule had all sorts of ramifications in terms of internal divisions, alliances, bureaucratic arrangements, and above all encapsulation of chiefs into a system of indirect rule. In general terms, colonialism favoured the codification of one line of power in local society, which was then fortified against rival or more fluid forms of power brokering, ultimately creating an artificial tradition of hereditary power. European rulers could pride themselves on creating something that seemed to resonate deeply with locally held cultural perceptions, while strategically placed individuals in society could venture into the new opportunities for salaried positions and upward social mobility that such codification created. Obviously the main problem with the tradition is the question of acceptability and legitimacy. How can something that is imposed ever be acceptable to a local population? Inventing and creating a structure is one thing, but it is entirely something else to give meaning and significance to it and imbue it with respect and awe. Discussing Ndebele chieftainship in Zimbabwe in his 1993 article, Ranger revised his position on the invention of traditions on this issue of acceptability. Referring to Anderson's work *Imagined Communities*, Ranger now preferred to speak of '*imagined traditions*' to indicate that there was a desire in local society to share in the construction of new models of authority, and to imagine new vistas that could be opened by appropriating one's own tradition in a new world. As Feierman has demonstrated in great detail, local intellectuals in Tanzanian peasant

⁷⁶ E. Fotso Fouposi, *Faut-il brûler les chefferies traditionnelles*, Yaounde, SOPECAM, 1991.

societies had been debating 'tradition' and 'chiefs' all along, producing different imaginations of how interaction with colonial state rule had developed in the past and how it might develop in the near future.⁷⁷

To throw more light to the topic, the issue of performance here is in fact an increasingly prevalent, perhaps dominant, thread in the most recent literature on the role and resilience of traditional authorities. The crux of the performance argument is that the main reason traditional leaders continue to be important to rural communities is because of the failure of the state, at both central and especially local levels, to perform or provide an effective alternative.⁷⁸

Significantly, the debated role of the SCHC in 1961 with a motion of support in the conduct of the negotiations that led to the Federal Constitution debated in the SCHC and the SCHA provoked intensified arguments. This is when Foncha and his party KNDP tabled the “Constitution of the Federal Republic of Cameroon” before the chiefs. To support Foncha’s move, a random sampling of the statements by some of the chiefs like Chief Ghogomo of Bambalang and Fon S.A.N Angwafor of Mankon, Fon Galega of Bali, in Bamenda and Chief S.B. Oben of Mamfe clearly indicated their unalloyed approval of the motion. While in September 13 1961, SCHA also met to examine the motion on the Federal Constitution, the Motion in which Dr. Endeley and his Party CPNC criticized. We can see the SCHC and SCHA playing a big role marking the end of the British 45 year administration of the British in Cameroons (1916-1961). This is confirmed by the farewell address of Commissioner J.O. Field.⁷⁹

Janine Ubink in his analysis of Traditional authority in Africa titled *Resurgence in an Era of Democratization* believes that in many African countries, traditional leadership remains important in organizing the life of the people at the local level despite modern state structures. Traditional leaders deliver essential services that African states do not always succeed in delivering; they act as intermediaries between the government and the local population; and they are often a political force to reckon with, wielding enormous electoral and general influence in their own communities due to their control over resources and people. After independence, many African governments saw chiefs as threats to their power and impediments to modernization and nation-building, and tried to curtail their role in local

⁷⁷ R.V. Dijk and E. Adriaan et al, *Introduction: The Domestication of Chieftaincy, The Imposed and the Imagined*, London: Zed Books, 1999

⁷⁸ LiPuma and Koelble, “*Traditional Leadership and Governance in Contemporary South Africa*”, Tshwane University of Technology, Pretoria, South Africa, 2009;

⁷⁹ V. J. Ngoh, *The Untold Story of Cameroon unification 1955-1961*, Buea, University of Buea, 2011

government and national politics. Despite these efforts, chieftaincy survived. After the attainment of independence, the attitude of African governments towards traditional leadership varied, although none can be considered overly positive. Some countries, such as Guinea, Uganda and Tanzania, ventured to formally abolish traditional leadership. Other countries entered a path to curtail chiefs' powers. For instance, the first independent government of Ghana, headed by President Kwame Nkrumah, abolished the formal judicial function of the chiefs and tried to break their economic power base by depriving them of any role in land management and eventually of ownership and their claims to have the right to collect land 'rents'. The Botswana government in the first years after independence transferred the responsibility for local health, education and public works, the levy of local taxes, and the impounding of stray stock from the chief and his tribal administration to the newly created District Councils, and the right to allocate tribal land to executive tribunals, known as Land Boards.⁸⁰

Interestingly, traditional leaders remained a political force to reckon with, for many of them still wielded enormous electoral and general influence in their own communities. This can be understood from the relation between their control over resources and their control over people. In addition, many postcolonial regimes have raised the position of particular chiefs who were considered political allies, and gave chiefs places in the political system as members of assemblies on different levels ranging from local councils to national parliament. For instance, Houses of Chiefs were created in Botswana where it formed the upper chamber of the National Assembly and in Ghana where it functioned as an independent institution to advise the government on traditional matters. In many countries, the chiefs held an important 'intermediary position', between the government and the local population. On the one hand, the government could reach the people through the chiefs. On the other hand, the chiefs represented the local people at the government and were a key for locals to enter the realm of public affairs. Chiefs represented the national culture in the locality and the local culture in dealing with members of the government at national and sub-national levels.⁸¹

The same argument is developed in *Elements for a History of the Western Grassfields*, which Jean-Pierre Warnier co-authored with another anthropologist, Paul Nkwi, a Tikar from the *fondom* of Kom. "Claiming a Tikar origin was tantamount to claiming high status and legitimate political power", and the closer to Bankim in rituals one was, the greater one's

⁸⁰ J.M. Ubink, *Governance and development; customary law and traditional authorities, law and society* Universiteit Leiden, Press, 2008

⁸¹ Ibid

legitimacy and power. Thus the Bamoun, Nso and others, by recognizing the ritual ascendancy of the *fon* of Bankim and by maintaining a tradition where new paramount *fons* must be blessed at Rifum, a sacred lake near Bankim, earn themselves enough symbolic capital to pull their political and economic weight vis-à-vis their own subjects who may or may not claim Tikar origin, and especially in relation to other *fondoms* and the agents of the state who are constantly shopping for local authorities as vote banks and auxiliaries of the government. Similarly, the further and further away from Kimi, the more remote and difficult to substantiate their claims to be Tikar became.⁸²

This leads us to another aspect of where Chiefs were made actual owners of land rather than the whole community. From them, the colonialists could easily obtain mining concessions, plantations and other resources without much resistance. This was simple for the colonial authorities because there were only the chiefs to convince and not the whole tribe or community for access to resources. While giving chiefs landed authority, the colonialists deprived them of enormous judicial power. Instead, judicial authority transferred to colonial courts. Educated interpreters assumed relevance in the administration of justice. Traditionally, the chief could not trade or acquire private property. A chief enriched himself through obligatory service from the people. They had to work his farms, build his houses and tapped his palm trees. But circumstantial evidence of the new class of citizens made much more wealth than chiefs through wage labour and provision of services to Europeans and gradually became more influential through the accumulation of resources.⁸³

To corroborate with the politics and development of the study area, instructions to rule Southern Cameroons on 'the principles of power delegation were issued only subsequent to the 1919 Milner-Simon Agreement of the Council of the League of Nations declarations that the governments of France and Great Britain have made a joint recommendation to administer in accordance with article 22 of the covenant of the League of Nations that part of the Cameroons lying to the west of the line agreed upon in the declaration of July 10, 1919. Lord Milner's declaration that the British policy of administration through their own chiefs was generally applauded but the manner in which the principle should translated into practice admits of wide differences of opinion and method. Obviously the extent to which native races were capable of controlling their own affairs varied in proportion to their degree of development and progress in social Organization, but this is a question of adaptation not of

⁸² J.P. Warnier and, P. N. Nkwi, *Elements for a History of the Western Grassfields*, Bamenda, Smithsonian Libraries, 1982

⁸³ A. Keese, "Understanding Colonial Chieftaincy from Its Final Phase: Responses to the Crisis of an Institution in French ruled West Africa and beyond, 1944-1960", *Africa Studia*, 2011, p. 11-28.

principle. Broadly speaking, the divergent opinions in regard to the application of the principle had different conceptions.⁸⁴

That the principle of ruling through the native chiefs is adopted by several of the governments of British Tropical Africa as can be seen from recent local pronouncements. The Governor of Sierra Leone, in his address to the Legislative Council in 1920, remarks that “nine-tenths of the people enjoy autonomy under their own elected chiefs. European officers are the technical advisers, and helpers of the tribal authority.” The Governor of the Gold Coast on a similar occasion observed: “The chiefs were keenly appreciative of the policy of indirect rule, and of the full powers they retain under their native institutions.” The powers retained by the Kabaka of Uganda and his Council are very wide indeed. The system adopted in Nigeria is therefore only a particular method of the application of these principles more especially as regards “advanced communities”. In my opinion should characterize the role of traditional authorities in politics and development.⁸⁵

The inclusion of Traditional Authorities in new local governance functions was only possible with functioning traditional structures and traditional leadership. At the same time mechanisms to guarantee responsiveness and accountability had to be in place. If strong traditional structures do not exist, establishing or re-establishing traditional authorities was an experiment in social engineering that can hardly be justified from a democratic point of view. If mechanisms of accountability and responsiveness cannot be introduced, the risk of corruption and abuse of power by Traditional Authorities was too high to justify. Traditional authorities had a different role in providing these tasks. They served as the sole planning, decision-making, and implementing power at the local level, or be integrated into the existing local government, or served a limited advisory function.⁸⁶

Joseph B. Ebune, in his research on Colonial Rule and Bakundu Traditional Authority throw more light to this research where he examines the influence of colonial rule on Bakundu traditional authority in the South West Region of Cameroon. It shows how the imposition of colonial rule led to a systematic abuse and disregard for Bakundu institutions that held the society together. The colonial authorities modified the indigenous political structures in which the traditional elite enjoyed a privileged position to their own advantage. This affected the socio-political and economic set up of the Bakundu that led to a gradual decline of the traditional system. This shift of power to Europeans showed the new unequal

⁸⁴ League of Nations official Journal, August 1922, p.869

⁸⁵ Ibid

⁸⁶ G. Lutz and L. Wolf, “*Traditional authorities and local governance*”, Institute of Political Science Switzerland, University of Berne, 2004

power relations between the Bakundu and the European administrators. However, the Germans and later the British colonial administrators did not succeed in stamping out the Bakundu system of authority. Meetings of the traditional elite were still held in secret and issues like marriage and land disputes were resolved by the elders without consulting the colonial state. Thus, traditional authority which the Europeans tried to destroy survived and is recognized by the Cameroon government as part of the country's auxiliary administrative machinery. But here before, direct democracy was practiced at the village level. The views of all groups were heard and the decisions arrived at were in keeping with the customs and traditions of the Bakundu. The title-holders were the ones who consulted the oracles, appeased the gods and performed rites of purification. These actions promoted peace and stability in society.⁸⁷

Umar Bello in *Colonial Essentialism in Lord Lugard's "The Dual Mandate"*, a Critical Textual Analysis show a surety of views regarding the African by Lugard as people who sacrifices life freely under the influence of superstition, or in the lust and excitement of battle, or for ceremonial display, African who lacks power of organization, and is conspicuously deficient in the management and control alike of men or of business, who loves the display of power, but fails to realize its responsibility. His most universal natural ability lies in eloquence and oratory. He is by no means lacking in industry, and will work hard with a less incentive than most races. He has the courage of fighting animal as an instinct rather than as a moral virtue. He is very prone to imitate anything new in dress or custom, whether it be the turban and flowing gown of the Moslem, or the straw hat and trousers of the European, however unsuited to his environment and conditions, as an apt pupil, and a faithful and devoted friend. One thing that is striking about the views of Lugard is the sense of authority and veracity with which he reports his objects. According to Umar Bello's analysis, Africans had nothing to offer.⁸⁸

Local chiefs were involved in the implementation of colonial policies. Chiefs appointed as Native Authorities were empowered to collect tax revenue within their jurisdictions for expenditure by the colonial Administrators or on their advice. The fact that this same power was also conferred to some sub-chiefs threatened to unleash new struggles for autonomy. Sub-chiefs saw the decision to give them tax discs to distribute as an act of political recognition. The principle of indirect rule was rarely applied in such a broad fashion.

⁸⁷ J. B. Ebune, "Colonial Rule and Bakundu Traditional Authority", University of Buea, International Journal of History and Cultural Studies (IJHCS), Volume 1, 2015, pp.10-16

⁸⁸ U. Bello, *Colonial Essentialism in Lord Lugard's "The Dual Mandate"*, A Critical Textual Analysis, Umar Bello English Language Institute, Kingdom of Saudi Arabia, Vol.4, No.6, March 2017

We seek to demonstrate, however that there were sufficient commonalities across the heterogeneous set of governance relationships to justify their inclusion under a common theoretical rubric. An acute hypothesis proposes that the administration of rule by A over B⁸⁹ is influenced by the extent to which B is accessible to A, in turn⁹⁰

Unfortunately, forms of rule thus depended upon the relative balance of capabilities, technological, military bureaucratic, demographic, and economic between A and B and B's tendency to revolt. A revenue hypothesis proposes that the style of rule imposed by the dominant unit will be a product of its search for wealth, for example, tax revenue, revenue derived from natural resources or access to markets. The system of rule to be employed was the one to maximize revenue for A. An agenda centered hypothesis supposed that the more transformative A's agenda, the more likely A imposed a system of direct rule only by grasping the levers of power A was able to engineer a thorough transformation of B's economy society or government. Power was taken by the colonial masters.⁹¹

Nonetheless, under the British system of Indirect Rule, which culminated in the birth of local governments, traditional rulers enjoyed a pride of place. The chiefs and fons were empowered to serve as agents of fundamental change in order to achieve the objectives of the Europeans. Tax revenue derived from natural resources or access to markets. The system of rule employed was that of maximized revenue for the colonialists. The norms and values for example, that the traditional rule was harmful or beneficial to B shaped the way in which authority was structured. Specifically indirect forms rule were more state like form of rule. We referred to this as an institutional theory of direct/indirect rule based on access to power, revenue etc. The argument was that greater stateness by the natural administration lead to more indirect form of rule, all other things being equal. It should be stressed that the concepts in this study, native rule and stateness are both matters of degree. It is a wide range of variation. The degree of stateness found in B affected the style of rule that A established over B. We argued that a more developed political apparatus in B militates in favour of an indirect form of rule because it enhanced the principal agency relationship between A and B, because it solved the delicate problem of political order, because it was often in the interest and in the

⁸⁹ The dominant unit A (colonialist) usually enjoys some discretion about how to institutionalize its authority over the subordinate unit B (africa)

⁹⁰ J. Gerring, D. Ziblatt, et al, "An Institutional Theory of Direct and Indirect Rule", *World Politics*, Vol. 63, July 2011, pp.377

⁹¹ *Ibid* pp.49

culture of B's leaders to cooperate rather than to resist. To our study, this work handles subsidiary themes such as the rule of the traditional authorities by the Colonialists.⁹²

Equally important in the chieftaincy diplomacy, a state-like sphere provided an agent who was capable of achieving A's policy aims by extracting revenue, maintaining order, providing man power and material to support. A's geopolitical ambitions or reforming B's religious and/or economic practices there was little reasons to delegate power to an agent who unable to deliver on promises. The notion of delegation to decentralize agents was largely unworkable unless the principal pursues only the extremely modest agenda of obtaining formal recognition of its sovereignty (typical of many feudal relationships). The warrant chiefs were created by the British.⁹³

Moreover, Native leadership in its pure form is by definition, a negotiated settlement. It cannot be imposed without the active participation of leaders from A and B for the delegation of power requires formal agreements as well as informal understanding while direct rule was rest on coercion. Indirect rule requires bargaining; to be sure it was a bargaining situation in which A held most of its cards. Even so, b's leaders had the option to refuse to sign the agreements, refuse to carry them out, or simply decamping. They also resorted to violence, an option that was probably least pleasing to A. thus it behooves us to consider how the relative stateness of B affects leadership incentives. As a general rule, institutional authorities of the grass fields depended upon it institutions, and if these institutions were broken, power evaporated; further, political institutions were delicate and therefore were vulnerable to overwhelming force. By contrast, in a less institutionalized system featuring multiple low level leaders with limited authority over small areas, chiefs had less leadership.⁹⁴

Max Weber believes that the superiority of intelligentsia, the general intelligentsia, the working class aristocracy, the white-collar workers, the well-to-do peasants, the disadvantaged workers, and the forced-labor groups and various others maintain the functional necessity of social stratification. Individuals have to be placed in different positions in the social structure. If the duties associated with the various positions were all equally pleasant to the human organism, all equally important to societal survival, and all equally competent in need of the same ability or talent, it would make no difference who got into which position, and the problem of social placement would be greatly reduced. But actually it

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid

does make a great difference who gets into which position, not only because some positions are inherently more agreeable than others, but also because some require special talents or training and some are functionally more important than others. Also, it is essential that the duties of the positions be performed with the diligence that their importance requires. Inevitably, then, a society must have, first, some kind of rewards that can be used as inducements and, second, some way of distributing these rewards differentially according to positions. The rewards and their distribution become a part of the social order, and thus give rise to stratification. Social inequality is thus an unconsciously evolved device by which societies insure that the most important positions are conscientiously filled by the most qualified persons. Hence, every society, no matter how Simple or complex, must differentiate persons in terms of both prestige and esteem and must, therefore, possess a certain amount of institutionalized inequality. Where knowledge and skill accumulate, as they do in human society, specialization and therefore, differentiation seem inevitable. Insofar as stratification is a result of social differentiation then, there is not much scope for eliminating stratification. Therefore we can conclude that traditional authority system of stratification is a functional requirement of societies.⁹⁵

Consequently, leadership was more politically developed polity land, it was simply to cooperate with superior powers, such cooperation was necessary for native administration. The state-like polity of the fons perceived the legal bureaucratic culture. This means, following a *Weberian logic* that they were accustomed to thinking of leadership in terms of well-defined roles each with a specific set of duties and of politics as a sphere of instrumental rationality. The chiefs in less institutionalized communities evoke a charismatic mode of authority. Intent on developing a fully-fledged parallel administrative structure and plausibly creating a comprador class, the British also introduced the Native Authority system. Initially, this took the form of clan councils which dealt with administration and development. Eighteen gazetted of Native Authorities existed in 1938 and by 1943 this increased to 23. However, the effectiveness of these institutions was stymied by the inefficiency of its personnel who were chosen on the basis of inherited title. I subscribe to Chilver's argument that these councils 'had neither the scope nor the prestige to attract into its membership the really enlightened African of education and consequence in the community.'⁹⁶

⁹⁵ J. M. Barbalet, "Principles of Stratification in Max Weber: An Interpretation and Critique", *The British Journal of Sociology*, Vol. 31, No. 3., Wiley Press, pp. 401-418

⁹⁶ M. Weber, *The Theory of Social and Economic Organization*, New York, Free Press, 1947

Julius Ngoh in his Political analysis, portrayed the British recognition of the creation of a House of Chiefs⁹⁷ in 1957 so as to provide a formal, albeit illusory, role in policy making on the part of the chiefs. The British were instrumental in the creation of a House of Chiefs in Southern Cameroons? In prompting their parliamentary system of government of bi-cameralism, the British regarded a House of Chiefs as performing the same functions as the House of Lords⁹⁸ which included: advising the government, deliberating bills and proposing, approving or modifying legislations. In a nutshell, the functions were judicial, legislative and deliberative. As the British saw it, a Bi-Cameral legislature on the British model would function better with the existence of a House of Chiefs working together with the House of Assembly. The British Indirect Rule proved that the traditional rulers had much clout among the subjects. Unfortunately, this body was not endowed with legislative powers, in spite of the stipulations of Article 40 of the Federal Constitution. Augustine Ngom Jua, a member of government, recognised this when he addressed the House of Chiefs in 1960 saying that 'the chiefs (who are to serve) as a check on the activities of the government and support no political party should advise the latter'. Revealingly, he accentuated their advisory role without making any reference to the role of consent, which is of paramount importance in anybody endowed with watchdog functions. Evidently, not every chief could become a member of this chamber. Those not co-opted were to be placated by the 'tax dash' that they received from the British. However, this new client system contained the seeds of its own destruction. After having accommodated British hegemony for a considerable period, the new, educated comprador class started clamouring for independence. The impact of this was twofold. On the one hand, these 'evolués' sought to emulate their masters' lives. On the other, agitations for independence elsewhere had not gone unnoticed in this territory. Furthermore, the specific status of this territory as a United Nations trust territory made it incumbent on Britain to prepare it for independence.⁹⁹

Carolyn Logan in her publication *“Traditional Leaders in Modern Africa: can Democracy and the Chief Co-Exist”*. This so-called “traditionalists” and “modernists” have been waged for decades in Africa, intensifying in the last two decades as efforts at

⁹⁷ V.J.Ngoh, *Cameroon 1884- Present: History of the People*, Limbe, Design House, 1987 and 2019 Update, A House of Chiefs (or House of Traditional Leaders) is a post-colonial assembly, either legislative or advisory, that is recognized by either a national or regional government as consisting of and providing a collective, public voice for an ethnic group's pre-colonial authorities

⁹⁸ The House of Lords also known as the House of Peers, is the upper house of the Parliament of the United Kingdom. Membership is by appointment, heredity or official function. Like the House of Commons, it meets in the Palace of Westminster in London, England.

⁹⁹ V. J. Ngoh., *Cameroon 1884- Present: History of the People*, Limbe, Design House, 1987 and 2019 Update, pp. 176.

democratization and decentralization have brought competing claims to power and legitimacy to the fore, especially at the local level. Modernists argue that the institutional forms of liberal democracy are universally valid, and that Africans aspire to democratic systems of rule that look much the same as those in the West. They view traditional political systems as relics of the past that may actually impede democratic development, and which must therefore be overcome. Traditionalists counter that traditional institutions have proved both malleable and adaptable, and that even if they are much changed, they still draw on their historical roots in unique and valuable ways. They see “*tradition*” however contested as a resource to strengthen the community and polity, and to overcome the many failures of the Western liberal democratic model as it has been applied in Africa.¹⁰⁰

I believe with Carolyn Logan in *Traditional Leaders in Modern Africa* that the traditional institutions still play a significant role in local governance, and this support cuts across essentially all socio-demographic groups. These results present a stark challenge to those who still argue, in the “modernist” mold, that traditional leadership is an unabashedly negative and decidedly undemocratic force in Africa, representing a collection of unpopular collaborators with colonialism. Instead, we find that while Africans find these leaders to be flawed, they nonetheless feel that traditional authorities have an essential role to play in local governance. Most importantly, the public places considerable value both on the role traditional authorities continue to play in managing and resolving conflict, and on their leadership qualities and their accessibility to ordinary people. In fact, the evidence suggests that traditional leaders derive their support at least as much from *who they are* as from *what they do*. There is also evidence to suggest that traditional leaders play an essential symbolic role as representatives of community identity, unity, continuity and stability.¹⁰¹

Cosmas Cheka in line with our research analysis shows that traditional authority is indeed at the crossroads of governance in republican Cameroon. The citizen is bound by both modern law and traditional values; Traditional authority predates colonization. At independence it has imaged itself as a ‘symbol of tradition’ while at the same time striving to serve as an agency for ‘modern projects. The postcolonial difficulties and mutations of traditional authorities or chiefdoms have indeed constituted the subject of vast scholarly interest, and traditional authorities have in the process served diverse purposes. By indirect rule, for example, the British sought to borrow legitimacy from traditional authorities for the

¹⁰⁰ C. Logan, *Traditional Leaders in Modern Africa: Can Democracy and the Chief Co-Exist?*, Afrobarometer publications, February 2008

¹⁰¹ Ibid

implementation colonial policies. Again, chiefs appointed as Native Authorities in these regions of Cameroon were empowered to collect tax revenue within their jurisdictions for expenditure by colonial masters, and, on their advice and under section 40 of the Federal Constitution of Cameroon of 1961; they were constituted into the now-disbanded House of Chiefs. With the advent of democracy, traditional authorities have served as ‘*vote banks*’, especially in one-party states and as members of the ‘Land Commission’ on the strength of section 12 of Decree No 76-166 (27 April 1976) establishing terms and conditions for the management of national lands. Traditional authority incarnates a reassuring institutional stability and certainty to the masses, which elected officers (who come and go) do not provide in republican institutions. The vast majority of the population feels distant from the concept of ‘*republic*’ at grassroots level, where traditional authority remains the *de facto* institution of local governance. Based on empirical findings that highlight the important role that traditional authorities play in local development, the paper submits that traditional authorities should be formally integrated into the republican institutional setting by effectively constituting the first level of decentralized institutions of governance.¹⁰²

Francis B. Nyamnjoh, in his paper¹⁰³, argued that, instead of being pushed aside by the modern power elites as was widely predicted both by modernisation theorists and their critics that chieftaincy has displayed remarkable dynamics and adaptability to new socio-economic and political developments, without becoming totally transformed in the process. Chieftdoms and chiefs have become active agents in the quest by the new elites for ethnic, cultural symbols as a way of maximizing opportunities at the centre of bureaucratic and state power, and at the home village where control over land and labour often require both financial and symbolic capital. Chieftaincy, in other words, remains central to ongoing efforts at developing democracy and accountability in line with the expectations of Africans as individual ‘citizens’ and also as ‘subjects’ of various cultural communities. The paper uses Cameroon and Botswana as case studies, to argue that the rigidity and prescriptiveness of modernist partial theories have left a major gap in scholarship on chiefs and chieftaincy in Africa. It stresses that studies of domesticated agency in Africa are sorely needed to capture the creative ongoing processes and to avoid overemphasising structures and essentialist perceptions on chieftaincy and the cultural communities that claim and are claimed by it. Scholarship that is

¹⁰² C. Cheka: *Traditional Authority at the Crossroads of Governance in Republican Cameroon*, Africa Development, Vol. XXXIII, No. 2, 2008, pp.67–89

¹⁰³F.B.Nyamnjoh, *Our Traditions are Modern, Our Modernities Traditional: Chieftaincy and Democracy in Contemporary Cameroon And Botswana*, modern Africa, 2014 : politics, History and Society, Cape Town, pp.13-62

impatient with the differences and diversities that empirical research highlights runs the risk of pontification or orthodoxy. Such stunted or reductionist scholarship, like rigid notions of liberal democracy, is akin to the behaviour of a Lilliputian undertaker who would rather trim a corpse than expand his/her coffin to accommodate a man-mountain, or a carpenter whose only tool is a huge hammer and to whom every problem is a nail.¹⁰⁴

Critically, Ngam Confidence in his theses examines the origin, growth and role played by Kom leadership and her diplomatic tactics of relating and maintaining her subunits together. He argues that Kom like many states in the Grassfields grew to eminence in her regional sub setting through a number of planned and accidental factors. These factors include Western education, Christianity, foreign values of governance and party politics. Internal factors include poor conceptualization of sovereignty and rights, naivety, irresponsibility and insensibility of the Fons to changes and demands meted on their traditional leadership. According to him, the position of regional leadership, gave the Fon an appreciable control of people, space and resources within this sphere during the pre-colonial period. Furthermore, he asserts that leadership and traditional diplomacy was standing on the ashes of its pre-colonial glories. Thus, he blames the declining pattern of Kom leadership and power diplomacy on a number of factors. Lastly, he states that leadership and power diplomacy in a traditional African state given the same conditions needs to be handled in a careful manner. All selected sources reviewed handle subsidiary themes, elements and components which have been examined in this study.¹⁰⁵

An outstanding master piece that illustrates duality in government and resilience of Traditional authority is that of Barbara Ooemen writing about South African Chiefs, she expatiates that with the dawn of democracy, and the death of Apartheid, observers expected that chieftaincy would “melt away like ice in the sun”. Interestingly, this has not been the case as all attempts to curtail the powers of traditional leaders and undermine their control over resources like land or people were a fiasco. The result was that the government was compelled to negotiate with chiefs. This led to constitutional recognition of the status and role of traditional leadership within the context of democratisation. Consequently, the chiefs have shaped the post-apartheid South Africa in many years. For instance, they succeeded in thwarting attempts by government to reform the land tenure system. They have successfully frozen legislation that sought to extend the Bill of Rights to areas under their jurisdiction and

¹⁰⁴ F.B. Nyamnjoh, “Democracy and the Politics of Belonging”, Africa’s Media, London & New York: Zed Books, 2005.

¹⁰⁵ C. Ngam, “Kom Hegemony within its Regional Subsetting and Power Diplomacy”, PhD Theses, University of Yaounde, 2013.

have retained the civil and criminal jurisdiction over their subjects. Anti-chiefs minister have been dropped to give way for pro-traditionalist ministers¹⁰⁶.

Paradoxically and pessimistic, Mamdani, offers one of the harshest and most influential critical facts of traditional leaders, describing them as the institutional embodiment of “*decentralized despotism*.” He argues that the colonial state captured traditional authorities by designating them its agents of indirect rule in rural Africa. In so doing, it made chiefs upwardly accountable to the colonial state, simultaneously divorcing them from rural communities. All vestiges of downward accountability were eliminated, and with them went any local legitimacy the chiefs may have enjoyed. Moreover, in Mamdani’s view, the post-colonial state has for the most part replicated these patterns of authority and interaction, continuing to use traditional authorities as their instruments of control over the vast rural hinterlands. He sees traditional leaders as, in short, nothing without the state and the authority it bestows upon them, having no “independent or autonomous source of legitimacy”, that is, no local legitimacy.¹⁰⁷ But Mamdani’s argument is not without its contradictions. It is true that in post independence, states have increasingly offered formal recognition and even institutionalization to traditional authorities, and that they have often done so with an eye toward capturing the allegiances of these leaders, and with it the votes of their constituents. Prior to 1970, as noted, the record of African states’ treatment of traditional leaders was much more mixed, and often as not involved in efforts to marginalize or even abolish the chieftaincy, rather than use it to serve state purposes (although there are many examples of the latter as well). Mamdani’s view in relevant to this topic interpret the dynamism of the traditional leaders as political actors even though with no accountability.¹⁰⁸

Culturally, One hallmark of Tikari culture was and has remained the production, ritual use and preservation of spectacular sculptural art, thrones, stools, pottery products and royal paraphernalia. By the turn of the 20th century, thousands of these masterpieces were lodged in special palace collections. Otherwise called *things of the palace*, certain artifacts were indispensable for the spiritual and physical stability of the community and some played intercessory roles between the *living* and *living dead*.¹⁰⁹

¹⁰⁶ B. Oomen, “Chiefs, Law, Power and Culture in Contemporary South Africa”, PhD thesis, Faculty of Law leiden University, 2002.

¹⁰⁷ M. Mahmood. “*Citizens and Subjects: Contemporary Africa and the Legacy of Late Colonialism*”, Princeton: Princeton University Press, 1996.

¹⁰⁸ Ibid

¹⁰⁹ Knopfli, 2002:45.

From the analyses adopted by the various authors examined above, these could be accepted as viable approaches to understand the general problems posed by traditional authorities at the early stage of independence. But the continued failure to reform the traditional institutions under independent Government for over decades after independence cast doubts as to the validity of the arguments employed by these scholars. This study proposes to emphasize the importance of analyzing the motivations and reactions of the colonized people.

In conclusion, my own findings that underscore the importance of integrating these traditional governance systems into state government in order to foster inclusive governance, legitimacy, and peace within the state, rather than fragmented development. There are clear advantages for the state in integrating traditional institutions for the sake of increasing its legitimacy and thereby its own powers. This in turn makes the state more likely to foster development, which increases the chances of achieving and maintaining peace as the integration of various groups into the process means their voices are heard, thus lowering the chances of violent civil conflict by marginalized communities; and more policies focused on development mean that there is a decrease in structural violence, whether in terms of poverty, education, or employment.

9. Statement of the Problem

The political and administrative set-up of the chiefdoms of Southern Cameroons, prior to the year 1922 and after, was well structured with a considerable degree of local governance exercised by its Traditional Authorities despite the ramifications. The wish to grant power to local authorities under state supervision was repositioned at the center of academic and practical debate. It is easy to understand this on the logic of the overwhelming engagement of Traditional Authorities into the different fabric of governance in Cameroon since the colonial days. However, scholarship, policy makers and politicians still feel that the decision to create the House of Chiefs to be part of regional assemblies remains an empty decoration for in their thinking, Chiefs/traditional authorities are so outmoded for politics and development (Governance) in the modern sense of it. While claims and counter claims have continued to animate debate about the full essence or relevance of Traditional Authorities has been given scant attention especially within the ambit of British Cameroons. Therefore if Traditional Authority was established as an Institution which keeps the bond between the two intact. then, then what was his role therefore as a social symbol of neutrality and justice. The question is how much influence do traditional authorities really had?

However, pre-colonial societies had good leaders who were committed to state building, rule of law, equity and fairness; veritable vectors of political brilliance in development amongst others. The question therefore is whether these visionary Traditional Authorities are mere rubber stamp or panacea to a heuristic value of new governance.

This study intends to provide answers or leads to the understanding of these ambiguities, the pride and prejudices of Traditional Authorities in this geographical niche upto 1972.

10. Significance of the Study

The study of Traditional Authorities in politics and development in Southern Cameroons is of great relevance in many respects to the academic world. This is because we seek to know how chiefs have mediated the link between the past, the present and the future. In this connection it is important to understand the correlation between their control over everyday life of the people of these regions and over resources. Moreover, it will contribute enormously to the historiography of traditional authorities of Cameroon at large. Its compatibility with the administrative authorities cannot be underestimated, thus chiefs and Fons can play a vital role in mobilizing their people towards the execution of development projects, encouraging various economic and socio-cultural enterprises, enhancing democracy and sustaining good governance. The work will also serve as a reference document to future researchers in different parts of Cameroon on the necessity to document and understand traditional authorities in politics and development in Cameroon and Africa at large. The study in its modest sense goes further to enrich the global studies of African traditional authorities in Nation building during the early pre-colonial period and 21st century.

Future research must unpack the existing typology to make it possible for us to learn more about the intricate characteristics that are lost in its generalizations. Such insight enables us to identify the attributes of the various types of traditional institutions that can be used to promote

development and democratic governance and those aspects that are incompatible with democratic governance and need to be changed. Without a fuller understanding of the characteristics and dynamics of traditional institutions, it is difficult to understand why they have remained resilient and to determine the potential contributions they can make to the building of democratic institutions that are compatible with African realities and value systems.

11. Sources and Research Methodology

Data collection involved the exploitation of primary and secondary sources. We started by collecting and classifying relevant literature on Traditional Authorities in politics and development. Published secondary sources embodied the identification of data from books, articles and journals which had a bearing on some of the aspects in our topic. We began with a critical review of secondary sources handling broader themes of traditional authorities in politics and development in African traditional states including Cameroon North West and South West Regions. We equally identified a good number of secondary materials dealing with Grassfields state relations in the University of Yaounde I, Central library, Circle d'Histoire Geographie et Archeologie, Buea and Bamenda National Archives, Ministry of Territorial Administration and Decentralisation, the British Council Libraries and internet online books where we were able to sort out valuable books and publications on the topic. Our secondary sources were complemented with a number of unpublished materials in the form of Theses, Dissertations, Long Essays and unpublished manuscripts. There was a great deal of this material in the libraries of the Department of History and the Faculty of Arts, Letters and Social Sciences of the University of Yaounde I. We also got pertinent issues on some of the aspects developed in our work from the Library of the University of Bamenda.

The above sources were reinforced with primary sources obtained from the National Archives in Buea and the Regional Archives Bamenda respectively. This was further supported by a number of oral information collected through a wide range of interviews with Fons, Chiefs, Councils, administrators at the community level and equally through structured questionnaires, which was administered by way of focused group discussions with key informants such as village chiefs, quarter heads, educationists, health providers, agricultural field workers, farmers, women and youth. Though we attempted to maintain a balance in the informant age, a good number of our informants were identified and interviewed in Bamenda and some selected chiefdoms as well as Buea and a few were interviewed in Yaounde. Our interview approach was qualitative with keen attention paid on in-depth interviews. We introduced broad themes to guide the informants and proceeded by constant probing for emphasis and clarification.

After completing work in the archives, it was possible to know areas and issues on which we would be basing our questions for the fieldwork. What also guided us in preparing field work questions were the gaps in the account of published works. While an inventory of informants, we made sure there was variance in informants ranging from chiefs, princes administrators, teachers, legislators, human rights activists, indigents, members of the

traditional institutions and notables. Gender was also respected. In fact, an effort was made to have the best-informed persons in relation to the different issues addressed in the work. Our informants were scattered mostly between the North West, South West and centre Regions and so I had to make a good number of field trips to these places. In some cases, I had to send the questionnaires to the informants before hand indicating the sort of issues we could be discussing with them. This gave them ample time to prepare. During interviews, data was recorded either on tape or in the form of note taking. The interviews were conducted in English, French and Pidgin, depending on the informant.

A total of 203 interviews were recorded. Of great importance were interviews with some chiefs, Fons and the population from the North West and South West Regions that have escaped from the on-going Anglophone crisis and are settled in the towns of Bafoussam, Yaounde, Douala etc. My principal informants were the chiefs and fons. I wanted to know from them how they relate with the state, their role in politics and development. This permitted us to assess the degree of their conviviality with government policy regarding chieftaincy. I extended my interviews to royalists, notables and traditional title holders. We interviewed politicians and lawmakers or parliamentarians. We sought to know from them what could be done to improve on the situation of chiefs. Some of our informants were eyewitnesses or actors of the events they described.

This study also involved attending conferences and recently created House of Chiefs Session in Bamenda where issues related to the role of traditional authorities in politics and development were discussed. The meetings widened our horizons on Chieftaincy matters. We were also inspired as keen observers of the changing fortunes of the traditional rulers since we lived some of the events. This variance in sources of data was necessary in checking and cross-checking data and ensuring credibility.

We have adopted a blend of thematic and chronological approaches in the study. The thematic approach is used to describe themes and issues of traditional authorities in politics and development in the Southern Cameroons. In the chronological approach, we have situated the issues on discourse according to the historical time frame. We employed the analytic, narrative and descriptive approaches. We also made an attempt to assure that each of these approaches employed, suited the theme or themes developed. In certain sections, the approaches were used interchangeably with the overall aim of assuring clarity in our expressions in the interpretation of our evidences. The sources we exploited have been variedly acknowledged in the footnotes and bibliographical references. Where the explanation or description of some issues warranted a detailed comprehension of the text, we tried as

much as possible, to provide explanatory footnotes. We have throughout the construction phase, a varied use of direct quotations with the hope of sustaining our arguments with empirical evidences. This notwithstanding, in the course of our research and construction, we encountered a number of problems.

12. Problems Encountered

During the collection of data for the study, we encountered several problems like any other researchers will do. It was challenging to travel to the various Fondoms and chiefdoms of the North West and South West regions with the on going crisis. Published information on some aspects of traditional authorities in the Southern Cameroons was limited. The financial diffulties and the selection of sources and the identification of informants were equally difficult. This was the major problem we faced during our data collection process. Some of our resourceful informants were chiefs, quarter heads and councillors who did not have adequate knowledge on the role of traditional authorities in politics and development, which requires tact and patience to obtain information from them. They sometimes reschedule our request to other sessions. Few of them due to their responsibilities never respected the appointments thereby retarding the advancement of the research in the field. We were able to make use of our historical mindedness and research expertise to the various forms of information to cross examine our evidences.

13. Organisation of the work

The work consists of six chapters with a general introduction and conclusion. The general introduction handles the research protocol including the review of general and specific literature and the conceptual and theoretical considerations.

Chapter one presents the historical background of the Southern Cameroons and the physical environment of the study area. It examines the historical setting from the perspective of environment of the people of Southern Cameroon during migration and settlement. It has also thrown light on the socio-political organisation, economic pre-occupation of the people and the traditional governance institutions of the people.

Chapter two presents Traditional Authorities in politics and development in the Southern Cameroons during the pre-colonial period.

Chapter three presents the role of the Traditional Authorities in politics and development and the German Rule and the challenges faced.

Chapter four focuses on the influential role of the Traditional Authorities in politics and development and challenges during this period of British Indirect Rule in the Southern Cameroons.

Chapter five presents the Post Colonial Experience of the role of Traditional Authorities in politics and development in Southern Cameroons

Chapter six presents an findings and analysis of the capital role played by the Traditional Authorities in politics and development in the Southern Cameroons

CHAPTER ONE

PRESENTATION OF SOUTHERN CAMEROONS

1.0 Introduction

Chapter one provides a geographical presentation of the study milieu, location, physical features which appear to have fashioned the Traditional Authorities in politics and development in the Southern Cameroons and a historical background that gives a brief ethnographical survey of the study area. The historical perspective and a political organisation as well as the traditional governance put in place during the pre-colonial time. The topography of the area and the historical setting of the people are therefore capital because, it was one of the medium through which traditional rulership in the chiefdoms was construed. The general layout of the area consists of high grassy plateau with irregular dotted forested areas and the forest zone of the present South West Region. Consequently, the geographical features and historical setting have had an impact on the study of the role of Tradition Authorities in Politics and Development of these Regions..

1.1 Geographical Setting

This section of the study is focused on the geographical location of the Southern Cameroons, now referred to as North West and South West Regions. It asserts that, the physical environment provides favourable grounds on which Traditional Rulership was construed in the chiefdoms. For the fact that geography and history are linked together, they correlate and influence the way people live in the society. In fact, human behaviour over the years had a direct bearing on the environments. These factors resulting from its geographical configuration as well as from its ethnography composition should be kept in mind. Cohen elucidated the validity of the bond between humanity and environment by commenting that;

[...] We mortals (human being) have an irresistible tendency to yield to climatic influence [and other geographical elements] and to the course and no other, may be traced physical formation and complexion in most of our habits with [...] wide local separation.¹¹⁰

¹¹⁰ M. Cohen, *The Meaning of Human History*, La Salle, Winois, the Open Court Publishing Company, 1961 p. 137

Map 1: Geographical location of Southern Cameroons



Source: National Institute of Cartography, Yaounde

This section also serves the reader who may not be familiar with area of research, its human and natural environment, as well as the history and the legal setup of the country.

1.1.1 Location

British Southern Cameroons was a strip of land divided by the Benue River along the Eastern border of Nigeria of the Mambila foothills to the coast of South West region of Cameroon while the Northern Cameroons was the designation given to the Southern strip running North of the Mambila foothills as well as the entire Northern strip. The Trust Territory is not a homogeneous unit. Mainly mountainous with steep, thickly-forested hills or grasslands, it presents scenes of beauty with its ravines, waterfalls, belts of lofty hills, valleys and moorlands, which were obstacles to the building of good and permanent roads. The rainy season, with rainfall very high on the south-western side of Mount Cameroon and decreasing steadily northwards, lasts from April to October near the coast and is shorter in the north. During the rainy season, many roads become muddy and impassable; sections of roads or bridges are sometimes washed away. It occupies a surface area of about 36000 square

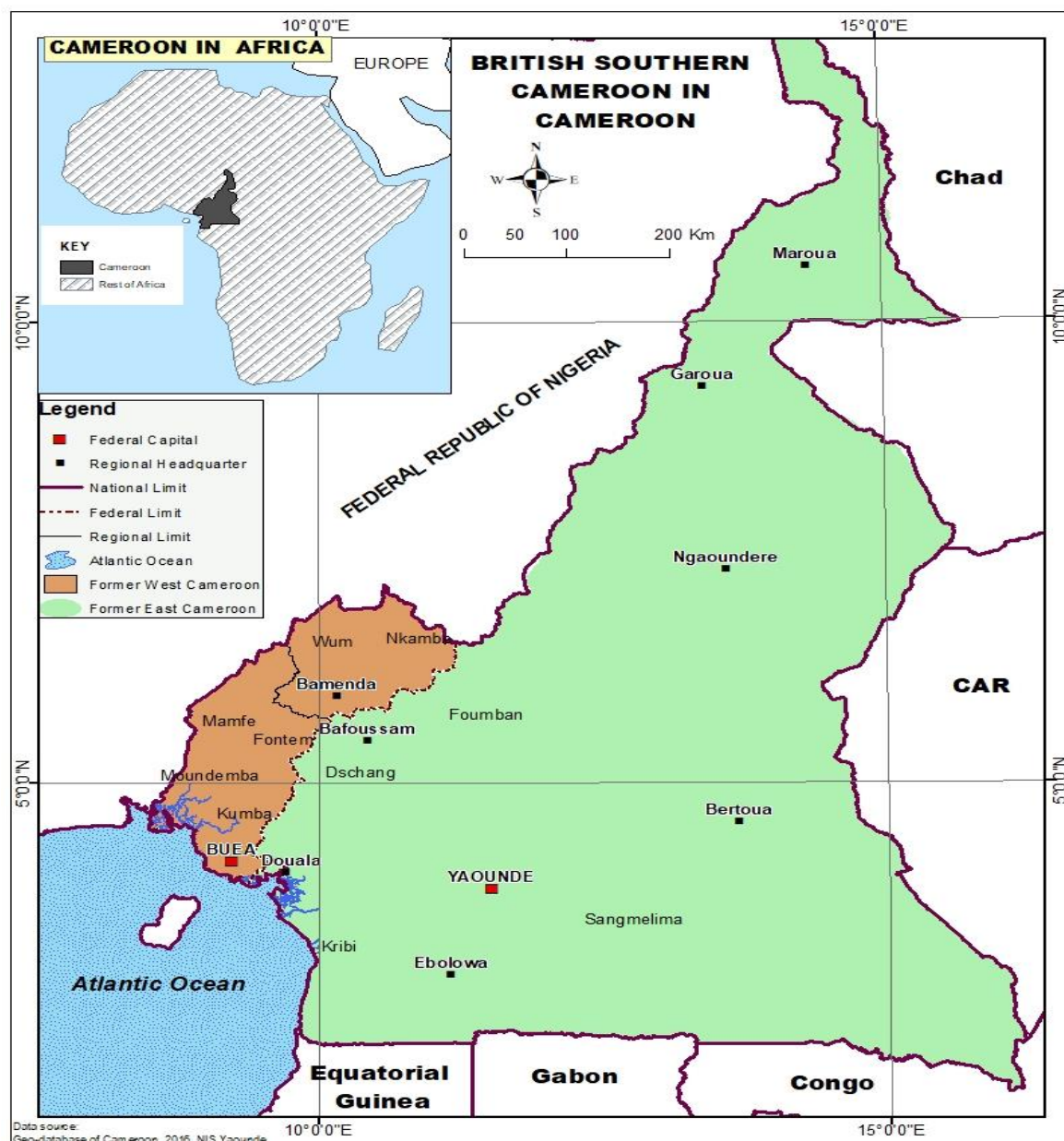
kilometres, constituting about 10 percent of Cameroon's total land surface and with a population roughly estimated at 3.5-4 million, making about 21 percent of the total population.¹¹¹

Historically, Southern Cameroons was the League of Nations Mandated Territory and later United Nations Trust Territory known as the Cameroons under United Kingdom administration. The territory lies between the Federal Republic of Nigeria and Republique du Cameroun in West Central Africa. It has an area of 16,581 square miles and a population by the year 2005 of about six million people. Southern Cameroons National Council (SCNC) is the umbrella organization of nationalist movements that fought for the statehood of ex-British Southern Cameroons. The Federal Republic of Cameroon which came into existence on October 1, 1961, is made up of former Southern Cameroons which was administered by the British Government as an integral part of her Colony of Nigeria, and the Republic of Cameroon - a former trust territory under French Administration. Thus West Cameroon (i.e former Southern Cameroons) was endowed with a legal system akin to that of Nigeria, and therefore of Great Britain, and East Cameroon (i.e the former Republic of Cameroon) was endowed with the French legal system. This region contains 13 out of 53 administrative divisions of Cameroon, 27 sub Divisions and 5 districts.¹¹²

¹¹¹ P. Konings, *Agro- Industry and regionalism in the South West Province of Cameroon during the National Economic and Political Crisis*;

P. N. Nkwi and F. B. Nyamjoh (eds), *Regional Balance and National integration in Cameroon*, , Leiden/Yaounde, Nyamjoh (eds), 1977

¹¹² Cameroon, 1946-1961". *Journal of Third World Studies*. **15** (1): 163–183. JSTOR 45197789.

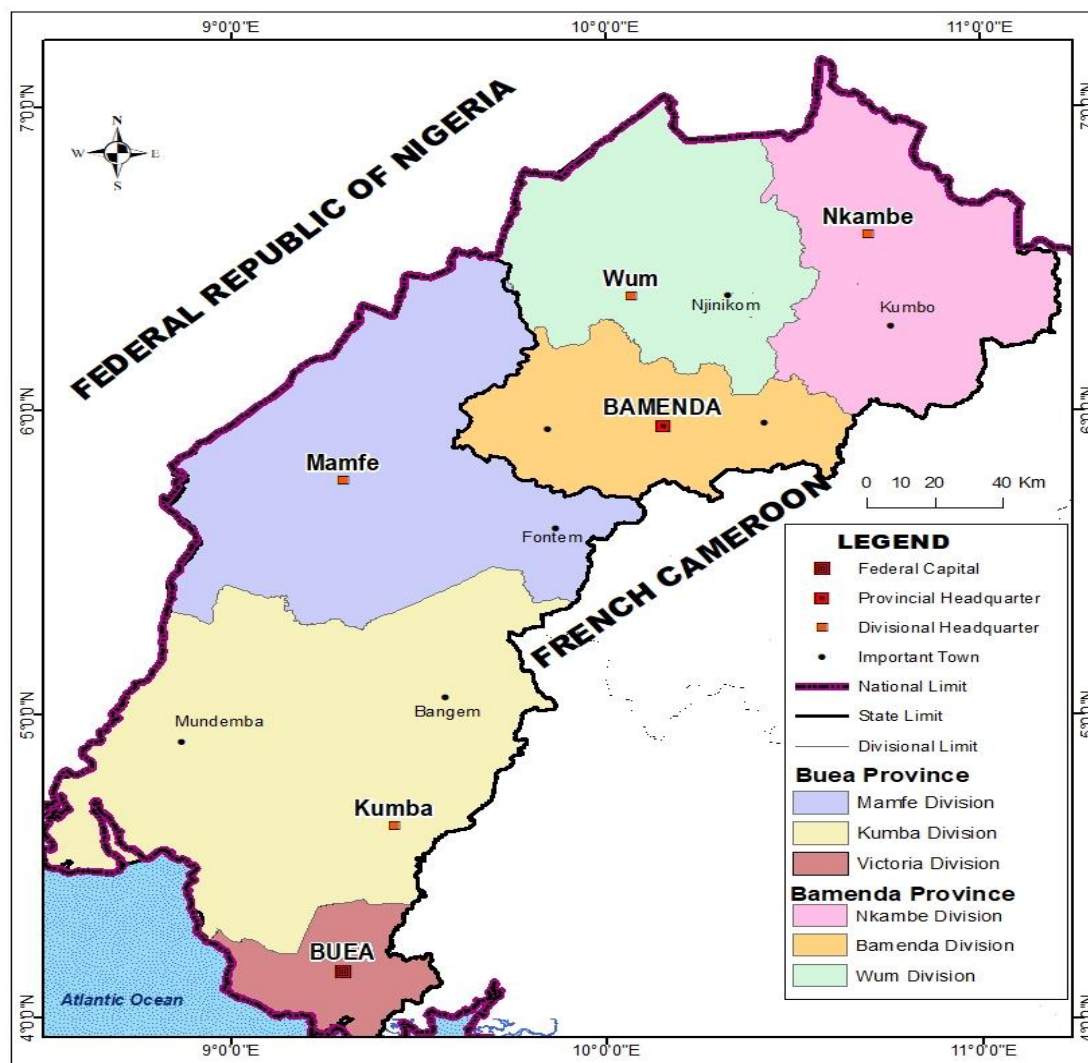
Map 2: Map of Cameroon and the British Southern Cameroons

Source: Researcher's Art

For Ibrahim Mouiche, Cameroon is located geographically at the crossroads of West Africa, central as Sahelian and Western ensembles, culturally at the junction of the French and English worlds, both Christian and Muslim. In this sense, it is the crossroads of the three important cultural regions: the coast of Guinea with its Negritic peoples, Western Sudan with

the Peul and Arab peoples, Congo with the Bantu-speaking peoples. The extreme ethnic complexity is like that of Africa.¹¹³

Map 3: Map of Southern Cameroons Showing Administrative Divisions and Head Quarters.



Source: Researcher's Art

1.1.2 Ethnic Composition and Settlement

The origin and migration of the people of the Southern Cameroons holds its cradle from the Semi-Bantu groups, that consist mainly of small ethnic entities, except for the Bantu-related Bamileke, who live between the lower slopes of the Adamawa Plateau and Mount Cameroon. Other western Semi-Bantu-speaking groups include the Tikar, who live in the

¹¹³ I.Mouiche, "Le pouvoir traditionnel dans la vie politique moderne", Mémoire de Maîtrise en Science Politique, Yaoundé, FDSE, 1988

Bamenda region and in the Western High Plateau. The most populous of these peoples are the Tikars, the Tikars were the first to settle on the Bamenda region. According to their oral traditions, they originally lived in the Northeast of their present territory, somewhere between Tibati and Ngoundere. This group settled to the South of Bamenda station in the Ndop plain to which they gave the name of their country of origin. As a result of this, politically-autonomous villages were founded. Although controversy seems to exist with regard to their migrations to the Ndop plain, it seems that they arrived the area in waves. Harold D. Nelson maintains that the Tikars began drifting southward in the eighteenth century or earlier in search of new land, a movement that became stronger during the Fulani invasions⁴ of the nineteenth century.¹¹⁴

According to historians, anthropologists, archeologists and oral tradition, the people of the Grassfields originated from north-eastern Cameroon, around the Adamawa and Lake Chad regions, present-day Adamawa, North and Far-North Provinces and were called the Tikaris¹¹⁵. Tikar migration southwards and westwards probably intensified with the raid for slaves by invading Fulani from Northern Nigeria in the 18th and 19th centuries. However, there is reason to believe that such migration was ongoing for centuries long before the invasion. The pressure of invasion by the Fulani raiders certainly occasioned the movements that led the Tikar to their current locations in the Western Grassfields of Bamenda Plateau and Eastern Grassfields of Fumban and the Tikar plain of Bankim. Upon arrival in the Grassfields, the Tikar found other populations in place, populations which had either migrated from elsewhere or had inhabited the region for centuries. Their arrival occasioned population movements, just as did the arrival of others after them.¹¹⁶ Below are the various ethnic groups that made up Bamenda Grassfields of Cameroon.¹¹⁷

¹¹⁴ V.G.Fanso, *Cameroon history for secondary schools and colleges, From prehistoric times to the twenty-first century, Revised Edition, Bamkika-ay-Kumbo, Team Work Press, 2017*

¹¹⁵ Chilver, Elizabeth M.; Kaberry, Phyllis M. "The Tikar Problem: A Nonproblem", *Journal of African Languages*. X (2) . (1971), pp. 13–14.

¹¹⁶ Chilver and Kaberry et al, *Traditional Bamenda: the pre-colonial History and ethnography of Bamenda Grass Fields*, Volume I, Ministry of Primary Education and Social Welfare and West Cameroon Antiquities, 1967

¹¹⁷ Ibid pp59

Table 1: Ethnic Groups of the Bamenda Grassfields

ETHNIC GROUP	POPULATION
Tikar	Kom, Nso, Oku, Mbiame, Wiya, Tang, War, Bum, Bafut, Mbaw, Fungom, Mmen, Bamunka, Babungo, Bamessi, Bamessing, Bambalang, Bamali, Bafani, Baba, Bangola, Big Babanki, Babanki-Tungo
Widekum	Esimbi, Beba-Befang, Mankon, Ngemba, Ngie, Ngwo, Mogamo, Meta
Chamba	Bali-Nyonga, Bali-Kumbat, Bali-Gangsin, Bali-Gashu, Bali Gham
Tiv	Aghem Federation
Mbembe	Mbembe, Misaje, Mfumte

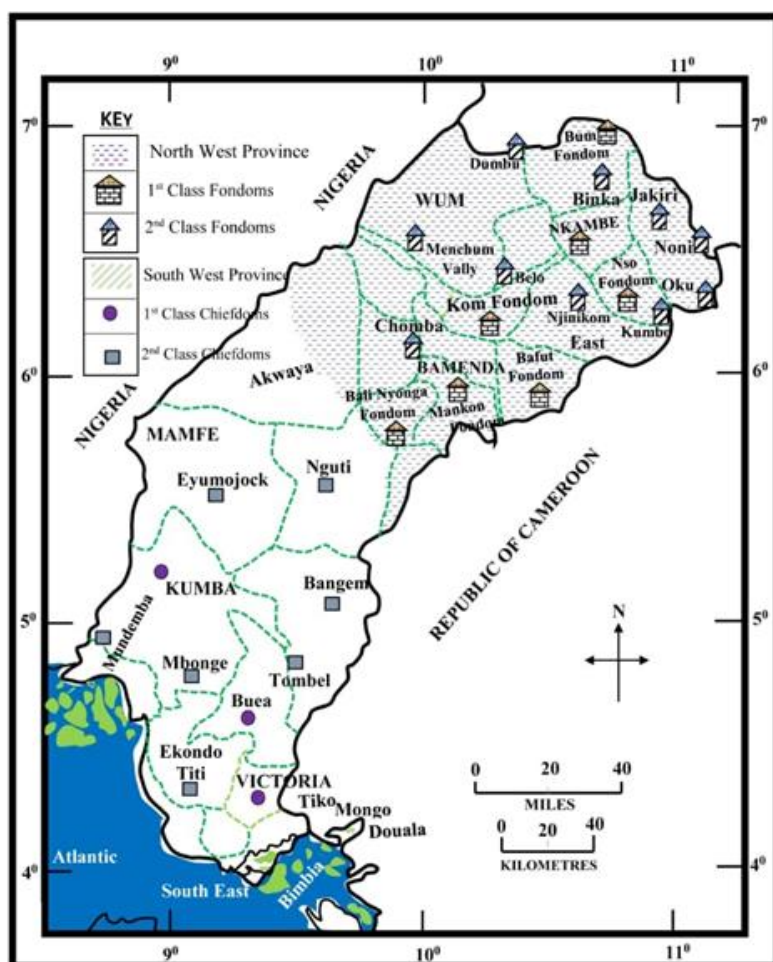
Source: Paul Nchoji Nkwi *Traditional Diplomacy: A Study of InterChieftdom Relations in the Western Grassfields, North West Province of Cameroon*, Yaounde, Cameroon, Department of Sociology, University of Yaounde, 1987

In the Bamenda Grassfields, those who claim Tikar origin include Nso, Kom, Bum, Bafut, Oku, Mbiame, Wiya, Tang, War, Mbot, Mbem, Fungom, Weh, Mmen, Bamunka, Babungo, Bamessi, Bamessing, Bambalang, Bamali, Bafanji, Baba (Papiakum), Bangola, Big Babanki, Babanki Tungo, Nkwen, Bambili and Bambui. Their alleged migration from the Upper Mbam River region was in waves, and mostly led by princes of Rifum or fons desirous of setting up their own dynasties. The authors of *A History of Cameroon* capture the Tikar migration as follows: “It was about three hundred years ago that increasing pressure from the north and internal troubles plus the desire for new lands led to the splitting up of Tikar groups into small bands, which, having left Kimi, drifted further west and southwest. Some of these moved under the leadership of the sons of a Tikar ruler who later called themselves *Fons*, the most common Bamenda term for paramount chiefs. These groups, at various times reached what are now Mezam. Among the earlier were those who came from Ndobo to the Ndop plain in the south of Bamenda, where they formed small, politically independent villages a few kilometers apart. No semblance of political unity was achieved. In the north-east we have Mbaw, Mbem, and Nsungli, also settlements of Tikar, and below the escarpment of a later date settlements of Wiya, Tang, and War. The main body of this group however, set off under

the leadership of their *Fon* and founded the kingdom of Bum. The Bafut, Kom, and Nsaw were among the last to arrive.¹¹⁸

The Bali Chamba preceded the Fulbe and were pushed south by them in their turn. Passing by the towns of Tibati and Banyo, they then pushed south in the corridor formed by the Mbum and Kim rivers to the south-west of Tibati. This resulted in the first generation of Tikar kingdoms. They then moved west, founding Nditam on the way to Fumban, Nso', Bafut and Baleng. Subsequent waves of Bali Chamba invaders attacked these first generation kingdoms and also founded second-wave kingdoms such as Ngambe, Bel Bel, Kong, Ina and We. Chronologies for some of these chiefdoms based on chief lists gave foundation dates as follows: Bankhn 1760- 1780, Nditam 1767-1781, Ngambe 1788-1809, Kong 1795.¹¹⁹

Map 4: Fondoms and Chiefdoms of Southern Cameroons



Source:, Researcher's Gallery, Bamenda, 2022.

¹¹⁸ P. N. Nkwi *Traditional Diplomacy: A Study of InterChiefdom Relations in the Western Grassfields, North West Province of Cameroon*, Department of Sociology, University of Yaounde, 1987

¹¹⁹ E. Mohammadou, *Overview of the history of the groups in Southern Adamawa*, Tokyo, Institute for the Study of Languages and Cultures of Asia and Africa; 1990.

There were no external forces that motivated the migrations, nor the export of the 'Tikar model' to the Grassfields. However, the suggested chronology poses problems for this version of events, suggesting that the Mbum migration coincides with the arrival of the Bali Chamba. Also, this would be an exception to the Mbum tradition that all their expansion was peaceful, that they did not wage war until the Fulbe arrived. But the Tikar tradition says that Kimi was founded when Tumu asked the Tikar to cross to the left bank of the Mbam to protect them from the warring Kwanja. This leads to the second hypothesis, which, counter to the former version of events, concerns the manner in which the 'Tikar model' was diffused towards the Grassfields. The diffusion from a single source of small groups led by minor princes is implausible, their success in conquering unlikely.¹²⁰

What you have is segmentary lineages adopting a migratory ideology and a style of fighting from some immigrants. But this is likely to have occurred over a long period of time and not from a single source. However, the Bali Chamba invasions of the second half of the eighteenth century can explain all these phenomena. Bankim was the oldest and strongest dynasty founded by the first invaders from the north, midway between the Adamawa Plateau and the Grassfields. Before becoming a major trade route linking these poles, the Mbam-Kim corridor was the main route for successive invasions of Bali Chamba. It was these which in a half century exported the 'Tikar model' to the Grassfields, including the Bamun and the Bamileke. The motive for this expansion is to be found in the militarism of the Bali Chamba. They had military superiority in the form of horses, bows and poisoned arrows. They were accompanied by an important group of blacksmiths and thus could renew their arsenal as they went. However, as they assimilated elements of the groups they had conquered, their expansionist dynamism gradually diminished. Hence the Chamba invaders who formed the Bali kingdoms in the Bamenda region around 1830 were the last of a long series.¹²¹ Below is the map of the Chiefdoms and Fondoms of Southern Cameroon. The population of the Trust Territory was estimated at 1,083,000. Of this total less than 600 are non-African inhabitants. The ethnic composition of the African population is complex and many different languages are spoken. There is no language approaching a *lingua franca* for the whole Territory; however, the language of the Fulani, Fulfulde, is understood throughout Adamawa. The population density depends among other things on the nature of the soil and on the possibility of access and communications. Thus, for example, Tamakanda in the Mamfe Division has a low density of seven persons per square mile. Similarly the three TikonNdoro-Kentu Districts

¹²⁰ P. N. Nkwi Traand Warnier, *Elements for a History of the Western Grassfields*, SOPECAM, Yaounde, 1982

¹²¹ Ibid

show low figures of 10, 14 and persons per square mile, respectively. In the north of the Trust Territory there are many primitive semi-Bantu and Bantu-speaking groups which presumably moved into the hills to escape the slave raids from the Kanuri and Fulani states of the plains. They are pagans, healthy and prolific, and live in densely concentrated groups. The Dikwa Division with its population of 265,175 shows a density of 191 persons per square mile in the Gwoza hills. Overpopulation, shortage of land and haphazard drift to the plains in this particular area create another local problem. A resettlement scheme for the Gwoza hills, with controlled and planned programmes, has been prepared and is being applied. According to an estimate by the Administering Authority, the percentage of illiteracy in the Trust Territory outside the Victoria Division is probably over 90 per cent and is certainly higher amongst women and elderly persons.¹²²

In the North, the Fulani and Kanuri tribal groups, which inhabit the Dikwa Division and the Adamawa Districts, and the Tikar and Chamba communities of Bamenda Province, are Islamized and have a rigid tribal organization recognizing a central paramount authority known as the Emir, Lamido or Fon. In certain areas this allegiance includes also the primitive hill pagan, semiBantu communities. Elsewhere, and especially in the south, the social unit is the village or village group with no wider allegiance. In such areas the traditional bases have not proved entirely satisfactory as a basis for local government, the superstructure of which had to be artificially imposed and developed. In general the north is less developed than the south, where contacts are easier and more frequent. Along the Cameroon coast and around the South West Region are the coastal and southwestern Bantu. These people claim close or distant relation with one another or with the Duala in particular and share similarities in language culture and myths of ancestry. These similarities though not convincing proof of a common origin and that contact between the groups was indeed very close in the past. The various ethnic groups include the Bakweri, Bamboko, the Bakundu, the Bakossi, Bassossi, Ejagham, Upper Balong, Ngorobatanga, Etik, Mbo, Anyang and Isuwu.¹²³

1.2.1 Socio-Political organization of Traditional Authorities

Pre-colonial African states were either centralized or decentralized. Centralized states were monarchies with bureaucracies which performed functions such as collection of taxes,

¹²² United Nations Visiting Mission to Trust Territories in West Africa, 1952 Report on the Cameroons under United Kingdom Administration together with related documents Trusteeship Council Official Record , Thirteenth Session (28 January- 25 March 1954) Supplement No. 4 New York, 1954

¹²³ V. G. Fanzo, *Cameroon History for Secondary Schools and Colleges*, London, Macmillan Publishers, 1989, pp 41-56

entertaining dignitaries, serving the king or chief and supervising ceremonies. Decentralized states were republics in which social groups like age-sets, age-grades and regulatory societies played prominent roles in the maintenance of law and order. The socio-political organizations of the traditional authorities in the area of study were classified into two systems, namely, the centralized and the leaderless systems. In order to better appreciate these systems, it is necessary to look at their fundamental characteristics. The centralized group or fondoms of the Bamenda Grassfields include Kom, Bafut and Bafanji (all Tikars). Centralized states usually arose when the leader of local group or of immigrant warriors gained control over a number of un-centralized village communities and formed a kingdom. But generally, the pre-existing social and political structure of the village was not seriously tempered with, and each lineage retained its role and status in the village. With the spreading influence of the royal family cult, the leader gradually acquired semi-divine authority over the Kingdom. They were known as the A-Fons. What is important to note about centralized polities is that they started as a clan and expanded by subjugating neighboring states thereby making them their vassals. The empires of western Sudan expanded through this method. It is through the attempt of the centralized fondoms of the Bamenda Grassfields to expand in this manner of state formation that ethnic conflicts have become common place. On the other hand, leaderless societies included the Widekum, Mbembe, Chamba and Aghem. In these types of societies there was little concentration of authority. It is difficult to point to any individual or limited group of men as the ruler or rulers of the society. Such authority roles as exist, affect a rather limited sector of the lives of those subject to them.¹²⁴

Following the wielding of authority as specialized unit within which people feel an obligation to settle their disputes according to agreed rules without resort to force tends to be relatively small. Each of these villages was under the tutelage of a village head that had little or no political authority. Village government instead of resting on a government was run by a council of Elders comprising the constituent lineage heads. This council met at regular intervals and in times of emergency in the village head's compound. These meetings were usually presided over by the village head and matters of social, religious, economic and judicial importance were discussed. Decisions were usually taken only when consensus had been reached. Matters affecting the village, lineages or individuals were usually thrown open for the councilors to voice their opinions before final decisions were taken. More often than not the audience was swayed by the most eloquent speaker who was listened to in silence

¹²⁴ P.N Nkwi, *Traditonal Government and Social Change: A Study of the Political Institutions among the Kom of the Cameroon Grassfields*, Fribourg, University Press, 1976

while an unimpressive speaker was often hushed down. Consequently, decisions which were arrived at by the council of Elders were disseminated in the lineages by the councilors who also enforced their execution.¹²⁵

The organizational structure of an African society affects status of the members therein. Men make the laws and thus women are the most affected, because the structure at all the levels is dominated by men. But the strength of the laws depends very much on the degree of attachment of the community to them, hence the absence of a uniform pattern in the custom depriving women of succession rights for instance. Although Cameroonian communities hardly possess the standard characteristics of highly centralized and acephalous¹²⁶ communities advanced by some authorities, they could be classified under either on the basis of research showing that the identified types of communities could take a variety of forms.¹²⁷ In highly centralized societies, found in the Western Highlands of Cameroon and in the North, there was a government in the nature of a centralized authority, administrative machinery and judicial institutions. They are organized into Sultanates, Lamidates and Fondoms or Paramount chiefdoms. The leader wields executive, legislative and judicial power.⁴⁶ He designates the officials of these organs and his subordinates. He is not only a temporal leader; but also the spiritual leader, chief priest; a representative of the ancestors who ensures the liaison between the living and the dead believed to be masters of the land.¹²⁸

The chief's authority was global covering persons, goods and land. Land is sacred; it is the medium of communicating with the dead,¹²⁹ one reason why custom frowns on alienation thereof to strangers. Members desirous of land must ask for and obtain it from the paramount chief. This chief's control over all the land was sometimes erroneously described as a right of ownership. The coastal communities possess characteristics of acephalous societies. They have no leaders with an all-embracing authority over persons and property. Nor do they have strong centralized authorities, administrative machineries, and constituted judicial institutions. What obtains is a segmentary pattern of traditional political organization based upon a loose-knit and non-hierarchical clan structure. Political power was exercised by the local chief priest or council of elders, with specific roles assigned to each member of the council. Authority is in the person of a ritual functionary and not in the chief who is a political

¹²⁵ Ibid

¹²⁶ C. Anyangwe, "Land Tenure and Interests in Land in Cameroonian Indigenous Law" *Cameroon Law Review*, 1984, pp.29-41

¹²⁷ T.O. Elias, *The Nature of African Customary Law*, Manchester, Manchester University Press, 1956, p.14

¹²⁸ Ibid

¹²⁹ C.F. Fisiy, *Power and Privilege in Administration of Law: Land Reforms and Social Differentiation in Cameroon*, Leiden, African Studies Centre, 1992, p.221.

leader.¹³⁰ Thus governance is shared between the spiritual leaders and political heads of the group drawn from different categories of the population. None of these alone can exercise absolute authority over the population. They have distinct but complementary functions which require sanction of the community.¹³¹

That notwithstanding, political power did not involve rights over a given territory and its inhabitants. Membership of these communities and the rights and duties that go with it were acquired as a rule through genealogical ties as against political allegiance to the sovereign. The chief only had control over un-appropriated lands which he manages in-council. Each minor segment (family) holds and enjoys land in its individual name. Chief Endeley of the coastal tribe of Bakweri said as expert witness in *Wokoko V. Molyko* that members of the tribe could without prior authorisation appropriate parcels of the communal lands. It is the responsibility of the family head in acephalous communities and that of the chief in highly centralized communities acting through the family heads to keep property in the family by preventing its alienation to strangers. Even the Western legal systems in their nascent stages prohibited such alienation, said to diminish the family patrimony, at a time when land was the principal source of wealth. Here lies the root of the restrictions which customary law places on access to land, and not only have the customary law courts made it a vocation to ensure this, the spill-over effect is equally felt in the English and French laws applicable in Cameroon. This is true of both the rural and urban communities.¹³²

However, the rural population is generally indifferent to these restrictions. Ignorance is one of the reasons but the fact is that members of the rural populations, notably the women view land more as means of subsistence than economic empowerment. The attitude is different in the urban areas where land is viewed more in terms of economic development than subsistence. Most changes in the law therefore occur in the urban than in the rural areas, be it in the customary or modern law courts. Modernism has also reduced the powers of chiefs over land through government legislation. As will be shown later most of the land which used to be the common property of the community and placed under the authority of the chief is today either national lands or state lands. The powers of chiefs to restrict access to such lands are thus limited as the restrictions can only operate effectively within the domain of family land. Any person with sufficient resources could acquire land from these new pools of land

¹³⁰ T.O.Elias, *The nature of African Customary Law*, p.14

¹³¹ There will, of course be persons assuming the title of paramount chiefs because of their political influence or wealth, or because as a result of government policy they are classified as first class chiefs, which to them means taking the title, even though lacking in the actual traditional attributes of the office

¹³² Ibid

which are placed under the authority of administrative officials rather than the chiefs. Even if the long arms of family land have eventually to stretch to lands thus acquired, what is clear is that they constitute private property and could be disposed of by their acquirers, subject only the conditions under which they are acquired.

Meanwhile, in the Southern forest region of Southern Cameroon, the political organization of the Bakweri was similar to that of the other segmentary societies like the Duala and Bakossi. In the Bakweri political set up, the village was the basic political unit. The village was grouped into independent localized families having no centralized authority with coercive power. The village was headed by a village head whose political authority was very *negligible*. The government was run by a council of elders. The most prominent families in Bakweri history were the Wonya Likenya Endeley who was and is the supreme head of the Bakweri people in Buea while the family of Manga Williams heads the Bakwerians in Victoria (Limbe). The social organization, though not easily distinguished was made up of three classes of people, the *Wonja* or indigenous people, the *Wajili* or non-indigenes and the slaves or *Wakomi*.¹³³

On the other hand, the political organization and administrative unit of the Bakossi was the village which was made up of a number of unrelated families. In the Bakossi land, the village was headed by a village that was responsible for the administration of the village. The village government was run by a council of elders who constituted the *Ngwe* in the traditional Bakossi society. The *Ngwe* was headed by a Nhon who was responsible for the maintenance of peace and security. The traditional administration of the Bakossi declined with the introduction of government institutions such as courts, village chiefs and traditional councils. The most prominent chiefs in the Bakossi land during the colonial period were Chief Elung, Chief Mokoge of Nninong and Chief Ntoko of Nyassosso. With the decline of the traditional political and social organization in the Bakossi land, there arose a need for the formation of various secret societies which had far reaching impact on the social and political set up of the Bakossi people. Prominent among the secret societies in the Bakossi land was the *Muankum* which was linked to the mysterious appearance of a spirit to a lonely man. Another important secret society was the Ahon. The Ahon was divided into three groups, *San Nhon*, *Messam*, *me Nhon* and the *Epie Nhon*. These secret societies had various levels which aided in the social stratification of the Bakossi society.¹³⁴

¹³³ V.J. Ngoh, *Cameroon History 1884-Present*, 2018 pp.18

¹³⁴ Ibid

Similarly, the Bakundu had the decentralized system in which the village was the basic socio-political unit made up of several lineages divided into extended families. Each village was a self-governing community with a village council headed by Moele mboka or “father of the village”. The council was made up of lineage heads, members of regulatory or secret societies, titleholders and priestly associations. The main function of the council was to settle disputes among the villagers and to ensure the security of the village.¹³⁵

Direct democracy was practiced at the village level. The views of all groups were heard and the decisions arrived at were in keeping with the customs and traditions of the Bakundu. The title-holders were the ones who consulted the oracles, appeased the gods and performed rites of purification. These actions promoted peace and stability in society. To become a title-holder, one had to be a member of a secret society or societies, be a wealthy man or perform acts of bravery such as killing a lion. In this regard, the welfare of the village rested on their shoulders as they worked to sustain the village in all aspects of political, economic and social life. Thus, politics in Bakundu land involved people in all the levels of the society with household, lineage heads, members of secret societies and titles-holders playing important roles. But the role played by secret or regulatory societies was quite remarkable in the maintenance of law and order.¹³⁶

Despite the general involvement in politics by all the groups, secret societies distinguished themselves as agents of administration in Bakundu land. They were important institutions among the Bakundu as they played a variety of religious, judicial, commercial and social functions. They were thus, both secret and sacred. Only people who qualified to be members were admitted after paying admission fees¹³⁷. Each of these societies had a hierarchy of grades. *Nyankpe*, for example was the highest grade of the *Ekpe* secret society which commanded a lot of power in the community. It imposed fines on offenders and enforced the payment of debts, an essential power in the community as the people adopted a system of credit trading. Other secret societies in Bakunduland which performed similar functions were *dio-male*, *nganya* and *difoni* for men and *molaba* for women. The role of these secret societies complemented those of the government in enforcing laws to ensure peace and the security of the Bakundu people, within and without.¹³⁸

¹³⁵ J. B. Ebune, *The Bakundu of Cameroon Yesterday and Today: A Study in Tradition and Modernity*, Kansas City, Miraclaire Academic Publications, 2014, p.69.

¹³⁶ Ibid

¹³⁷ File No Ae 37, *Assessment Report on the tribal areas of Mbonge and Bakundu*, National Archives Buea, henceforth NAB.

¹³⁸ A.J.H. Lathan. *Old Calabar 1600 – 1891*, Oxford: Oxford University Press, 1978, p.38.

Also, religion also played an important part in Bakundu traditional authority. The core religious beliefs of the Bakundu were about the greatness of God, the origin and meaning of life, goodness and evil, and veneration of the ancestors. These beliefs included punishment for wrong doing and the reward that comes in the end for those who observed the traditions and customs of the people. The religious beliefs made people conscious of the fact that good fortune could only come if they adhered to their tradition by doing the right things that would not offend God and the spirits of the ancestors. For the Bakundu therefore, everything that happened to them had a religious undertone, meaning that their society could not function without adherence to their religious beliefs. All these aspects of Bakundu life sustained them by creating social harmony among the people. Everyone knew what role he/she had to play for the society to function well. However, the introduction of colonial rule altered these things leading to a situation where Bakundu interests became secondary to those of the colonizers.¹³⁹

1.2.2 Historical Background

The genesis of the native administrative system in Southern Cameroons can be traced from the period of German administration. The German 'Colonial Constitution' instituted at the time, defined the German administration in Cameroon. The Governor in Cameroon derived his authority from the Kaiser and the German Chancellor. The Governor was authorized to issue "decrees for general administration, taxes and tariffs but these had to be passed through the Imperial Chancellor who also looked into appeals made by criminals who objected to penalties meted out by the Governor. The Governor controlled the courts and was the highest judge; all state property was directed by him. Because of the difficulty of administering the vast territory due to lack of good means of communication, he empowered local administrators to execute some of his functions.¹⁴⁰

Cameroon, under German administration, was governed by German Laws. The native and the whites had separate courts. The '*Bezirksgericht*' was for the whites. It was the Court of First Instance presided over by a judge, the '*Bezirksrichter*', assisted by two or four lay assistants, '*Beisitzers*'. The '*Obergericht*' was the Court of Second Instance for the whites. It comprised the High Judge, '*Oberrichter*', and four lay assistants; it had the final judgment. Whites were never imprisoned in Cameroon. For the Cameroonians, the Court of First Instance was composed of the native chiefs who passed judgment according to native laws.

¹³⁹ M. Atinda. "*Bakundu Under Colonial Rule, 1897 – 1961*" Unpublished M.A. Thesis University of Yaounde 1, 2006, pp.52.

¹⁴⁰ H. R. Rudin, *Germans in the Cameroons, 1884-1914*, p.180.

The native chiefs presided over civil cases where the offense was not above 100 mark\$ or with regard to criminal cases, the penalty was not above 300 marks or about six months imprisonment. Appeals from the Court of First Instance could be sent to a second tribunal which could be attended by the Governor or his representative. It did not judge cases punishable by death.¹⁴¹

On the other hand, in 1954, British Southern Cameroons was given a limited degree of self-government as a 'quasi-federal territory within the Nigerian Federation. Britain adopted a policy of 'Indirect Rule' in the British Cameroons. The British aim was to spread British rule and commerce and subject the colonies to British laws. This was facilitated by the presence of local chieftaincies ruling the principal tribes such as in Buea, Victoria and in the grassland where the traditional chiefs exercised great authority. In order to simplify the British administration, 'Native Authorities' were established with courts and councils where chiefs meted out punishment more or less according to 'modified' native customs such as was done by the 'Fons' of Bali, Korn, Bansa, Mankon and the chiefs of Buea, Bangwa and Mamfe. Because of very poor means of communication, some villages were never visited by administrative officials. The British legal system replaced the German Imperial legal system although in 1922 certain parts of the territory were still using the German Imperial code. In order to achieve this, the British divided their territory into two parts, Northern and Southern Cameroons, and incorporated them into the Nigerian protectorate. This arrangement was borne by communication difficulties as it would have been difficult and expensive to coordinate affairs between the North and South of the territory because of a seventy kilometers narrow strip of land that separated them¹⁴².

The Northern part that was regarded as a natural continuation of the Hausa and Fulani Regions of Nigeria was administered as part of the Northern Province while the south was merged with the Eastern Province. From 1916 to 1921, no official administrative British policy had been instituted. It was only in 1923 that the British colonial policy was officially adopted and in accordance with the 1923 Order in Council for the Cameroons, the Nigerian laws became applicable in Southern Cameroons. In this direction, the British introduced the Native Administration System that was styled Indirect Rule. This entailed the use of

¹⁴¹ Ibid pg 3

¹⁴²E. T. Mbuagbaw, R. Brian and R., Palmer, *A History of the Cameroon*, New Edition, Essex Longman, 1987, p.78

indigenous African chiefs and traditional institutions in the administration of the colonial states.¹⁴³

The British did not establish a separate administrative structure for the mandated Territory but placed the two territories under the colonial administration that operated in neighbouring Nigeria. Northern Cameroons was administered by the lieutenant Governor of Northern Nigeria while Southern Cameroons was under the supervision of the Lieutenant Governor of the southern provinces. Both areas of British mandates were divided into districts headed by a district head, the districts were further divided into units called sub districts which were headed by appointed officials. The British administration functioned on the basis of indirect rule. This system operated most effective in the Northern Cameroons among groups, such as the Fulani who had centralized military and bureaucratic institutions. In the case of southern Cameroons, the application of the indirect rule was complicated by the diversity of the area's ethnic groups, most of whom lacked centralized political authority. The British searched carefully for the source of traditional authority in the fons of the highlands and the chieftaincies of the south and attempted to avoid the creation of artificial administrative units as had occurred in French Cameroon.¹⁴⁴

1.2.3 Administration

The system of government in the Southern Cameroons was designed to function close to the people. It already achieves this purpose in important parts of the Territory, and can be expected to do so everywhere when staff, communications and other resources become more adequate and when evolutionary processes in the development of rural institutions come more fully to fruition. In the whole broad field of powers delegated to the Southern Cameroons under the Nigerian Constitution, government functions at two main levels; regional and local, each complementary to the other and each, potentially if not yet fully so in practice, directly responsive to the will of the people. For the purposes of government the Southern Cameroons was divided into six administrative divisions or districts: Victoria on the coast, Kumba and Mamfe in the forested hinterland, and Bamenda, Wum and Nkambe in the

¹⁴³ V. G. Fanzo, *Cameroon History for Secondary Schools and Colleges, Vol.2, The Colonial and Post-Colonial Periods*, Limbe, Macmillan Publishers Limited, 1989, p.56

¹⁴⁴ V. J. Ngoh, *Southern Cameroons, 1922 – 1961: A Constitutional History*, Hampshire, Ashgate Publishing Limited, 2001, p.2.

grasslands. Each was under the charge of a District Officer who was directly responsible to the Southern Cameroons Government at Buea.¹⁴⁵

In effect, within each Division, local administration was provided by Native Authorities, functioning under the guidance and advice of the District Officer and resident or visiting representatives of the specialized departments of the Government. The Native Authority was ordinarily based on the recognized traditional authority in the area concerned, who was usually a chief acting with or without a council; where 'there was no customary authority possessing executive power over a wider area than a village, as was often the case, for example, among the forest peoples, the representatives of extended families or groups were formed into councils and given statutory powers as native authorities.'¹⁴⁶

Since local government was thus founded as far as possible on traditional institutions, the jurisdiction of the Native Authorities usually conforms to the original division of the people into separate tribes or clans. This has an important relevance to the broader political life of the country, for the boundaries of the administrative districts and, nowadays, those of the constituencies which elected representatives to the central institutions of government were also designed to contain, as far as possible, whole groups of tribes and clans. Thus, where tribal custom and loyalty were strong, the chiefs are capable of exerting considerable influence at all levels of government; and there is no doubt that some of them, and notably the more powerful grasslands chiefs such as the Fons of Bali, Bafut and Nsaw, had done so in the recent past.¹⁴⁷

With varying degrees of effectiveness, democracy was infused into the Native Authorities by means of the vesting of their executive powers in elected councils, and efficiency by means of the improvement of the permanent staff which serve them. The management of important affairs of local government was open to them: in addition to a number of lesser services, they collected direct taxes, provide a native court system, maintain schools other than those run by the religious missions or the central government, provided subsidiary medical and health services such as dispensaries, supplement the activities of the central government departments of agriculture, forestry and veterinary services, provided and maintain public roads feeding the main government system of trunk roads.

¹⁴⁵ H. R. Rudin, *Germans in the Cameroons, 1884 – 1914; A Case Study in Modern Imperialism*, New Haven, Yale University Press 1938

¹⁴⁶ C. N. Nforti, "Developments and Reforms in Cameroon Land Law Since 1884" University of London, (Thesis) July 1979, University of London.

¹⁴⁷ Ibid

The Victoria Division, whose population was at the 1953 census was 85,500 and which was more highly developed in all respects than the five other districts, sets for the moment the outstanding example of local administration. The former Native Authorities had been completely overhauled and reorganized by the time of the Mission's visit. In order to create a strong body capable of providing the necessary services and staff, a single divisional council had been set up. It consisted of members mainly "*elected up*" from the membership of five subordinate councils, which were themselves mainly elected by adult suffrage traditional and women's interests were represented in all the councils by nominated members. The divisional council has a treasury with an annual turnover of 200,000, and among the services which it provides are five dispensaries and health centres, a rural health service, six senior and nine junior primary schools and the maintenance of fifty miles of roads.

In the Kumba Division (137,800 people in 1953) the development of local government was hampered in the past by the absence of a cohesive traditional society, and is hindered also by the insufficiency of communications. There are thirteen separate Native Authority councils, all of them elected, and efforts to amalgamate them into three groups had run into difficulty. The organization of the adjoining Mamfe division was even more difficult: administrative contacts, economic and social development and intercourse between the people are seriously handicapped by the almost complete absence of roads other than the trunk routes from Kumba and Eastern Nigeria which at any rate in the dry season meet in Mamfe and went through to Bamenda. The local administration, which is divided between ten Native Authorities and a Joint Committee meeting quarterly, suffers accordingly in efficiency and resources. By contrast, in the grasslands division of Bamenda (264,880 people in 1953), Nkambe (85,000) and Wum (79,700) traditional society is relatively cohesive, communications was easier and better, and cash crops and cattle was putting important amounts of money into circulation. The systems of local administration while not yet in all cases beyond the influence of chiefs, who cling to the old order of things, are gradually taking more impressive shape.¹⁴⁸

The relationship between these local administrations and the Southern Cameroons Government had already been mentioned. The other link between the local communities and the Government was their representation, partly by means of elections and partly by the nomination of Native Authority representatives, in the legislature. This was of course, the body from which the Government is now largely drawn, to which it was in large degree

¹⁴⁸ V.T. Le Vine, *The Cameroons: From Mandate to Independence*. California, Berkeley and Los Angeles, University of California Press, 1964,

answerable, and on which it depends for the passage of legislation in fields other than those reserved to the Nigerian Federal Parliament in which the Southern Cameroons was also represented and for the approval of expenditures and the endorsement of policies. The ministerial system of government entered into effect on 15 May 1958 and the Executive Council, with five of its nine members drawn from the majority parties in the House of Assembly, became the principal instrument of policy for the Southern Cameroons. The five elected Cameroonian members, who included the Premier, were given ministerial responsibilities and they now control many of the departments of government which are provided for in the Southern Cameroons budget. Certain activities remain the responsibility of three ex officio members of the Executive Council (the Deputy Commissioner, the Financial Secretary and the Legal Secretary, whose title is to be changed to Attorney-General). Moreover, the Commissioner of the Cameroons remains nominally responsible to the Governor-General of the Federation of Nigeria, who is the High Commissioner of the Cameroons, for the administration of the Territory; but he is bound to act for the most part on the advice of the Executive Council.¹⁴⁹

The ministerial responsibilities assumed by the Premier and the other Cameroonian ministers are of considerable importance. The Premier, in addition to the duties of that office, has charge of lands and survey, local government, and the marketing and development organizations. The Minister of Natural Resources controls the departments of agriculture, forestry, veterinary and cooperative services; the Minister of Social Services is responsible for medical services and education; and the Minister of Works and Transport is in charge of the construction and maintenance of trunk roads, aerodromes, urban and rural water supplies and government buildings. The construction of the framework of self-government in the Southern Cameroons within the limits imposed on the one hand by the responsibilities of the Administering Authority and on the other hand by the competences of the Nigerian Federal Government and Parliament was thus well advanced. As a result of agreements reached at the resumed Nigerian constitutional conference late in 1958.¹⁵⁰

The financial situation of the Southern Cameroons was much improved with revised arrangements for revenue allocation purposes as if it were a normal region of the Federation of Nigeria. The special arrangements which had been devised under the 1954 constitution, and which have been amply explained to the Trusteeship Council were found on inquiry by a Fiscal Commission / not to have worked out well. It became evident from an examination of

¹⁴⁹ Ibid

¹⁵⁰ Ibid p.75

the actual and estimated financial situation in the three fiscal years 1956-1959 that if the Southern Cameroons were treated as if it were a region the result would be considerably more favourable than that achieved by the existing system. Under the new system, which took effect in the 1958-1959 budget estimates, the Southern Cameroons allocated its estimated proportionate share of the total revenue from import duty on motor spirit; its estimated share of 50 per cent of the import duty on tobacco; one per cent of all other import duties collected for the Federation as a whole (this allocation, based on a revised estimate of consumption, is twice as large as previously; its estimated share of 50 per cent of excise and export duties; and all personal income tax, mining royalties and certain miscellaneous revenues derived from the Southern Cameroons. Moreover, as a result of decisions taken by the resumed constitutional conference, changes in the revenue allocation arrangements for Nigeria as a whole were to be introduced in 1959.

1.2.4 Economic Pre-occupation

The fertile slopes of Mount Cameroon and a large belt of hilly, broken, forested country north of the mountain are very rich and are of importance to the future economic development of the Trust Territory. Plantations of bananas, cocoa, palms and rubber are expanding and are very promising. The operation of plantations introduces the factor of labour into the economy of the Territory. In the Victoria and Kumba Divisions there was a labour force of approximately 23,000 working on the plantations, and certain specific problems are created by their presence. There were 13,845 persons from the French Cameroons living in these two Divisions and people of French Cameroons origin formed 19 per cent of the total population of the Victoria Division.¹⁵¹

In the north, the Grassfields of the Bamenda and Mambilla plateaux constitute the Territory's best land for cattle and offer further possibilities of improvement. There were some 175,000 head of cattle on the Bamenda highlands. On the high, grass-covered bills of Mambilla about 100,000 cattle graze. In Dikwa and Northern Adamawa, the total number of cattle was about 100,000 and in Southern Adamawa, about 50,000 head. The Trust Territory had no navigable rivers. The Benue, with the river port of Yola, which is the closest and most important Nigerian trade route, was accessible from the north by the Bama-Mubi-Yola road and from the south by the Jada-Yola road.¹⁵²

¹⁵¹ E.A. Aka, *The British Southern Cameroon 1922-1961: A study in Colonialism and Underdevelopment*, Platteville MD. Nkemnji Global Tech, 2002

¹⁵² Ibid

The position of the Southern Cameroons was further remedied by the writing off of Federal Government advances totaling over £700,000, and the accrued interest on them, which had been made under the old system. A further advance, consisting of working capital totalling £300,000, was to be converted into a grant and the interest due on it waived. In the 1958-1959 estimates, the first based on the new system, the Southern Cameroons was expected to receive £607,950 as its total share of the federal Nigeria: Report of the Fiscal Commission, Colonial Office, London, revenues; the most important item was £279,000 in import duties other than those on motor spirit and tobacco. From revenues collected internally it expected to receive £375,535. A revision of the estimates brought the total recurrent revenue up to £1,262,435 and recurrent expenditure to £1,296,655, envisaging a small deficit; but at the time of the Mission's visit the actual returns had been better than estimated and a deficit was no longer expected. Expenditure was allocated among the departments and services for which the Southern Cameroons Government was responsible. The federal services, which include police, posts and telegraphs, prisons, labour, produce inspection and expenditure on main trunk roads, were maintained by the budget of the Federation as a whole, to which the Southern Cameroons contributes in particular through company income tax and those other revenues which, as indicated above, was not wholly allocated to it.¹⁵³

Economically, three important statutory agencies were designed to complement the activities of the governmental services and departments. One was the Southern Cameroons Development Agency, conceived in a recommendation by a mission of the International Bank in 1953. The agency, whose board was a Cameroonian chairman and four Cameroonian members, had the power to make loans to co-operative societies and individuals and to formulate, encourage and invest in agricultural and industrial projects. Since the beginning of 1956 it had disbursed over f500,000, mainly from inherited funds and an annual grant from the Marketing Board. More than half of this amount was used to developing its coffee estate at Santa in the Bamenda area. It had made loans of about f75,000 to co-operative societies and private persons and a number of grants for cocoa development and survey and for road development. It has also loaned f50,000 to help established a bank for the co-operative movement at Kumba, of which the chairman of the Mission was invited to lay the foundation stone.¹⁵⁴

The Southern Cameroons Marketing Board, which had provided the main regular income of the Development Agency by means of an annual grant of 100,000 which was

¹⁵³ Ibid

¹⁵⁴ Ibid p.90

extended to 1959 at least, was a more specialized purpose. Its main function was to secure the most favourable arrangements for the purchase and evacuation of produce grown for export in practice cocoa, palm oil and palm kernels.¹⁵⁵

The third organization concerned with development was the Cameroons Development Corporation, established in 1946 to develop the former German plantation estates in the interests of the people of the Cameroons. Its operations were already well known to the Trusteeship Council. It had a board of nine (of whom three were Cameroonians) appointed by the Governor General and it functions on the whole as a tax-paying, self-supporting commercial enterprise, with the important distinction that it was required to pay its annual profits to the credit of the general revenue of the Southern Cameroons. In the three years from 1955 to 1957 its annual production of bananas, palm products, rubber, cocoa, pepper and timber was valued at between about £2.5 million and £3 million annually. In surplus profits it paid to the Southern Cameroons Government £19,200 in 1955, nothing in 1956 and £15,120 in 1957, with an accrued payment of £38,030 due in 1958. In fact its contributions through direct and indirect taxation and concession rents have been much larger: the total payments to the Federal and Southern Cameroons Governments, including the surplus profits already mentioned, were £357,050 in 1955, £155,270 in 1956 and £237,830 in 1957. Nevertheless, as the Trusteeship Council was aware, the small size of the surplus profits had disappointed previous hopes; it has been recognized that the Corporation needs an injection of new capital if its returns to the Territory were to be appreciably increased, and negotiations took place for a possible investment in it by the Administering Authority's Colonial Development Corporation.¹⁵⁶

Moreover, all the means of accelerating economic development, the improvement of road communications was recognized as presenting the most urgent demands. The Federal Government provided the finance and the Southern Cameroons Government was responsible for the construction and maintenance of the main trunk roads, of which there were now about 470 miles; and the latter Government was wholly responsible for the secondary trunk roads. The greater portion of federal expenditure in the Southern Cameroons continues to be applied to the reconstruction and maintenance of the main roads, as well as to offices and housing for federal departments.¹⁵⁷

¹⁵⁵ E.A. Aka, *The British Southern Cameroon 1922-1961: A study in Colonialism and Underdevelopment*, Platteville MD. Nkemnji Global Tech, 2002

¹⁵⁶ Ibid p.91

¹⁵⁷ ibid

Furthermore, the Southern Cameroons Government inherited responsibilities for social services, notably the medical and educational facilities, whose maintenance and necessary further expansion remained a heavy charge on its financial resources. On these matters the Mission had nothing useful to add to the information already at the disposal of the Council, except to pay a tribute to the many European, American and African men and women, missionaries and government and company servants alike, who continue to devote themselves selflessly to the teaching of children and the training of new teachers and the care of the sick. Educational facilities in the Southern Cameroons Government departments had twenty-one Cameroonian senior staff out of a total of 112, and 649 Cameroonian junior established staff, out of a total of 853. Both of the main political parties accepted the need to employ expatriate officers for a good many years to come and intended to seek their services, but this did not wholly solve the problem.

1.2.4 Agriculture

In the domain of agriculture, the Territory's resources presented an extension, and at the same time an important variation, of the plantation economy which the Germans not only established before their Government lost the Cameroons in the First World War but were in most cases able to resume, by repurchase of the land, during the period of British Mandate. Since 1946, however, the more than 250,000 acres of alienated land which the Germans had owned has been, in effect, the public property of the Southern Cameroons and, in practice, the domain of the Cameroons Development Corporation, a public instrument established to manage and develop the land and its resources in the interests of the Territory. The Corporation has some 56,000 acres of land at present under actual cultivation, divided in descending order of importance among six crops - bananas, rubber, oil palms, cocoa, tea and pepper - and the huge cultivated tracts rolling around and beyond the fertile lower slopes of Mount Cameroon, are a striking physical feature of the coastal area.¹⁵⁸

Besides the radical change in the ownership and purpose of the plantation lands, recent years have seen another and perhaps, in the long run, even more important departure from the previous pattern of development: the massive entry of Africans themselves into the agricultural export business. Among and alongside the Cameroons Development Corporation (CDC) plantations, for example, Bakweri growers who have organized themselves into a co-operative marketing union were expected soon to become the largest banana exporters in the

¹⁵⁸ *ibid*

Territory. Beyond the main plantation zone, and especially in the hilly forest country of the Kumba district where the population is distributed sparsely in villages and hamlets, the African primary producer of palm products, cocoa and lowland robusta coffee in particular assumes predominance in the economy; the country in fact much less developed than near the coast, and the attributes of economic development roads above all, and inevitably marketing, trading and commercial facilities of other kinds as well - become less adequate.¹⁵⁹

The northern parts of Kumba and the whole of Mamfe division suffer from the paucity of communications and a consequently lower level of economic and social development. Continuing northwards the land, still broken and forested, keeps gradually rising until, at a steep escarpment, the high forest gives way to the open, grassy plateau of Bamenda. Here mountains sometimes more than 7,000 feet high enclose fertile valleys and plains and, on their slopes, provide pasture for over 200,000 head of cattle tended by the nomad Fulani from the far north.

The Bamenda countryside, which includes the divisions of Nkambe and Wum in the northernmost reaches of the Southern Cameroons, bears the mark of an essentially peasant economy. It is relatively under-populated and conspicuously under-developed. But arabica coffee has entered the scene in recent years, and its cultivation was rapidly taking hold as the first important source of cash income. A fairly good "ring road" system, laid out in a huge loop, links the three grassland divisions, and feeder roads are moving out from it, largely under the impulse of enthusiastic and praiseworthy community development efforts. In the more northerly reaches of the grasslands, however, the economy is still predominantly a subsistence one. An English company has started a tea plantation in the northern hills of Ndu, where it plans to begin production in 1961; while the growing of tea seems to offer directly to the African population few opportunities beyond those of paid labour, there were hopes that the presence of the enterprise will stimulate other forms of economic development in the area. There were hopes, also, that with improvements in breed and marketing opportunities the Fulani cattle herds will gradually be turned into assets much more productive than ornamental (the Fulani herds still tend to signify prestige rather than meat or milk on its way to market).¹⁶⁰

¹⁵⁹ *ibid*

¹⁶⁰ P. Mbeum Tem, *Native Authorities and Agricultural Diversification in Bamenda Province, British Southern Cameroons, After World War II*, WWJMRD 2019, pp.94-103

Conclusion

The essence of this chapter was to present the geographical milieu of the study area. This was to portray how human behaviour from the earliest migration and settlement of the people of Southern Cameroons was influenced by its geography. The historical setting and the physical environment equally provided a formidable background upon which traditional authorities rest. The chapter further presents a beautiful socio-political organization and economic pre-occupations of the people. The chapter substantiated that the Traditional Authorities of the Southern Cameroons were politically and economically organized. The pre-colonial Grassfields tribes for example were an agglomeration of mini-states, most of which were constituted and enlarged through conquest. Some had a minimum population of about 300 and others, especially the major chiefdoms, had a population of over six thousand at the time of colonial penetration. The latter established themselves in their present sites most probably in the later part of the 18th century. These include the major chiefdoms of Kom, Nso, Bafut and Bali. These, in their own ways, consolidated themselves and increased their territorial limits through conquest and the incorporation of smaller groups.

Geographically, the southern Cameroons fell on very fertile soils for food and cash crop cultivation, an advantage, which both the British and the French wanted to secure. These regions were also a mountainous area with three prominent peaks of Mount Cameroon, Mount Kupe, Manenguba and the Grassfields all of which offered fertile soil and good pasture for pastoral agriculture respectively. Due to all these economic advantages, the abundance in natural resources was also reflected in human resources along this portion of the study. The area inhabited by many ethnic groups were a reliable labour force for plantation agriculture, building of communication infrastructure, government residential areas as well as auxiliaries in the colonial administration and missionary societies. These activities made this southern section of the country very busy and popular thus its importance.

However, traditional authorities in politics and development during this period will be our focus in the next chapter.

CHAPTER TWO

PRE-COLONIAL ORGANIZATION OF TRADITIONAL AUTHORITIES

Introduction

The chapter seeks to identify the organization of the different types of states that existed in the pre-colonial period. Long before contemporary time, these societies were developed with enormous wealth, organized judicial systems, and large armies before the fifteenth century. Leadership in traditional societies was inherited given that the source of legitimacy for Traditional Authorities is historic and dates back to the pre-colonial period. They were usually not only regarded as political leaders, but also as spiritual leaders of the society. Traditional leaders can claim special legitimacy in the eyes of his people because their institutions embodied the people's history, culture, values, religion and remnants of pre-colonial sovereignty. Citizens accepted authority when they saw political authorities and their decisions as legitimate. Legitimacy is therefore an important mechanism that links people with authority. This is an important distinction to note because it does not matter what citizens thought about each issue as much as whether or not they viewed the institutions and or political authorities as legitimate. If people do not accept the decision-making process as legitimate, they will not accept a decision that does not correspond with their own preferences. The consequence of this will be that they will act on their own behalf, irrespective of the decision of the authorities.

2.1 Centralized States

Before the imposition of the European colonial rule, they were completely the reflexion of African people, resulting in centuries of political and organizational skills and experience. The states of the grassfields and other advanced societies of the Southern Cameroons were organized and efficient during the pre-colonial era. Many of these states were instrumental in trade, politics, and civilization of the world. These institutions were either centralized or non-centralized states to start with. Consequently, this implies that we are studying the factors that contributed to the success of these states and calls for comparative cross cultural analysis.¹⁶¹

¹⁶¹ Fisiy CF Chieftaincy in the modern state: An institution at the crossroads of democratic change. Paideuma, 1995, pp.49–62.

Other parts of Africa established centralized systems of governance with kings and monarchs. The level of centralization and concentration of power in the hands of the leaders varied from place to place. The founding of most of the chiefdoms in the Bamenda Grassfields was based on mythical origins that tended to confer temporal power on those repositories of traditional authority. For the Fon, the source of legitimacy was shrouded in mythical and ritual orderings which gave a spiritual content to the exercise of his authority. This was because the lineage through which the myth was initially transmitted had contact with the deities and the ancestors. This has safeguarded the sanctity and spirituality of the Institution of the Fon. This conceptualization of the institution of the Fon, based on sacred attributes, has tended to sustain powerful chiefs who still maintain a firm spiritual and moral grip over their people. In pre-colonial African societies, crime was an act that offended the strong and definite dispositions of the collective consciousness, and so was considered harmful to the gods. This collective consciousness was enshrined in the laws of public and private crimes. Such transgressions were tried by the Fon's court of law, such as abuse, incest, witchcraft and treason. It must be emphasized here that the Fon was part of the council, and not the council itself; thus, he sat with his council of elders and notables to judge the category of cases that were referred therein. Cultural institutions and festivals of renown in these regions include the *Kwifon*, *Nwerong*, *Ngiri*, *Ngumba*, *Ngoun*, and *Lela* among others in the grassfields of Cameroon, and *Ahon*, *Nganya*, *Ngondo*, *Muankum*, and *Ekpe* in the forest region.

Their continuous relevance to this day attests to their importance in regulating the excesses of their communities, as sometimes recognized and encouraged by the government.¹⁶²

The fon of Ndu for instance was the most influential of the Wimbun fons and was for this reason seen by some as the leader of all the Wimbun. Although deep in tradition and religious belief, chiefly power was nevertheless subject to various checks and balances. The fon was responsible for, and accountable to, his people. He was assisted in the execution of his responsibilities by quarter-heads, councillors and a number of other important hereditary title- and office-holders. He seeks regular advice from these 'traditional' holders of power in his area of jurisdiction.¹⁶³

¹⁶² P. N. Nkwi, *Traditional Diplomacy: A Study of Inter-Chiefdom Relationships in the Western Grassfields, North West Province of Cameroon*. University of Yaounde, 1987, p. 64.

¹⁶³ A. Legesse, *Three approaches to the study of African Society*, New York, NY Free Press, 1973

Photo 1: A Fon Galega II of the Bamenda grassfields and the palace elders



Source:

Fon Galega II helped the Germans in their attempt to subjugate the Bafut, it is evident that such assistance was related to Galega's territorial ambitions in the grassfields. In August 1891 Zintgraff reached an agreement with Galega that recognised and safeguarded the interests of each party, although critics of the treaty have pointed out Zintgraff's intentions to dupe the Bali fon (cf. Nyamndi 1988:132).

The uncentralised or stateless communities were holding political power consisting of immediate persons. In fact, the centralized organizations were found in the centre and the north while the uncentralized were found among the forest communities of the South and the coast of Cameroon. Among the groups with the centralized and institutionalized political organization were the numerous Bamenda grassfields fondoms, the Tikars derived Fondoms and the Chamba derived Bali, the Fulbe units, the Kotoko fondoms, Bamum and the Bamelike fondoms. These groups were divided into dialectal and variety of a languages that were charistic of a particular area, community or social group, differing from other varieties of the same language in relatively minor ways as regards grammar, phonology and lexicon states or

chiefdoms varying in size generally distinguished themselves by reference to a particular sacred ruler (fon) to whom its members paid allegiance.¹⁶⁴

Their social structure was of a hierarchical nature with considerable power exercised by the king. Each state also possessed a system of ranked officials often with prescribed duties and a judicial system that provided security for its members. Some of the large states which expanded through peaceful absorption and conquest contained Sub Chiefdoms which recognized the paramountcy of the central ruler while at the same time retaining hereditary dynasties. Other large states like the Nso absorbed completely their conquered chiefdoms into the Central dynasty. The Fondom of Nso also searched for slaves either to use as palace retainers or sale to slavers from the Adamawa Emirate. With these objectives, Nso leaders especially Sembum I, Tamango and Sembum II invaded the Noni Village Chiefdoms between 1850 and 1880.

Pre-colonial villages, in some areas of these regions, were normally federations of several clan sections, referred to as *fondoms*, under a single political leadership.¹⁶⁵ The village government in the Bangwa area of the Mamfe division was highly representative as it was jointly led by hereditary heads of principal clan sections, the *kum si*, also known as village notables. While all members of this group based their authority on the possession of mystical powers, the role of one was highly elaborated in its symbolism, and was accorded greater prestige and prerogatives. This distinguished *kum si* was referred to as the Fon or king, and his office provided the focus of a centralized village-level legal and political structure. The nature of the power ascribed to these authorities had a highly mystical connotation, emanating from a supreme god, and transcending down to the people through the intercession of ancestors.¹⁶⁶

It was believed that a mystical bond existed between the authority exercised and the human agents of such authority. Ruling in this instance derived its legitimacy through ritual rites which were believed to be controlled by forces beyond human control. As such, persons in command or in authority were alleged to be morally and spiritually impaired from manipulating established norms for fear of the wrath of the gods. The internal organization of a village was expressed in two principal ways. First, the entire village co-operated in specific activities that were designed to secure common interests. For instance, the fon and the

¹⁶⁴ Ibid

¹⁶⁵ R. G. Dillon, *Ranking and Resistance: A Precolonial Cameroonian Polity in Regional Perspective*, California: Stanford University Press, 1990.

¹⁶⁶ B. C. Langh  , "The Origin of Southern Cameroons House of Chiefs", *International Journal of African Historical Studies* 1983, pp.653

notables of each village operated a complex conflict-management system in order to ensure the promotion and protection of persons and property. The second expression of the internal structure of the village was through what Ruel refers to as 'constitutional ordering'.¹⁶⁷ Most villages had a judiciously worked out constitutional structure based on the allocation of specific public rights and privileges among its leaders. Authority was decentralized into three classes of notables. The first class consists of persons vested with the power to command moral authority as spokesmen of tradition and public opinion. Their primary function was to maintain the unity and morality of the society. The second class consists of persons entrusted with the ability to wield ritual authority.¹⁶⁸

Photo 2: The Fon Agwafo III of Mankon, Bamenda Grassfields



Source: Royalty and Politics. The Story of My Life Paperback – January 5, 2009, by Fo Angwafo (**Author**)

Fon Angwafo III of Mankon, one of the most educated 'traditional rulers' at the dawn of independence, he succeeded into Parliament first as an independent, and subsequently as a member of the Cameroon National Union. He has served as First National Vice-President of Paul Biya's Cameroon People's Democratic Movement since 1990. In this unique, analytical and insightful reflection 50 years into his reign, Fo Angwafo III discusses growing up in colonial times; his surprise appointment as king; the 1961 Cameroon Plebiscite and his

¹⁶⁷ M. Ruel *Constitutional Politics among a Cross River People*, London, Tavistock Publications, 1969

¹⁶⁸ Ibid.

initiation into politics; being king and politician; coping with the hostility of the modern power elite towards his active involvement in politics; churches, schools and politics; life as an agriculturist; and investments in tending the Kingdom of Mankon. He argues that the best way of consolidating traditions is to make them modern, and that modernity can only make sense to the extent that it is firmly grounded in traditions. In many ways he feels his life encapsulates this negotiation and reconciliation of continuity and change.¹⁶⁹

This class includes medicine men, diviners and priests of traditional cults. They acted as mediators of the supernatural forces as their pronouncement were believed to be derived from supernaturally supported traditions. The third class of notables exercised legal authority and was empowered to employ the use of force. They were members of regulatory or secret societies acting as both the legislative and executive arm of the administration to ensure the implementation of policy. It should however be noted that there was no strict separation of functions of the various classes as mentioned above. In most cases, these agents acted in all three capacities by exerting moral, ritual and legal authority. Local institutions were integrated with the central political authority and the decision making process during this period although primarily administered by customary authorities were very complex and largely based on consensus.¹⁷⁰

The Fon was under an imperative to discuss matters and issues concerning the welfare of his people with council members comprising of various classes of notables, the village and family heads. Although allowed to deviate from findings of the council on matters regulating his personal or family interests, he was not allowed to do so in matters involving the interests of the whole community. Decisions arrived at in this council reached the majority of his subjects mainly through the village heads and leaders of the society and were pronounced as personal edicts of the ruler having the force of law.¹⁷¹

The political structures and institutions of the Tikar chiefdoms were very similar, and have influenced and been influenced by those of neighbouring non-Tikar groups. Some studies of Tikar political structures and institutions existed.¹⁷² Like other communities in the region, of Bamenda Grassfields Tikar community was led by a chief who was popularly known as *Fon*, and whose chiefdom henceforth was known as *fondom*. The Tikar in the

¹⁶⁹ Fo Angwafo (Author), *Royalty and Politics. The Story of My Life*, Bamenda, Paperback – January 5, 2009

¹⁷⁰ D. Golaszewski, “A Question of Fulbe Power: Social Change, the State and Ethnic Relations in Northern Cameroon”, Thesis, 2008

¹⁷¹ Ibid

¹⁷² E. M. Chilver, P. M. Elizabeth M and kaberry, Phyllis M. *Traditional Bamenda: The pre-colonial history and ethnography of the Bamenda Grassfields*. Buea: Government Printing Press, 1970

Bamenda Grassfields mostly came as small princely emigrant groups, to occupy areas that were already settled by other groups, with the result that in almost every Tikar *fondom*, were smaller *fondoms* that were either conquered or given protection by the Tikar, but that have largely retained their hereditary dynasties (Nkwi 1987:23-30; Mbuagbaw et al. 1987:30; Warnier 1985). It was in this way that during the 19th century *fondoms* such as Nso, Kom, Bafut, Bum and Ndu expanded their boundaries by incorporating or making tributaries of neighbouring *fondoms*, while at the same time entertaining relations of conflict and tension or conviviality with their fellow Tikar *fondoms*. Bum, for instance, though small, gained importance from its role as an “entrepot for the kola trade with Jukun and Hausa in the north-west during the later part of the century”, and had “intermittent hostility” with Kom, its southern neighbours, while maintaining friendship with Nso and Ndu. Nso was mostly at conflict with Ndu and enjoyed an alliance with Kom, which was in competition with Bafut on its south-western boundary for the allegiance of much smaller *fondoms*.¹⁷³

The Nso dynasty for instant was more than 400 years of age gives a vivid organization of a traditional society. In the large traditional paramount State of Nso, the Fon was a sacred ruler, the overlord of all Nso land. He presided over councils of state and made final decisions in matters of war and power. The Fon of Nso ratified appointments to all offices in the land and had the right to dethrone individuals such as Shey, fai and shufai from office. The welfare of the *fondom* depended on him. He was father to his people, commanded obedience and displayed the solicitude and gave assistance of a father to his dependents. The Fon was not a despot, he was a paramount and he made final decision in all matters affected the *fondom*, he was also responsible for and accountable to his people. If he acted so as to threaten the welfare of the *fondom*, he could be called to account as a person. Both the regulatory society, *nwerong* and the military association, *manjong mfu* might fine him if he acted in a way contrary to the ideals of the *fondom*. The Nso system of government like most centralized systems was one of checks and balances.¹⁷⁴

The Fon was the traditional ruler. He was both the head of the traditional government and the chief religious authority in charge of keeping the ancestors happy. The Fon was supported in his duties by the seven notables called *Vibais*. These *Vibais* were *Shufais*, whose positions were determined by rather intricate history. These include Shufai Ndzendzev, Tahnkum, Doh, Ruun, Tsenlah, Lun and Yuwar. Over the years other *Shufais* have been

¹⁷³ F.B, Nyamnjoh, “*Change in the Concept of Power Amongst the Bum*”, Maitrise Dissertation, University of Yaounde, 1985

¹⁷⁴ <https://learnlamnso.wordpress.com/category/the-people-of-nso/> , Ngoran Guilio-Erasmus de la Vega in the People of Nso.

appointed by the Fon of Nso without any major political influence, but for the fact that they get a seat at the lower ends of the seating ranks in the palace. His power were kept in check by regulatory groups such as the “Ngwerong” also “Nwerong” which was in effect the security arm of the government and enforces decisions taken by the Fon. The Nwerong was solely responsible for enthronement of a new Fon. It was also responsible for replacing Fais and Shufais after the death of the incumbent. Members of the royal families except the Fons may not become members of the Nwerong. The “Ngiri” resembles the Nwerong, but was only for princes. New Fons were selected from a group of eligible princes by a system kept secret from those eligible, thus eliminating a possible source of corruption. The present Fon was Sehm Mbinglo I. Young and dynamic, he has reinforced traditional authority and the respect for human dignity despite the pressures of the modern world. The princes were called “*Wontho*” and regularly meet in the presence of the Fon to discuss family matters. The primary duties of these councilors who were at the time head of lineages were connected to state affairs to advise the Fon and judge cases. They together with the palace stewards, the queen mothers and the commoner lords assisted the Fon in making laws.¹⁷⁵

There were other Fons that generally acted as advisers to the Fon of Nso. The existence of these Fons today signifies an evolution in the history of the Nso people. Most of them were one time leaders of independent tribes that through warfare or peaceful negotiations or through share events of history came to subordinate the Fon of Nso. They were the only ones along with foreign Fons that were allowed to bring in their own seats (*Kavahs*) to the Nso Palace. These, inexhaustively, include the Fons of Oku, Mbiami, Nseh, Nkar, Gwan, Kiluun, Ngashong, Nshokov, Gwarkang and Taabah. The Fons of Oku and Mbiami were once princes of Nso. All the Fons of Nso and Shufai Ndzendzev were members of both the Nwerong and the Ngiri. Nso society was divided into groups according to lineage. Each lineage group was led by a “Fai”. Tradition dictates that the hand of a Fai was not to be shaken. Fais can be recognized by their glass bead necklaces and fancy walking sticks. A Fai was instituted by a Fon. Other leaders were called Sheys, and were below the Fais. When the Germans arrived Nso in 1902, they found a well-organized state under the command of *Sem II* who was succeeded in 1908 by Mapiri. It should be noted that Sem II waged a war of resistance against German colonization.¹⁷⁶

The Sub chiefs recognized the paramountcy of the Fon of Nso and accepted to pay tributes. The quantity of the tributes or gifts varied from chiefdom to chiefdom depending on

¹⁷⁵ E.M. Chilver and Kaberry, Traditional Bamenda, Buea, Government Printer, 1967

¹⁷⁶ *ibid* p.90

the wealth of the donor, but it generally amounted to about a tenth of the value of the subchiefs' personal farm produce. Annual hunting expeditions were therefore organized and all leopards, lions, tigers and hyena caught were taken to Kimbo. This flow of gifts had the connotation of submission and as master, the Fon of the Nso State provided palm oil, salt, caps, clay pipes, guns, cloths and other rare items to these chiefs. Apart from tributes in commodities, Chiefs were expected to link with the headquarters of the state through marital alliances. Each village community provided the Fon with a wife if the Fon did not recruit one by force. In return, the Fon handed some princesses to the chiefs who had proven their loyalty and submission to Nso. The marital alliances consolidated friendship and mutual understanding between the communities. These royal wives also served as diplomats in the intercommunity relations within the state. Diplomatic relations between the communities were also enhanced by the regular and routine visits of the chiefs to the Fon in Kimbo palace, which was the centre of the state.¹⁷⁷

In Bali Nyonga, chiefs emerged more powerful than the others during the colonial encounter. This was partly because of their relative military strength, and also their alliance with the German colonialists. Although Bali Nyonga was the last major group to settle in the grassfields, its chiefs became the dominant political actors in the region during the colonial period. Bali Nyonga, commonly known as Bali, belongs to the Chamba Leko group that migrated from the Chamba area of what is today known as Northern Cameroon to the Bamenda grassfields. On 16 January 1889, Dr Eugen Zintgraff, a German explorer arrived at Bali where he stayed for four months and built a German station. He signed a blood pact of friendship with Galega I and also took a Bali woman as wife. It should be noted that Galega was not unfriendly terms with the other powerful chiefs of the Grassfields due to Bali's expansionist ambitions and also because the Chamba had attacked them before as seen in preceding paragraphs.¹⁷⁸

The exercise of all power over the Bali lands was transferred by Galega to Dr. Zintgraff so far as Galega disposes of such power at the time being, namely, the power of life and death over the Bali people as also the exclusive decision over peace and war. In return for the above, Galega was assured of the establishment, recognition and protection of his position as paramount chief over the surrounding tribes of the northern hinterland of the Cameroons. For a long time, Galega became the dominant political figure in the grassfields by siding with the Germans to further his own interests. Consequently, Bali became the centre of trade in the

¹⁷⁷ *ibid*

¹⁷⁸ *ibid*

grassfields as German traders frequently made trips to Bali to sell their goods and buy local products such as ivory and carved products. In 1901 Fonyonga II requested the Germans to build a Basel mission station in Bali. This was promptly accomplished and two pioneer missionaries were sent to cater for the interests of the mission. The '1903 church' is still surviving today and it continues to attract Protestant worshippers throughout the grassfields. The first modern school was also built soon after the church had been completed. This consolidated Bali as the centre of German activity in the Grassfields, Bali Nyonga History and Culture Committee, 1986:9). Furthermore, the German missionaries adopted Mungaka, the Bali Nyonga language as the principal medium of evangelisation. Mungaka was subsequently introduced in formal schooling and soon became a lingua franca in the entire grassfields. By 1915 the Basel missionaries had already translated sections of the Bible into Mungaka.

Photo 3: Ngwerong keeping peace on peace mission



Source: Field work by candidate

Meanwhile, the Kom people were one of the principal ethnic groups of the North-West Region of Cameroon, also known as the Bamenda Grassfields⁴ where traditional government institutions were very important. The Kom kingdom, the second largest after Nso, was situated in the western central highlands of the Bamenda Grassfields. The capital of the Kom people was Laikom,⁵ which perches on a spur higher than 6 000 feet above sea level and is the seat of the ruler, the Paramount Fon, and his advisors, the *kwifoyn*, who continue to be the most respected leaders of the land. Traditional institutions, sites and objects played “a quasi-religious role” in the arbitration, mediation, conciliation and reconciliation of conflicts at a micro and macro level in Kom society. The Kom geographical locations, as well as its social and political history, also played a great role in conflict resolution. The Fon was the ruler and respected leader of the Kom people. As an institution, the Fon was regarded with infinite

respect and surrounded with carefully guarded secrecy. From his religious position, sitting on the Kom ancestral chair and maintaining a nexus between his people and the ancestral spirits, he plays an instrumental role in the resolution of conflicts: that of chief priest and custodian of all land. This is particularly so because he was considered to be an embodiment of the beliefs, hopes, fears and aspirations of his people. Thus, his judicial functions include reconciling human and spiritual forces.¹⁷⁹

Long before the slave trade and colonization, indigenous African society had its own traditional methods and mechanisms of preventing, managing and resolving conflict. From the Kom experience, these ideas were well-entrenched in the traditions, customs, norms and taboos of the people; ways of life, as it were. As a people, the Kom have not lost the capacity to co-exist peacefully, to commune together, to respect one another, to negotiate, to forgive and to reconcile in resolving their conflicts. In juxtaposition to what occurs in today's modern, formal judiciary system, with the introduction of law courts, para-legals, the police and other forces of law and order, justice does not always bring about peace and co-existence to a people. As has been made evident in this study, traditional dispute resolution mechanisms may achieve both, considering that negotiation, mediation and reconciliation have deep roots in indigenous communities, which still have a strong belief in the principles of common humanity, reciprocity and respect for one another and for the environment. In Kom traditional society especially, conflict resolution mechanisms have been binding on the indigenous people for the simple reason that informal mediation renders conflict resolution flexible, expeditious and fast; it fosters relationships and it cost-effective.¹⁸⁰

According to Jean-Pierre Warnier, an anthropologist and archeologist who has worked extensively on pre-colonial Bamenda Grassfields, in many regards, the "Tikar Complex" was essentially an affair of the relations between *Fons* on the one hand, and between a *Fon* and his people on the other. First, for *Fons* sharing common claims of origin, the Tikar Complex was a sufficient basis in principle to establish mutual obligations and taboos in an assumed alliance without the need for recourse to ad hoc rituals. And for *Fons* who did not share the same myths of origin, the mere reference to Ndobbo Tikar was reason enough to establish difference as legitimate basis for hostility or to render necessary a ritual of alliance, or in other instances to fuel sentiments of aristocratic superiority on the part of a "Tikar" *fon*. The prestige that came with declaring oneself as Tikar even when one was truly not was the fact of being seen as brother of renowned *fondoms* such as Nso and Fumban. With the claim to being

¹⁷⁹ Ibid

¹⁸⁰ Ibid

Tikar, came a certain sense of entitlement or legitimacy to power over non-Tikar populations even when these were in the majority. Hence it must be stressed that Tikar traditions were first and foremost associated with royalty and royal lineages than with the wider group, and that acquiring either through payment or otherwise ‘authentic Tikar’ signs of legitimacy. The regalia and *Ngirri* directly from *fons* of Tikar descent was capable of bestowing some of the Tikariness on non-Tikar (Warnier 1985:264-266). Claims of Tikar origin mean less for most of the population than they do to their *fons* who seek political capital through such claims. This means that Tikar identity, like identities everywhere, was not only subject to renegotiation with new encounters, but that it cannot be understood divorced from the power dynamics that accord or deny value to identities.¹⁸¹

Given that the Bamenda Grassfields were occupied long before alleged Tikar migration, the fact that the royal lineage claims Tikar descent does not imply that the *fondom* as a whole was Tikar, as the situation of Bum and Bafut would attest. Among groups where Tikar origin was claimed by both royal and commoner lineages were Kom, Nso, Mbem and Weh. However, given how common it was for people to move between groups in the 19th century for reasons of trade, witchcraft, conflict, diplomacy and marriage *inter alia*, it was hardly surprising that few Tikar groups were pure and that fewer still were, even where commoners and royal lineages continue to claim Tikar origin. It was and still is common place for potential successors to compete for the throne on the death of a *fon*, and for the unsuccessful candidates to take refuge in other *fondoms*, taking along with them large numbers of supporters. The tendency to trace descent exclusively through the male line has often had the effect of over simplifying the complexity of identities. Personally, there was therefore no such thing as the essential, pure or homogenous Tikar community even amongst the so-called “true” Tikar of the Upper Mbam Tikar Plain, just as there was no essential African or American, as long as physical, cultural and ideological mobility were part and parcel of history. Being Tikar, being American or being anything for that matter, is always a negotiated reality subject to constant renegotiation in tune with new encounters, the aspirations of the moment and the relationships that engender such aspirations and make possible or impossible their realization.¹⁸²

¹⁸¹ I. Fowler, & D. Zeitlyn, *The Grassfields and the Tikar*, African Crossroads: Intersections between History and Anthropology in Cameroon, Oxford: Berghahn Books, 1996. PP.1-15

¹⁸² E.V.Yenshu, “*The Social Construction of Space and Cultural Categories in the Settlement Pattern of Bafut: The Intersection Between History, Anthropology and Geography*”, Cornelius Mbifung Lambi & Eze Bassey Eze (eds.), Bamenda: Unique Printers, 2001, p.404-421

2.1 Segmentary States

The situation in the larger part of the forest zone of the Southern Cameroons differed significantly from that of the grassfields. The inhabitants of Victoria, Kumba, and a large part of Mamfe Divisions were made up of several different clans (Bakossi, the Nyamkpe of the Banyang, and the Liengu of the Bakweri). The head of each of the secret societies of noble's wielded enormous influence over the clan, particularly in times of crisis or external threat, but his leadership and influence was far from political. Politically and administratively, the clan was of little significance. The people were organized in several independent and, to a large extent, cohesive villages of many families. The most elderly and respectable male member of the founding family of the village was usually regarded as the village head. But he shared authority and the administration of the village with the elder members of the other families in the village in an informal council. He was, therefore, little more than a *prime inter paree* in administration. Yet he was the recognized spokesman for the whole of the village.¹⁸³

In large parts of Africa, pre-colonial political systems were highly decentralized with lawmaking, social control, and allocation of resources carried out by local entities, such as lineage groupings, village communities, and age-sets. These systems were largely based on consensual decision-making arrangements that varied from one place to another. The fundamental principles that guide the consensus-based decentralized authority systems include curbing the concentration of power in an institution or a person and averting the emergence of a rigid hierarchy. The settlement of conflicts and disputes in such consensual systems involves narrowing of differences through negotiations rather than through adversarial procedures that produce winners and losers. Decentralized authority systems are based on respect for the rights and views of the individual, as individuals can veto the opinions of the majority. However, individuals are also expected to respect the wishes and interests of the community by accepting compromises, as they can face various forms of community censure, including social isolation, if they fail to do so. The extent to which minority views are accommodated enables these systems to prevent conflicts between minority and majority segments of a community. Another important aspect of the system is that it avoids the existence of political and social gaps between the governed and those who govern, as all eligible members of the community participate in both the creation and

¹⁸³ Temgoua A.P., «Les chefs traditionnels du Sud-Cameroun forestier dans le circuit de l'économie de marché », 2011, pp. 171-183 in Kpwang R. (dir), La chefferie « traditionnelle » dans les sociétés de la grande zone forestière du Cameroun (1850-2010), Paris, l'Harmattan.

enforcement of rules. When the appointment of individuals for specific tasks is necessary, the duration of the appointment is rather short, often not exceeding a year. In many other cases, task assignments are based on age cohorts. One drawback of the decentralized authority systems was that decision-making is generally slow, since consensus-building was a time-consuming process. The Traditional institutions of the Bakweris, the chieftaincy the Banyang and Ejagham ethnic groups were among the well-known examples where decisions are largely made in a consensual manner of one kind or another.¹⁸⁴

According to Paul Nchoji Nkwi, the chief was a singular and the incarnation of the customs and traditions of the group. he was powerful and enjoyed a number of prerogatives or privilages. the chiefdoms over which the traditional Rulers presided were mini-states which were administratively sovereign.¹⁸⁵

Sandwiched between these two situations was the situation in some areas of Mamfe, Wum, Bamenda, and Nkambe divisions. The people of the Bangwa area of Mamfe Division were well organized in small, independent fondoms similar to the smaller independent fondoms of Bamenda Division. Influenced by the situation in the forest zone, the authority of their chiefs was not as strong as that of their counterparts in Bamenda Division, a limitation further increased by the influence of the secret societies. However, they received the same respect and loyalty from their subjects. The people of Widekum origin such as the Meta and Mankon of Bamenda Division, having originated from the forest zone, were organized in independent village chiefdoms, many of which had transformed themselves into a number of small fondoms similar to those of the other parts of Bamenda Division. The authority of their chiefs or a-fon was higher than that of their counterparts in the forest zone but less than that of the grassfields. The Munshi people of Wum Division, such as the Fungom, Aghem, and Esimbi and the people of Mbembe, Mfunte, and Missaje areas of Nkambe division were organized in independent village similar to those of the forest zone. But, because of the influences of the Tikari fondoms, such as Kom and Bum, they transformed themselves into village chiefdom headed by chiefs whose authorities were severely limited although their chiefs were the recognized traditional leaders of the village chiefdoms.

The forms of pre-colonial political and administrative organization sketched above were not unique to the Southern Cameroons, but were found all over Africa. In the case of the southern Cameroons, however, they provided aspects which the German could have exploited

¹⁸⁴ V. B.Amaazee, *Traditional Rulers (Chiefs) and Politics in Cameroon History*, Presses Universitaires de Yaounde, Yaounde, 2002

¹⁸⁵ Idem

in their administration to create a house of chief, had they so desired. But the Germans did little to alter the existing situation when they colonized and administered kamerun. administratively, the Germans carved the southern Cameroons into administrative districts, each of which had little to do with the other. The district head, who in some cases was an authentic traditional leader of one group within the district, dealt directly with the German administrator in performing his unchiefly duties such as tax collection and the supplying of force labor. The most significant modification the Germany introduced in the traditional systems was to appoint some village head and chiefs as the local authorities over their rival and to uphold the authority of such appointees by German bayonets. Nevertheless; it was the German policy to interfere as little as possible in tribal life or in the customs that determined native conduct to show proper respect for native chiefs and to avoid weakening their authority over tribesmen.¹⁸⁶

Photo 4: Chief Samuel Moka Lifafa Endeley



Source: United Nations Digital Library

¹⁸⁶ Ibid

Chief Samuel Moka Lifafa Endeley, OBE (10 April 1916 – June 1988) was a Cameroonian politician who led Southern Cameroonian representatives out of the Eastern Nigerian House of Assembly in Enugu and negotiated the creation of the autonomous region of Southern Cameroons in 1954.

This German approach to the administration of the research area was very significant. The larger administration district which grouped several pre-colonial and administrative entities together, paved the way for the Traditional Leaders to operate within larger political or administrative units in the future. Moreover, at the grass root level, the traditional system was left virtually intact so that the position of traditional authorities was preserved, thereby making it possible for these leaders to continue to respect the indigenous authorities in the territory. Furthermore, the German upheld and even strengthened the authority of Traditional Leaders and thus made it difficult for these traditional leaders to see why the modern leader should replace them in a changing world in a sense, therefore, the German administrative approach in the territory contributed to the emergence of the southern Cameroons house of chief before the British came on the scene.¹⁸⁷

Prior to the British Administration from 1922, the Grassfields were a largely isolated region. Given the high altitude, mountainous and difficult landscape of the Grassfields, the lack of navigable waterways, and the fact that transportation prior to the opening of motorable roads was largely done by human portage, the region did not benefit from the vast trading networks that crossed Africa in various directions, and which coastal chiefdoms took great advantage of. The mountain range that extends from the Grassfields to Lake Chad and the Jos Plateau of Nigeria remained largely undisturbed until the 19th. Trade was mainly in slaves ivory, kola nuts, salt, oil, iron, cloth pearls and cowries, which in certain regions were adopted as forms of payment.¹⁸⁸

Similarly, the Bamenda Grassfields was still very largely outside the trading networks of the Benue and Adamawa. However, these two networks spread themselves into the Bamenda Plateau at the end of German Administration, thereby offering the communities of the region the possibility for differentiation. Two Tikar fondoms, Bum and Fumban, occupied strategic positions as trade routes, Bum for trade with Wukari and Fumban for trade with Banyo. At first, trade between the Benue and the Grassfields was still mainly in the hands of the local population, which was not the case with trade with the Adamawa region, which was

¹⁸⁷ Ibid

¹⁸⁸ B.C.Langh   and E.S.D. Fomin, *Slavery and Slave Trade among the Banyang in the Nineteenth and Early Twentieth Centuries*, 1955, pp.191-206

totally under the control of the Hausas, whose impact in the Grassfields was such that there was hardly a local market where one does not find a Hausa trader on a mat with items such as herbs, salt, powder and little packets of mixtures of cooking ingredients of all sorts.¹⁸⁹

The mountainous nature of the region added to many rivers make it difficult to travel, especially during the rainy season, meaning that only certain routes were possible for traders. Kola nut mostly produced in Nsungli and Nso was sold in Nigeria through Banyo, Yola and Takum, and the importance of the Banyo route was only diminished when the French and British set up customs posts. The donkeys seen today in Nso where they are called “the kola animals” and elsewhere in the Grassfields were probably introduced during the kola trade. In the second half of the 19th century, the fon of Bafut was allegedly so powerful that he used to send traders as far away as Takum to the Western and Eastern Grassfields along with their Tikar fondoms yielded some of the most enterprising entrepreneurs in present day Cameroon.¹⁹⁰

2.2 Socio-Political Organization of the States

This section of our study examines the political, social and economic situation before colonization. Most observers of traditional African political systems recognize two main forms, namely the non-centralized or fragmented traditional state, and the centralized state. The centralized states found in the grassfields of Bamenda had centralized authority, administrative machinery and judicial institutions, with the power and authority permeating from the top to the local level in a hierarchical manner. The king or paramount chief was the administrative and judicial head, vested mostly with final economic and legal control over all the land within his boundaries, and the people living within these boundaries were the subjects of the chief. The king or chief rules with his council of elders and advisors in accordance with the law. The chief is accountable and liable to deposition upon violation of norms considered subversive of the entire political system. Examples of centralized states include the Grassfield Bamenda. The non-centralized states or acephalous societies on the other hand, lack centralized authority and administrative machinery. The lineage system is predominantly used to regulate and govern such societies. This usually consists of well-established rules of conduct, usually enforced by heads of families or clans, and in more serious or subversive cases, by spontaneous community action. Despite this simple political

¹⁸⁹ M.Rowlands, “Long Distance Trade and Incipient State Formation on the Bamenda Plateau in the Late 19th Century, Paideuma, 1978

¹⁹⁰ J.P.Warnier, *Échanges, Développement et Hiérarchies dans le Bamenda Pré-colonial (Cameroun)*, Stuttgart, Franz Steiner Verlag Wiesbaden, 1985

system, there is usually a central figure like the spiritual head, whom the people respected and look up to for spiritual support. However, the policy of indirect rule adopted by the colonial masters led to the installation of chiefs in societies where there were no chiefs. This led to many acephalous societies adopting the traditional political systems that pertain in centralized societies.¹⁹¹

Political institutions prior to the advent of colonialism were predicated on a solid structure of institutions organically related to one another. These institutions, most of which were fashioned out of the social structure of the society have been the embodiment of unity and tradition. The institution of chieftaincy having grown out of the consensus of elders at the birth of the society has consistently thrived as a highly revered institution that was largely symbolized by a chief. The Southern Cameroons Chiefs as ‘embodiment of local custom’ and icons of honor had their position guided by specific institutionalized traditions with respect to accession to office and performance of functions. The office often resided in specific lineages that were genealogically linked to the founding ancestors. It should perhaps be stated here that once a man was installed a chief, he occupied the position for life. It was only on event of grievous wrong doing that led to banishment, dethronement or death another chief was installed.¹⁹²

Indeed, customary rules of succession are primarily designed to perpetuate a bloodline and as such, if a stool is declared vacant, the onus rested on the council of elders to produce the most appropriate successor to the throne from a pool of the deceased’s sons. In instances where no qualified successor to the throne is found among the deceased chief’s children, the position is rotated within a particular ward. Before the option of rotation among family unit is explored in the absence of a son to the throne, other family members who are of the royal family are sort for. Indeed, to fill a vacant stool in cases where there are multiple candidates for the position, the kingmaker’s exercised great judiciousness; wisdom as well as the personal qualities which among other things will include honesty; integrity and tolerance were given serious attention. It was however, not uncommon for an heir to the throne to decline taking up the responsibility. Although this happens on few occasions and the reasons was probably hinged on the fact that traditionally in this area, chiefs participated in an incredible number of elaborate rituals, and regulated all religious ceremonies as well as sacrifices to the gods. A chosen successor who was opposed to the performance of the rituals

¹⁹¹ M. Fortes and E. E. Evans-Pritchard, *African Political Systems*, New York, Oxford University Press 1940, pp. 1-25.

¹⁹² Ibid

attached to the title may decline the office and proceed on self-exile to an undisclosed location to avoid being abducted and crowned. Traditional authority is a characteristic feature in the landscape of many modern African states.¹⁹³

Table 2: Organisation of the Fondom of Nso

Military Title Classifications	Civilian Title Classifications
Military titles are assigned to the military hierarchy as recognized in the Fondoms of Nso:	Civilian (Social, Religious and Administrative) Titles can be classified roughly as follows in descending order of status:
General (Nformi – all grades)	Shufai (Vibai – all categories)
Platoon or Legion Commander (Ngwang – all grades)	Fai (all categories – some Fais rank higher than Vibai)
Squadron or Regiment or Company Commander (Tav – all grades)	Yah (all categories – some Yahs rank higher than Fais and Vibai)
Special Forces Intelligence Officer (Gwei – all grades)	Shey (all categories – some Sheys rank higher than Fais, Yahs and Vibai)
Other Derivative Military Titles	Other Derivative Titles (some rank higher than Sheys)

Source: Researcher's Analysis¹⁹⁴

From the above table, military titles have so far generated less ambiguity and confusion, principally because a *Ngwang* for example is the same title in Nkar, Din, Oku or Mbiame. Gwei is the same in all Fondoms. There is also no confusion with the various regiments or squadrons (*Samba, Nchoro, Jwim, etc.*), even when it comes to the Derivative titles that these regiments and companies confer on their warriors. There is still some ambiguity however as to which military title is higher than which civilian title especially since most of these titles are now just ceremonial titles, modernity having infused another dimension to our concept of chivalry or achievement and moderated our need for wars of conquest and assimilation. The highest civilian title next to the Fon is *Shufai*. There are various categories of *Shufai*, some lower in rank than the next categories of *Fai* and *Yah*.

¹⁹³ V. G.Fanso, *Cameroon History for Secondary Schools and Colleges, Vol. 2., The Colonial and Post Colonial Periods*, London, Macmillan Publishers Limited, 1989

¹⁹⁴ There are two categories of titles in the Fondoms of Nso: 1. Military Titles and 2. Civilian (Social, Religious and Administrative) Titles

Even though some Sheys may be higher in functional rank than *Fais* and *Yahs*, it is rare to see a Derivative (Secondary or Tertiary) title that supersedes the other titles in rank.¹⁹⁵

Traditional leaders perform a variety of important functions regulated by customary law including dispute settlement, natural resource management, local development, and traditional religious tasks. They often play a role in local or national politics, and they are in various ways linked to modern state structures. But what or who are these traditional leaders? In Grassfields chiefdoms and Fondoms, the Fon is a king. He is the father of the people he rules and is seen as a symbol of unity, progress and success. He is the centre of a complex political system. He possess sacred attributes, performs traditional rites being the link or mediator between his people and the, ancestors. Chief here, as used in the South West Region or forest region is the leader, of a community or polity. He too performs traditional rites and has sacred attributes necessary for this office. The chief or Fon has a local council and court within the palace where elders and sub-chiefs gather to settle local disputes. These institutions have an announcer who announces or gives out information to the community about an event to take place. The town cryer often carries a local trumpet which he blows and a gong which he beats with a small stick, while giving an announcement.¹⁹⁶

The coming of Europeans as traders, explorers, missionaries and colonizers from the 15th to the 19th and 20th centuries in the territory that constituted modern Cameroon existed but what did not exist were the boundaries separating Cameroon from her neighbours. There was no government, the ethnic communities existed with various traditions and civilizations and others in the process of developing. Some were still migrating due to the wars looking for safer productive and comfortable locations. Beyond the village level, there were the provinces and ultimately the kingdom. Among the rulers were the village chief, the paramount chief, and the king. The sizes of African kingdoms varied enormously and dispersed geographically although there were some regional concentrations. African kingdoms have been characterized as “divine kingships,” a concept based upon the assumption that the king was the embodiment of the kingdom and that there was a mystical union between the king and the two. Divine kingship has often spawned myths of royal despotism but, as we shall see subsequently, though always a theoretical possibility royal absolutism was seldom practiced. An emerging view, propounded by Kopytoff, 1989 among others, suggests that African natives were far more politically sophisticated and pragmatic or functionalist than given credit for in kingly

¹⁹⁵ Interview with Shey Tatah Sevidzem, a title holder from Nso Fondom, Yaounde, 23 June 2023

¹⁹⁶ P.N.Nkwi, *Traditional Government and Social Change: A study of the political institutions among the Kom and the Cameroon Grassfields*, Fribourg, The University Press, 1976, p.45

affairs. This duality is vividly illustrated by grass field's political culture, whose central tenet was that, the king had an intrinsic right to rule, the kingship had come into being by the will of the subjects". The king was the soul and embodiment of the kingdom. The prosperity of the kingdom was intimately tied up with the physical vigor, health and even sexual potency of the king. Under a satisfactory ruler, who had lived up to his nurturing obligations, the subjects would present the patrimonial perspective on rulership, in which the ruler was the absolute "owner" of everything. Similarly, the good ruler would state publicly that his rule rested on the happiness of the people and on their consent.¹⁹⁷

According to Tata Father Mbuïy (Reverend), in his publication, *Fons of "Traditional Bamenda" and Partisan politics in Contemporary Cameroon*, have five essential elements marked the Fon out as a divine and unique personality. Most importantly, the Fon was a bond (beliefs, feelings, interests or experiences) and liason between the living and the dead", he was primarily the Chief priest and this was the sole reason for which he was installed Fon. Therefore the Fon was established as the Institution which keeps the bond between the two intact. Secondly, he was the incarnation of his people and therefore the paramount ruler and owner of the land. Everybody from Nso was known as 'wir fon' (the Fon's people). Anything done to the Fon was considered as having been done to the people and vice versa. Nothing of serious important could happen in his land without his permission. The choice and enthronement of each Fon followed well-known spiritual rituals, performed by special King Makers or elders, and ratified by the ancestors so as to give the Fon a divine status and authority. The Fon¹⁹⁸ was the custodian of the culture of the land, all the heritage and legacies of the ethnic groups. He was under moral obligation never to trade off any of these, for whatever reason or gain. Finally, the Fon was a social symbol of neutrality, justice and the common good.¹⁹⁹

Traditional authorities regulated behaviour through an oath and it is believed that such oaths can subject a wrongdoer to undesirable consequences, like death, extreme poverty, and incurable diseases, while the society may experience severe droughts, pest outbreaks, loss of livestock, and consequently hunger. Generally, traditional institutions are unambiguously accepted by society members, who believe that such institutions possess divine or religious power. Traditional rule or governance found expression in forms, like religious leadership,

¹⁹⁷ I. Kopytoff , *The African Frontier: The Reproduction of Traditional African Societies*, Bloomington, Indiana University Press, 1987, p.288

¹⁹⁸ When we say the Fon is the incarnation of the people, it means that the Fon is an individual manifestation of the entire society.

¹⁹⁹ H. T. Mbuïy, *Fons of "Traditional Bamenda" and Partisan politics in Contemporary Cameroon*, Yaounde, mprimerie de la CENC, Mvolýé, 2022, p.1-13

lineage leadership, leadership in extended families and chieftaincy. Traditional institutions present the platform on which traditional authorities express their authority. These institutions in turn form the leadership structures within individual communities. Their roles and functions ensure that people comply with rules, norms, and beliefs. Despite several years of western domination, the decisions about governance and sustainable development still rest on traditional institutional concepts because the powers of traditional authorities are best expressed in these institutions.²⁰⁰

In contrast to the republican values of accession to power through the application of a constitution that embraces democratic principles, the republican mode enables the creation of powers and institutions for which accountability is owed to the electorate, unlike the traditional ruler who is largely accountable to a traditional council of notables and to his subjects. It has to be understood that, this dichotomy results from the influence of colonialism interaction in time and space with various ethnic backgrounds that we are living together in a common geographical environment.²⁰¹

To elucidate the influence of Traditional authorities in this context of our research from the field, there is a belief that traditional rulers like the Paramount Fon of Nso who ought to be of same status as the traditional ruler of the United Kingdom Queen Elizabeth II, also wields political power over a number of chiefdoms; and whose move for expansion of the Kingdom was only stopped by the League of Nations deal to partition Africa and the subsequent UNO treaty to stop any further expansionist agenda of all nations and to stop all wars. Like the Queen Elizabeth II, the traditional ruler is the head of traditional religion. He is equally the guarantor of peace, security and justice as the Queen of the United Kingdom. More than the Queen of the United Kingdom, the Fon of Nso presides over the farming season by leading ceremonial rites for the start of the season. The Influence of the traditional ruler is also seen in his power to knight valiant denizens and receives diplomats and sends his representatives to other kingdoms just like the Queen.²⁰²

They played a significant mediating role between capital and labour in the realization of capitalist objectives, particularly in the early colonial period. Despite some initial resistance, chiefs were forced to assist in meeting the growing capitalist demand for male labour. Consequently for the colonial order to be stabilized, the native had to be ruled not by

²⁰⁰ P.N.Nkwi, *Traditional government and social change: A study of the political institutions among the Kom of the Cameroon grassfields*. Fribourg: The University Press, 1976.

²⁰¹ V.J.Ngoh, *Cameroon 1884-Presence, The History of a People, Revised and Updated Edition of Cameroon, 1884-1985: A Hundred Year of History*, 2018

²⁰² Field work interview, October 2022

his own leader but through “Native Institutions”. Traditional rulers are very important in any traditional setting, in that they play a very significant role in managing conflict and peacemaking meetings when matters get out of hand. However, their power in the community is highly variable and in some areas they are opposed by youth groups, while elsewhere their power is subverted by local government officials. Nonetheless, traditional rulers are more accountable and responsible than any other group, but they get little support from official channels notably the state government. Government at all level need to demonstrate readiness to the role of traditional ruler in order to build and enhance local capacity, we need to understand the roles of traditional rulers in the chain of land disputes so as to place land administration in a stronger position, both countrywide and at the local level. Traditional rulers must not abuse their office in order to command public respect. In fact, traditional rulers are the effective access to the people. In most communities, the structure is that the elders and traditional rulers enjoy very powerful position in the communities. This highly influential position can be explored by government to the advantage of the general public. The reliance of the local community and their ruling structure offers great advantage. It is possible to strengthen the local capacity for management and settlement of disputes rather than imposing the formal state legal system.²⁰³

The American sociologist, Wendy Grswold observes that ‘culture is one of those words that people use all the time but have trouble in defining’ The English scholar, Sir Edward Bueket Tylor has give us a working description stating that ‘culture is that complex whole which includes knowledge, belief, art, morals; law, custom and any other capabilities and habits acquired by man as a member of a society’. That is it is often agreed that culture defines the identity of a people. So, in order to keep a people together and to give them a sense of meaning, it is imperative to keep their culture. Tradition of these regions was embedded in religion in such a way that it is difficult if not impossible to dissociate their socio-cultural life from religion. It is difficult to distinguish between the profane and the sacred. In the words of J. S. Mbiti, “Africans are notoriously religious” in such a way that culture permeates all the essential elements of the life of Africans. J. S. Mbiti describes these people in relation to their religion as follows:

“Wherever the African is, there is his religion: he carries it to the fields where he is sowing seeds or harvesting a new crop; he takes it with him to the beer party or to attend a funeral ceremony; and if he is educated, he takes religion with him to examination room at school or in the university; if he is a politician he takes it to

²⁰³ J.O. Fatile, *Boundary Disputes & Communal Conflict Resolutions, The role of traditional rule*. Lagos, Ziklay Consult workshop, 2010

the house of parliament...To be without religion amount to self-excommunication from the entire life of the society and African peoples do not know how to exist without religion.”²⁰⁴

The above quotation may be seen as passionate if not exaggeration of how an African practices his or her tradition. But I must confess that it reflects the reality and how many African cultures especially the grass fields people perceive and practice their traditional religion. Unlike the other “civilized religions” which have their messages or revelations documented, what is interesting is the fact that *the* African tradition and culture have no written scriptures nor do they believe that their culture was founded like others. This culture is written in their hearts, and transmitted and expressed through proverbs, songs, prayers, myths. Lack of written documents makes it difficult to research into African traditional religion. However, to deny the existence of religion in African before the advent of Arabs and Christian missionaries due to lack of revealed written text is unfortunate. Some people think that Africans are primitive and do not have the capacity to reflect on the concept of God; they only practice black magic. The notorious and derogating statement of Emil Ludwig many years ago still rings in the ears of many, “how can the untutored African conceive God?... Deity is a philosophical concept which savages are incapable of framing.”²⁰⁵ Perhaps we may pardon Emil Ludwig for his ignorance but what about many missionaries who did not and are still not recognizing the existence of traditional religion in Africa? Nothing good is found in African cultures, the cultures are fetish and devilish. It is unfortunate to meet people who still think and believe that Africans only came to the knowledge of God with the coming of the Arabs and European missionaries.²⁰⁶

Another debate is whether Africans have the concept of Supreme God. While some think that the primitiveness of African religions does not permit the perception of the Supreme Being and that the idea of Supreme Being was modeled after the Christian God, others affirm the concept of the Supreme Being in African religions but warn that the concept must not be compared to Christian idea of High God. A. K. Busia affirms that “the postulate of God is universal throughout Africa; it is a concept which is handed down as part of the culture.”²⁰⁷ Hence, the Moslem and Christian missionaries did not introduce the idea of Supreme God to Africans; what they did introduce were their unique ways of perceiving the

²⁰⁴ J. S. Mbiti, *African Religions and Philosophy*, Oxford, Heinemann Publications, 2nd Ed, 1990

²⁰⁵ K.A.Dickson, and P. Ellingworth, (eds.), *Biblical Revelation and African Beliefs*, Lutterworth Press, London, 1969, pp.10.

²⁰⁶ Ibid

²⁰⁷ A. K. Busia, *Africa in search of Democracy*, London, Routledge and Kegan Paul 1968, p.5

Deity. Africans concept and relationship to the Supreme God is different from other religions. Jean-Marc Ela also criticizes those who refer to ancestors' veneration as ancestors worship. For Ela it is not even appropriate to use the term ancestral „cult“ to define the Africans' way of paying respect to their departed elderly. He argues that:

The words do not have the sense they have for many Christians. „Cult“ or „worship“ are terms inappropriate to the African context in which man expresses in a relationship of communion his respect for the founders of the tribe. A family relationship should not be given the title cult in a strict sense of the term. When people offer beer and food to the dead, they are very well aware they are not worshipping the dead, but are reliving a form of kinship with them, by actualizing it in an existential way.²⁰⁸

2.2.1 Role of Traditional ruler

During the pre-colonial era, traditional leadership was the only institutional authority known to rural communities. The traditional leaders, the King or Chief in particular, were vested with all powers. Research shows that, in terms of African tradition, leadership was not subject to the electoral system or processes, but it was and continues to be hereditary. Women in some tribes were excluded from succession to traditional leadership. In contrast, public officials or representatives, such as councillors, were elected into office for a particular time frame. Cameroon was not without order and civilization, each group already had organized social and political institutions with centralized governmental judicial and religious authority, others were organized in decentralized or uncentralized systems.

The Chief's role was to adjudicate disputes fairly, and to provide for the well-being of his people. The Chief was vested with secular powers and was also granted certain privileges that he was entitled to exercise. In addition, the Chief was viewed by his people as being possessed of spiritual powers that enabled him to act, *inter alia*, as a conduit between his people and the ancestors. The institution of traditional authorities during the pre-colonial era occupied an important place in African life and in the body politic of the study area. It embodied the preservation of the culture, traditions, customs and values of the African people. It represented early forms of societal organisation and governance. In our area of study, in particular, early systems of governance were characterised by the rule of traditional authorities. Traditional Authorities and institutions dealt with a wide range of issues relating to their communities. A Fon or Chief was regarded as the father or head of the community or tribe. The Chief was responsible for the welfare of his people, including peaceful and

²⁰⁸ J. M. Ela, *Ancestors and Christian Faith: An African Problem*, Concilium, 1977, pp.34-50

harmonious co-existence, dispute resolution, as well as the promotion of agriculture and indigenous knowledge systems.²⁰⁹

In the Bangwa Fondom, the duties of the chief towards his subjects were arduous and rarely neglected. He settles family quarrels, land disputes, accusations of witchcraft; he attends funeral ceremonies; and directs community projects. The present chief of Fontem is available to his people day and night; he gives advice, settles disputes over succession, conducts witch-proving rituals, attends to matters of local and national politics (he is a member of the House of Chiefs), and deals with his own huge compound and farming interests. The paramount chief's wealth can be considerable as certain articles come to him as his due: ivory tusks, leopard skins which are the traditional symbols of chieftaincy. His harem may be extensive and he has important rights in the marriage payments of a large percentage of his female subjects. At the death of his subchiefs and nobles he receives death dues which might be the transfer of a marriage ward, an oil grove, or simply cash. He owns extensive palm tree forests which were cared for by his slaves and servants in the past; nowadays the groves are pawned to men who provide him with an annual tribute in kind. Palm wine was also brought to him by tappers with raffia palm concessions. Otherwise, there was no formal tribute or taxation system although subchiefdoms and quarters were expected to bring gifts during annual celebrations at the capital.²¹⁰

In spite of the variations in the different forms of African traditional governance, there are a number of important elements and features. In the first place, a traditional African governance system exhibits features of decentralization, as power and authority are decentralized from the paramount chief to sub chiefs and village chiefs. This can provide clues to the search for a more effective decentralization process on the continent. However, before policy-makers can tap into the potential of a traditional decentralization system, there was a need first to understand how it works, as well as its strengths and weaknesses, so that its strengths can be tapped and maximized. The second key feature of a traditional African governance system was that, the leaders rule or governs their societies with the direct participation of elders representing various clans or families in the decision-making process. Although the king or chief has the final word, he was bound to consult very regularly, and decisions were reached by consensus without formal votes. This consensus-building approach in decision making promotes team work and minimizes conflicts. If contemporary public

²⁰⁹ Ibid

²¹⁰ R.Brain, *The Bangwa of West Cameroon: A brief account of their history and culture*, University College London, 1967

institutions in Africa were not functioning well, one of the reasons could be traced to the culture of topdown decision-making processes, as well as a “winner takes all” attitude which tends to create rifts and rivalry between various groups.²¹¹

Another interesting feature of African traditional governance, as explained by Tutu II), was that, even though the choice of a chief or leader was often based on membership of a particular family or clan, other criteria like character and personal qualities were also given important consideration. The critical question to ask was whether the same diligence of character was considered in the choice of leaders of contemporary public institutions. My experience seems to suggest that the emphasis in choosing leaders for political and public institutions in like in Cameroon was based more on academic qualifications and people with connections to appointing authorities, rather than on character. If we can draw lessons from the traditional system and ensure that leaders within public institutions were honest and interested in the common good, then the frequently reported cases of corruption and misappropriation of funds in political public institutions in Africa will minimize, thereby making more resources available to invest in development activities. Messer argues that traditional institutions were based on interpersonal, mostly face to face, relationships among social rather than administrative units that were conceptually distinct from the modern construct of state institutions, thereby making such local institutions more effective rallying points for social mobilization towards development. The institution of chieftaincy was an important traditional administrative mechanism in many African countries, but was poorly understood by policy makers, particularly in relation to decentralization. It was worth noting, however, that these virtues of traditional African institutions relate to their pristine purity before the colonial era. However, with the impact of colonization and modernization, these traditional governance systems may be corrupted by the values of modernization. Thus, there was a need to evaluate them in order to ascertain which aspects were still relevant in contemporary public institutions of which this study seeks to make a contribution in this direction.²¹²

The process of investiture of a chief under the practice of gerontocracy²¹³ as was the case in the Southern Cameroons was complex, ritualistic and interminable. Once chosen, by the king makers, the matter was expected to remain secret so as to ensure that, the chosen candidate never absconded. After the seizure of the candidate, he was kept in seclusion for

²¹¹ M. Vehnamaki, “*Cultural and economic development in Ghana: The conventional wisdom revisited*”. Nordic Journal of African Studies, 1999, pp.57-79

²¹² *ibid*

²¹³ Gouvernement by elders

seven days under the care and protection of an appointed individual. The chief however, was never accepted until he went successfully through the seven days period of seclusion and lying on a traditional bed known as “*Anwia*”. This practice was symbolic because traditionally, it proved the eligibility of the candidate because if he was not the choice of the gods, he was expected to die. After seven days, he came out fully dressed in his regalia, usually a long thick cloth, a red cap, a noisy traditional rod, and a neck worn around the neck as well as some charms that made up his paraphernalia of royal office. At the formal investiture, a series of injunctions publicly recited before the new chief defines his political authority and the political relationship that was expected to be maintained between him and his subjects. He enjoyed a large measure of privileges. Among these was that all his farm work were done for him by the community; he was also entitled to the ham of certain animals killed during individual and group hunting, his compound was constructed and maintained by the community.²¹⁴

On the other hand, a chief was surrounded by many taboos. Chiefs were barred from going to the market, carry load on their head, and eat at the market square, they were also forbidden from seeing human blood, a corpse, as well as a grave and a new born baby, even his own child. Generally, the Southern Cameroons chiefs particularly the Fons were adored by the people and as such acting contrary to demands of traditions, which could incur punishment from the gods. The chief on his part was expected to reciprocate this respect and power accorded him by ensuring the prosperity of his subjects and domain. In order to sustain this, the common cultural attributes of chiefs were preserved as part of their ancestral heritage and this was a major obligation of traditional authorities. Chiefs as political head were rallying points for development in the community. Through a chief's office, his subjects were mobilized to assist in projects that position the community into serving the needs of its member's well-being. Such projects may include but not restricted to clearing bushy areas of the community, building of markets, roads, and providing security.²¹⁵

In this respect, the institution first and foremost becomes a focal establishment for uniting community members and promoting a sense of belonging among people in rural communities. Conventionally, a chief has powers to declare war and make peace, conclude alliances, send and receive emissaries, appoints subordinate officials and was also the final arbiter in the administration of justice. Indeed, the Institution of chieftaincy was held as the

²¹⁴ P. Geschiere, 'Chiefs and Colonial Rule in Cameroon: Inventing Chieftaincy, French and British Style', *Africa* London, n° 63, 1993, pp. 151-175.

²¹⁵ *Ibid*

organizational structure around which the socio-political, cultural, and economic life of the people revolved. Such powers as possessed by chiefs are conferred on them by tradition as obtainable in other African societies. The institution functioned as the political and administrative center of governance for traditional communities. The village assembly represented the largest and very powerful organ of government in the village polity that the chief worked closely with in carrying out his duties. Important civil disputes were dealt with by an *ad-hoc* town meeting held when the need arose. The spokesman of the village council summons meetings of the council on the instruction of the chief through the town crier who disseminated the invitation by beating a drum or hitting a gong. These meetings were usually held at the market square, playground or in the chief's compound. Here, the elders in the community laid specific issues concerning the unity of the people. Every man had the right to speak, oppose or accept any issue brought before them.²¹⁶

Throughout the continent and West Africa, in particular, a vast number of "governments" existed with a variety of different organizational forms. Some were stateless societies, which were a collection of various tribes that existed as autonomous political entities without any one ruler at the head. Other tribes were organized into smaller or larger chiefdoms in fact, large chiefdoms often were considered to be kingdoms. The main characteristic of a chiefdom or kingdom was some recognized leader or head of the tribal grouping. The chiefdoms, kingdoms and stateless societies all co-existed at the same time providing a unique and rich historical example of a polycentric system of clubs: an environment of multiple providers of governance services. Furthermore, the internal political organization of chiefdoms and kingdoms took two main forms: (1) federated or pyramidal governments and (2) centralized monarchies. The federated kingdoms also known as constitutional monarchies consisted of a recognized head of state with many subgroups that were given significant autonomy. Each subgroup consisted of a leader and those leaders formed an inner council that was the major decision making body that chose the king and likewise could dethrone him. This federated type of governance was the most common in the pre-colonial era. The centralized monarchy featured an exceedingly consolidated political administration that ruled over various communities and gave them limited political autonomy. The king was the head of the state and was advised by an inner council that was chosen by

²¹⁶ Ibid

him. That type of political organization was adopted most commonly in Islamic regions, such as the Mandinka and Hausa Empires.²¹⁷

In African societies, political organization began at the lineage or village level. Each lineage chose a head; when different lineages came together to form a village or tribe, they chose a chief to be the leader of the tribe. The heads of the various lineages in this tribe would then serve on the chief's council of elders.²¹⁸ The chief was seen as tribe's religious leader and the living representative of the ancestral spirits as well as the governance leader responsible for maintaining order and acting as the decisive authority in matters affecting the welfare of the tribe. The main function of the council of elders was to prevent the chief from abusing his powers and to assist the chief in governing the tribe.²¹⁹

In addition to the council of elders, a group called the inner council also assisted the chief in governance. The inner council consisted of influential members of the community or relatives and friends of the chiefs. They did not have authority to override the chief, but acted as counselors who informed the chief about what was going on in the tribe. Lastly, the chief's decision making was informed by the village of the commoners, which consisted of village meetings with the councilors, advisers and the people of the community. The village commoners served as a court of last resort when disputed issues could not be resolved by agreement between the chief and the council of elders. In the village meetings, community members and leaders would discuss the proposed compromise and the final decision would be made by majority. Chiefs could act contrary to the public opinion, but that was rare as such action could lead to conflict within the tribe and the removal of the chief.²²⁰

When different chiefdoms came together, a federated kingdom was formed. In those kingdoms, the chiefs were still the leaders of their tribes and served similar functions. Just as the heads of each lineage served on the council of elders advising village chiefs, the various chiefs formed the king's inner council. This political structure was one of a

²¹⁷ However, even within specific kingdoms, the political organization changed over time. One kingdom may have been more centralized in the early pre-colonial period, but became more like a constitutional monarchy in the late pre-colonial time period.

²¹⁸ Busia, who later served as Prime Minister of Ghana from 1969 to 1972, observed this in his earlier fieldwork with the Ashanti people in 1940–1941. He describes this relationship between the chief and the council of elders: *The chief was bound by his oath to consult the elders on all matters, and to obey their advice. The government thus consisted of the chief and the elders.*

²¹⁹ As Ayittey puts it, The Council was the representative body of the commoners. Without this council, the chief was powerless and could not make laws. Generally, the elders tended to be only interested in the welfare of their lineages.... Council approval or unanimity was needed on all matters affecting the community. The chief could not dismiss the councilors, since those officers were hereditary and restricted to non-royal lineages. In other words, the chief could not use family ties to suborn the councilors. The officers came from different lineages.

²²⁰ *ibid*

confederacy wherein the smaller constituent chiefdoms of the larger kingdom retained significant power in decision making for that tribe than did the center of the federation.

2.2.3. Council of Elders and decision making

Historically, the institution of traditional leadership played a vital role during pre-colonial African communities. It embodies the preservation of culture, traditions, customs and values of the African people, while also representing the early forms of societal organization and governance. In recognition of the fact that people entrusted with power were capable of political tyranny, to borrow a phrase from John Emerich Edward Dalberg Acton, “*Power tends to corrupt, and absolute power corrupts absolutely, great men were and are almost always bad men*”, the council of elders provided efficient checks and balances on a chief’s functions and power to safeguard against abuse of power. Viewed from the perspective of contemporary democracy, the formal mechanisms of accountability in African traditional institutions were rather weak, since chiefs often combined both executive as well as judicial powers and the councils, were often composed largely of members of the nobility or close relatives of the chiefs.²²¹

The chief’s council in British Cameroons like most African societies was composed mostly of male heads of different family units. They served as advisers and met periodically to formulate policies and take decisions on village matters. Indeed, these people were generally seen as a “committee of wise men” who possessed the innate ability to understand the intricacies of human organization. Prominent among the elders was the *Idengeli*, chosen on account of his personal qualities, such as, imposing and commanding personality, oratory, knowledge of the community law and custom. The council was presided over by the chief and he was obliged to act on the advice and with the consent of his councilors, whom he has to summon regularly. The councilors freely discuss all matters affecting the community and, in any such atmosphere of free and frank expression of opinions, disagreements were inevitable. But in the event of such disagreements, the council would continue to listen to arguments until a consensus was reached with the reconciliation of opposed views. The councilors and the people had a symbiotic relationship and as such no important decision was passed by the councilors without first consulting the people.

²²¹ V. Rouveroy, E.A.B Nieuwaal, ‘*Chieftaincy in Africa: Three Facets of a Hybrid Role*, 1999.’ In R. van Dijk and E.A.B. van Rouveroy van Nieuwaal, eds., *African Chieftaincy in a New Socio-Political Landscape*. Hamburg and London: LIT Verlag.

The government's decision-making process was not far removed from the people. And since the people were involved throughout much of the process, the decisions taken by the councilors were most likely to be endorsed by the community as legitimately representing their interests. The active participation of the community in its own political affairs was not new in traditional societies where elders would sit and discuss clan or state affairs in open view of everyone. Such participation and ownership of the political system was arguably the essence of democracy. This point was further buttressed by Meyer Fortes, and E.E. Evans-Pritchard who posited that: "the structure of an African State implies that kings and chiefs were ruled by consent. A ruler's subjects was as fully aware of the duties he owes to them as they were of duties they owe to him, and were able to exert pressure to make him discharge his duties" . Southern Cameroons laws, like those of most non-literate societies, were unwritten and based on legal interdictions promulgated by rulers or arising from general disapproval, and taboos which depended on a magico-religious sanction. Besides civil prohibitions, there were also religious and ecclesiastical inhibitions. But because there was no hard and fast division between the two, it was difficult to say where the former ended and the latter began. A very strong sense of justice prevailed among all ethnic groups, perhaps because the mystical connection between kings and their people meant that their prosperity depended on justice and due observance of the laws and taboos. No difference was made between the executive and judicial powers, as they were combined in the chief ruler, or rulers, of the people.²²²

2.2.3 The Regulatory Societies

Cultural institutions in Africa served several purposes and remained important to their people. The British colonial administration at the beginning relied on such institutions like the *Kwifon*, *Ngwerong* and *Ekpe* for advice. These were regulatory societies that served as legislatures for traditional governance or administration. As the legislative arm of the traditional government, both *Kwifon* and *Ekpe* had the power and ability to regulate the power of the king. The Germans used the *Ekpe*, for example, in facilitating governance within the ethnic groups of the Cross River region of Cameroon. Through the highly respected *Ekpe*, the

²²² M. Fortes, and. E. E. Evans-Pritchard, *African Political Systems*. Cambridge, Cambridge University Press, 1981, Pp. 8- 9

Germans instructed the people of the Cross River region on governance. Their relevance transcended the socio-cultural, economic, and political spheres. The *Kwifon* regulatory society in the North West Region of Cameroon was and remains a dignifying and royal institution. In the Kom Kingdom, for instance, it was the executive arm of the government of the Fon or Chief and exercised advisory, judicial, and ritual functions. *Kwifon* retainers communicated important messages from the Fon to the people. The institution also regulated the economic affairs of the fondom such as the inauguration of crop harvests and market activities. In the Laimbwe villages of Cameroon, the *Kwifon* (*Kuifuai*) maintained justice, peace, progress, and stability.²²³

In Oku, *Kwifon* was the traditional government of the land and exercised considerable control over the medicines that were administered to the population for good health. Its masquerade performers pursued and punished witches and all other offenders of the customs and traditions of the people. It still dispenses justice today and metes out social sanctions against violators of tradition and social mores. This was done side by side with the modern courts, government institutions, and the gendarmerie, a paramilitary force common in French speaking African countries. Punishment meted on defaulters included restitution, fines, and banishment from public ceremonies or the fondom. Similarly, the *Nwerong* in the Nso kingdom was more or less a fraternity that enforced policy. It also provided messengers to the Fon, enforced decisions of the Fon-in-Council, and punished criminals and witches on the orders of the Fon, among other functions. Another cultural institution in Nso, the *Manjong*, was a military club which provided the basis for military and hunting organization within the kingdom. The *Manjong* also assisted in the reconstruction of compounds destroyed by fire. The institution also fined members for disobedience and breach of rules. In Cameroon's coastal regions, several cultural institutions also served important purposes. The *Ngondo* traditional and religious institution of the Duala of the Wouri Estuary was built around peace, development, and social stability among the Duala and Sawa speaking people. This was obtained from aquatic *Traditional Cultural Institutions in Cameroon's Cross River Basin* 271 spirits. Although ritual performances like the *Ngondo* have been politicized since the re-

²²³ L.S. Eposi Enonchong, *The Problem of Systemic Violation of Civil and Political Rights in Cameroon: Towards a Contextualised Conception of Constitutionalism*, University of Warwick School of Law, January 2013

introduction of multiparty politics in the 1990s in Cameroon, they remain institutions of pride, peace, and unity for the Duala and Cameroonians.²²⁴

Despite the hostility of the French towards the *Ngondo* during the colonial period, it continues to serve as a link between the Duala of the past and present. At its inception in early 1800s, *Ngondo* was a judicial and governing body and was presided over by major Duala chiefs. It passed judgment on trade disputes in the inland market places, similar to what the *Ekpe* did in the Cross River Basin. Cultural institutions from other parts of Africa served similar functions to those in Cameroon. The *Poro* and *Sande* of the Mende and Temne chiefdoms in Sierra Leone and Liberia and the *Ogboni*, *Agemo*, and *Egungun* of the Yoruba of Western Nigeria carried out ritual ceremonies and diplomatic missions for good neighborliness and peaceful co-existence. These institutions also served as guardians and policemen of public morality in their chiefdoms. As local tribunals, they settled disputes, litigations, and other matters among their people and created a congenial environment for socio-economic activities to thrive. Similar to the practices of the Cross River region, some of these institutions hunted witches and wizards to rid society of these unwanted elements. The *Atam* masquerades or mask performers mostly men among the Bakor of South East Nigeria performed several functions, including the imposition of fines on offenders, control of palm oil production for export, regulation of harvesting fruits, and protection of forest reserves from destruction observe that the *Atam* facilitated the circulation of information through which cherished cultural values were preserved. It was a contribution of ancestors to the legitimization of the ethical code of the community. It also purified and enhanced a cordial and crisis free communal existence by stigmatizing stealing, sexual immorality, greed, and intolerance. In spite of the important role of these cultural institutions in Africa, the colonial administrators and missionaries painted them in a different light.²²⁵

2.2.4. The Customary law

The legal and normative framework existing within most pre-colonial African societies and especially in the Southern Cameroons was essentially customary in character, having its substance in the practices and customs of the people. Its traditional institutions constituted the comprehensive legal system regulating a wide spectrum of activities from birth to death. It was and is in most cases, still the law under which a majority of people regulate marriage, succession, land tenure, divorce, amongst others. Customary law in this sense

²²⁴ E. M. Chilver & Kaberry, P. M, *From tribute to tax in a Tikar chiefdom*, Africa 30, 1960, pp1-19.

²²⁵ H.K. Kah, *Converting and Disputing the Role of Traditional Cultural Institutions in Cameroon's Cross River Basin, 1916–1961* Asian Journal of Peacebuilding Vol.5 No.2, 2017, pp.267-287

embodies law that originates with people in the most direct sense, with its validity highly dependent on questions of social practice tested against social observation. This forms the basis on which this normative order reinforces its system of meaning while mediating social life, disputes, and relations of power.²²⁶

The social structures within customary systems although different depending on context were largely characterized by their continuously changing and shifting nature, coupled with the fact that they were frequently reinvented internally. It should however be noted that, the use of the term “African customary law” in this study does not in any way suggest the existence of a single uniform set of customs prevalent in any given country. It was instead used as a “blanket term” covering numerous legal systems.²²⁷ There were local disparities within such areas, but the broad principles in all the various systems were largely the same in which the communities were organized. The views of all groups were heard and the decisions arrived at were in keeping with the customs and traditions of the communities. The title-holders were the ones who consulted the oracles, appeased the gods and performed rites of purification. These actions promoted peace and stability in society. To become a title-holder, one had to be a member of a secret society or societies, be a wealthy man or perform acts of bravery such as killing a lion. In this regard, the welfare of the village rested on their shoulders as they worked to sustain the village in all aspects of political, economic and social life. Thus, politics in these communities involved people in all the levels of the society with household, lineage heads, members of secret societies and titles-holders playing important roles. But the role played by secret or regulatory societies was quite remarkable in the maintenance of law and order.²²⁸

Despite the general involvement in politics by all the groups, secret societies distinguished themselves as agents of administration. They were important institutions that played a variety of religious, judicial, commercial and social functions. Within fondoms such as Nso, Kom, Bafut, Bali Nyonga, Bum, a system of rigid rules and flexible application was necessary if the legal administration was to reflect ideas of socio-centric individuals, defining precise obligations of the parties rather than creating or defining rights. Custom was not respected because it was backed by powerful individuals or institutions, but instead because each individual in the society recognized the benefits of behaving in accordance with other

²²⁶ E.K.Mikano, *Customary Law in Anglophone Cameroon and the Repugnancy Doctrine: An Insufficient Complement to Human Rights*, A Journal of African Studies

²²⁷ These systems which are mostly ethnic in origin function within the area occupied by the ethnic group and cover disputes in which at least one of the parties is a member of the ethnic group.

²²⁸ Ibid

member's expectations. Reciprocity was a vital element in the recognition of duty to obey customary rules and of law enforcement. The significance of the flexibility in application was that it could be assumed that law in this era was not the creation of a logically consistent body of legal doctrine. The procedural and adjudicative structure was open, having no formal barriers or obstacles to limit access to officials of the law.²²⁹

In the Meta, Fungom, Bafut and Mbembe, the law as applied was substantive as opposed to procedural. Its aim was to resist individual powers or entitlements in the form of rights because of the higher form of obligation owed to the society. This understanding of the law was adequately reflected in the nature of property rights. Perhaps because it lacked tradable commercial value or because mobility was constrained to foot or domesticated animals, land was rarely the subject of dispute. It was seen as a source of socio-cultural well-being of a people, a deity and a spiritual link between a people and their god. As the burial place for generations of ancestors, land constituted a vital link and the primary means of communication with ancestors. As such, it was regarded as an ancestral gift creating an obligation for members of the community to protect and pass it on to subsequent generations. Land was owned communally by families or whole villages with traditional leaders taking trusteeship. Any member in need of land for farming or cultivation was allowed to approach the traditional head who would then allocate a share of the communal land to the individual and his generation to come.

An analysis of the nature of dispute resolution in land disputes reveals the great mental agility required for traditional reasoning. All the opinions of the council members have to be dealt with and all the potential cases and variations have to be considered. This leaves no time to retreat and write down as tradition was applied most frequently in oral study and debate. An interesting aspect to the oral nature of these decisions was that customary adjudication left a clear track. Much of what has gone before was still recoverable in the minds of the indigenes and consequently passed down to succeeding generations.²³⁰ It could therefore be argued that the particular style of rationality that emerges within the customary adjudication was one that was not necessarily methodical in nature. It was not fully reliant on the existence of legal texts or written precedents, instead the mystical inspiration and the disparate forms of life in which tradition regulates resists this systematizing impulse. This form of reasoning hinges on the idea of change and evolution of tradition. Although the divine inspiration of

²²⁹ Ibid

²³⁰ R.Dillon *Ranking and Resistance Precolonial Cameroonian Polity in Régional Perspective*, Stanford California, Stanford University Press, 1990 pp10

tradition was believed to be somewhat fixed, specific changes in the social circumstances of the local communities played a significant role in the development of tradition.²³¹

Consequently, customary law involved a combination of two attitudes; the revered nature of the supernatural aspect and the evolving nature of its normative content. The form of change that occurred was at the level of relations of humans with one another and with the world and not at the level of human relations with god. It should however be noted that change and significant difference did not instantly appear, this only happened as soon as consensus on the new practice has resulted in general acceptance by the society. This process normally take a long time and traditional authorities played a significant role during this period to ensure coherency within tradition. The particularity of customary law in this era was not so much in its substance but in its procedures as emphasis was placed on supernatural entities participating in some way in the legal order and on the importance of social and political groups and communities.²³²

2.2.5 Traditional Authorities in Conflict Resolution

Traditional authorities played a pivotal role in settling community disputes across their areas of jurisdictions. They were regarded as custodians of traditional law and received the bulk of cases dealing with violence which were political, domestic or anti-social behaviour. The guiding objective of the traditional justice system presided over by traditional authorities in Africa in general and in Cameroon in particular, was to restore peace and harmony within their communities. This was done by ensuring that disputants and their respective supporters were reconciled. It has been observed that at the heart of the traditional African adjudication system lays the notion of reconciliation or the restoration of harmony. According to Egbokwe, three key factors help explain why most Africans in general continue to look to traditional and informal justice forums to resolve disputes: the vast majority of Africans continue to live in rural villages where access to the formal state justice was extremely limited; the type of justice offered by the formal courts may be inappropriate for the resolution of disputes between people living in rural communities or even those in urban areas can cause conflict within the community and affect economic co-operation on which the community depends;

²³¹ For example, the advent of slave trade posed a significant threat to the orderly relations within most villages as people were sold into slavery under several circumstances. Traditional authorities in this instance regulated slave transactions by requiring that local chiefs be notified when sales to non-villagers occurred. The slave traders were required to leave a length of cloth at the entrance of the chief's compound. This served to assure the public that no villager would arbitrarily be sold to slavery. Once accepted by general consensus, this became accepted as practice in most regions; See Dillon Richard, *Ranking and Resistance Precolonial Cameroonian Polity in Régional Perspective*,

²³² Ibid

and state justice systems in most African countries operate with an extremely limited infrastructure which does not have the resources to deal with minor disputes in the villages. Conflicts were a common feature in rural communities. As a result, there were calls to ascertain the effectiveness of the traditional leadership in resolving such conflicts.²³³

Many community development projects have suffered stagnation or complete failure due to conflict resulting mostly from internal disputes within the rural communities. The cost of inability by communities to manage disputes contributes to underdevelopment and poverty. One key factor that has been associated with successful project implementation and sustained development was peace. Peace building therefore was an integral part of development process in any given society and the need for vibrant traditional leadership in conflict resolution became essential. Therefore, this study seeks to find out the role of chiefs in conflict resolution and peace building in the rural communities. The study sought to examine the extent to which traditional leaders abide by their traditional roles and duties in resolving conflicts in their communities. Elias and Chimango argue that the cultural and socio-economic underpinnings of rural societies require proceedings which avoided an adversarial approach. According to the traditional Cameroonian people, peace was not seen as an absence of war. Nwoye points out that in almost all the cultures of Cameroon; peace is equated with freshness, health, well-being, harmony, calm and tranquillity. This is identical to the area of study situation where a number of traditional mechanisms aimed at promoting reconciliation existed. These involve truth telling and requests for forgiveness to achieve both reconciliation and to challenge perpetrators of human rights abuses. These often differ from the western legal systems that emphasize prosecution and retributive justice. Nwoye argues that the absence of the above qualities is a sign of conflict which could be either latent or overt. It is harmony that provides farmers with good crops, fishermen with abundant catches and hunters with game.²³⁴

When there was enough food for everyone, peace would reign in homes and families, clans and tribes. As nobody had any reason to be envious of anybody else, neighbouring communities could live in peace, visit one another during the off-seasons and attend weddings and funerals. The Somali and the Burundi study surveys on the role of women in peace building and conflict resolution in traditional African societies also confirmed this notion.

²³³ T.B. Gnasiri, “*Traditional Authority and the Maintenance of Public Order in Cameroon*”, International Journal of Managerial Studies and Research, February 2023

²³⁴ J.Galtung, *Theories of peace, a synthetic approach to peace thinking*, international peace Research institute, Oslo Norway, 1967, Pp.191

Stories and songs were told by women expecting the children to demonstrate responsibility through reciprocity; honesty and loyalty through mutuality and deference; and faith and compassion through inner strength and self-control. In many countries traditional authorities play a pre-eminent role as mediators of violent conflict. It is in this regard, according to Merry, that penalties, instituted usually focus on compensation or restitution in order to restore the status quo, rather than punishment. Pre-colonial Africa the traditional leaders' forum in a number of societies assumed a more adjudicatory role for the most serious crimes such as murder and witchcraft. In such cases capital punishment would be considered. Otherwise their role as chiefs was to bring disputing parties together and to create an atmosphere in which they can resolve their differences. Thus, the traditional leaders act as facilitators in conflict resolution.²³⁵

Legal regulation in pre-colonial grassfield chiefdoms could be understood from an inquiry into how order and authority were maintained within villages, and how ordinary citizens utilized various legal and non-legal institutions in conducting and resolving conflicts.²³⁶ In an attempt at reinforcing social order within communities, the very nature of the sanctions imposed suggests that their origins and guided growth are strongly rooted in the spiritual aspects of legal and political authority. Village leaders were believed to use mystical powers of sanctions unknown to offenders to prohibit specific behaviour. Each sanction had a two-part consequence, supernatural punishment and social ridicule or ostracism in serious cases. Social ostracism was in the form of expulsion from the specific society the accused lived. Subjection to humour and mockery from the society for minor misdemeanors and to be completely ostracized for major offences were appalling punishments.²³⁷

The ritual aspect to sanctions was premised on the idea that certain crimes were reckoned as sins, in essence, regarded as offence against the unseen powers of the universe resulting in punishment irrespective of secular agency. Such sanctions were believed to originate from a supreme being through intercession of the ancestors and the 'living to those living on earth. For example, in murder cases, since all persons within the village group are regarded as brothers, any person who killed a fellow villager was an anomaly. It was viewed as a moral violation of an extreme sort having the ability to cause personal affliction on the perpetrator and his entire clan. Sanctions in this instance typically involved a strict and

²³⁵ *ibid*

²³⁶ R.G.Dillon, *Ranking and Resistance: A Precolonial Cameroonian Polity in Regional Perspective* California, Stanford University Press, 1990, Pp.40-41

²³⁷ E.N.Tangie, *From Friends to Enemies: Inter-Ethnic conflict amongst the Tikars of the Bamenda Grassfields (North West Province of Cameroon) C. 1950-1998*, Faculty of Social Sciences University of Tromsø, Norway, 2007

lengthy ceremonial procedure of atonement.²³⁸ The complex process of ritual resolution involved in such cases was believed to serve as a means of overwhelming the perpetrator and his kin group with fears of mystical danger coupled with demands of costly fees to the notables. The nature of these sanctions points towards a system used primarily as a means of social control within local communities. It draws attention to a structure that relies on exemplary punishment in administering justice. Research indicates that rarely did authorities suggest that an increase in the severity of punishment would better maintain order. As such, it could be assumed that since the nature of each sanction and decision embodied both social ideals and religious intensity, it was sufficient to operate as an intentional feature of this normative order. The effectiveness of every sanction rested not only upon its ability to intimidate the guilty but also implicate their clan and deter potential violators.²³⁹ Compliance was therefore automatic and instinctive.²⁴⁰

In the Bafut fondom, the functions of *kwifor* were carried out through different agencies or lodges. One important duty of *kwifor* included the enforcement of rules regarding the authority of the Fon and the decisions he took. *Kwifor* worked hard towards maintaining peace in the *fondom*. It resolved conflicts within the context of a judiciary system that was set up in the central palace. The Bafut judicial system, as analysed by Chilver and Kaberry, was broadly similar to that of another 'Tikar' Kingdom, Nso. The point of agreement was that justice was decentralised as much as possible and the Fon only dealt with serious cases. As far as possible, disputes were usually submitted for arbitration and settlement in family circles, from the extended family up to the lineage, depending on the nature of the case. Beyond the family, quarter and village heads dealt with some cases between families such as thefts, assaults and land matters. More serious cases, such as murder, arson, witchcraft, destruction of property and aggravated thefts were referred to the Fon who dealt with them in consultation with *kwifor*. Depending on the gravity of the case, investigations were carried out by *kwifor*. In a land case, for instance, some *bukum* would be sent out to investigate. While the case was sub-judice, the area in question would be put under the *kwifor* ban. The insignia was a stick with a slit top in which a palm frond was inserted (*ajube kwifor*) and pinned on the disputed

²³⁸ Also, for the offence of theft, ritual acts were performed to inflict illness and misfortune on thieves. These rites were not only believed to mobilize supernatural forces but also effectively deterred potential deviants by imposing psychosocial pressures.

²³⁹ This is illustrated in instances where formal oath taking was employed as a means of resolving disputes over land. It was believed that anyone making a false oath will be inflicted with a disease which would spread to the dependants of the perjurer. Pressure was then placed on the alleged perpetrator from their relatives who feared being affected by the disease arriving from false statements. Refer Dillon, *supra* note 90 at 96

²⁴⁰ J.P. Nguemegne, "*Histoire des Institutions et des Faits Sociaux du Cameroun (Des Origines à 1800)*", Dschang PUD, 1997

piece of land. On the appointed day, both parties to the dispute came to the palace. Evidence was taken separately from them by *kwifor* messengers (*nto kwifor*). This was relayed to the Fon who, on the advice of *kwifor*, arrived at a decision. On another day, the Fon would deliver judgement in the audience hall (*nsang*). Criminal cases were dealt with in the same way. *Kwifor* would carry out the investigations, the Fon delivered the judgement and the appropriate arm of *kwifor* would execute the sentence. Sanctions followed the moral, ritual, and legal guidelines as analysed in the cases of some West African political systems by Brown.²⁴¹

Moreover in Bafut, the category of sanctions depended on the gravity of the case. In the case of witchcraft, there had to be exculpation by ordeal in the *kwifor* inner lodge *ndangoro*. The suspect brought a fowl to which poison was administered. The death of the fowl signified guilt. This was similar to trial by ordeal in the case of some Delta tribes in Nigeria. The guilty person was then either executed or exiled. In the case of murder, the murderer was publicly executed by being tied to stone monolith in the plaza and clubbed to death by a masked *kwifor* executioner (*mubu'u*). Assault was punished by demand of compensation. The punishment for theft was public disgrace and mockery. Cases of treason, that is, those against the person of the Fon and abominations such as adultery with a Fon's wife warranted instant death in the hands of *kwifor*. In fact, modern states today might consider these methods as a slight or an anathema to human rights ethics. In reality, the 'dreaded' nature of the sanctions acted as a deterrent to criminality in the society. The fear to be sanctioned by *kwifor*, reduced crime waves which permitted the Bafut people to live in a peaceful atmosphere.²⁴²

The process of dealing with offenders was based on a hierarchical structure that had procedural guidelines. For offences committed within a family the matter was heard and determined by the family head. However, if a family head was unable to resolve a matter he would call upon the clan elders to adjudicate the matter. Similarly, if the offender and the victim belonged to the same clan, the council of elders in that clan would adjudicate the matter. Once a case is reported to the village head, he consults with other elders in the village and then sets a day for the hearing of the case. Both the plaintiff and the defendant are asked

²⁴¹ P. N. Nchoji, *Traditional Diplomacy: A Study of Inter-Chiefdom Relations in the Western Grassfields, North West Province of Cameroon*. Yaounde: Department of Sociology, 1987, pp. 152

. N. Nchoji, *Traditional Government and Social Change: A Study of the Political Institutions among the Kom of Cameroon Grassfields*, Switzerland: University of Fribourg Press, 1976

²⁴² D.F.Ngwa, *Fonship and Power Politics in State Formation in Bafut*, Protestant University of Central Africa (PUCA), Yaounde, Cameroon, Conflict Studies Quarterly Issue 21, October 2017, pp. 50-75

to deposit a certain amount of money which was then shared by the presiding elders. On the appointed day, litigants appeared before the elders and other participants who listen to their presentation. The presiding elder outlines the expected decorum and fines for violators and then asks the plaintiff to present his or her case. After the presentation, the plaintiff was aggressively and thoroughly questioned, by the defendant, elders and members of the audience present. Witnesses were called and their testimonies strictly scrutinized through questioning. Both the offender and the victim would have a spokesperson from his or her family to represent the facts to the clan elders. In an inter-clan matter, where the offender and the victim belonged to different clans, elders from the different clans would come together. Spokespersons to represent each clan would then be selected to facilitate the hearing of evidence from both sides. Cases not concluded in one day are adjourned. Elder's decisions were based on oral evidence and facts presented before it.²⁴³

However it may be appropriate to discuss some important modes and means of settlements of disputes as employed by Southern Cameroons judicial system. Indeed, traditional Southern Cameroons justice was tested in a number of areas. Stealing was abhorred and it was in fact, an abomination to steal things relating to people's vital life-interests and occupation, like agricultural products or animals caught in a snare laid by a hunter or farmer in the bushes. Indeed thieves are treated with the severity their crimes deserve. The penalties usually focus on compensation or restitution in order to restore the *status quo*, rather than punishment. However, sometimes traditional justice forums may order the restitution, for example, twice the number of the stolen goods to their owner, "especially when the offender has been caught in *flagrante delicto*" and fines may be levied. For boundary dispute or trespass, the Southern Cameroons sense of justice is brought to bear by way of traditional history and adjudicated over by family heads, or expressed in terms of litigation before the chief and elders. In the olden days when the use of modern day beacons was unknown, boundaries were demarcated by the use of some economic trees like, colanut trees, palm trees and coconut trees which can survive the adverse effects of various weathers. In land disputes, what was therefore just was identified with the goodness of the title and correspondence with boundary. It should be stated here that a dispute cannot be settled unless the victim, as well as the offender agree with the final decision. For the elders to be sure that genuine reconciliation has been achieved after dispute mediation, both parties may be expected to eat from the same bowl, drink palm wine, or local gin from the same cup and or

²⁴³ *ibid*

break and eat kolanuts. This forms part of the reconciliatory approach intrinsic to most African traditional dispute mediation.²⁴⁴

The public also partake in the eating and drinking as an expression of the communal element inherently present in any individual conflict and of their acceptance of the offender back into the community. Southern Cameroons chiefs presided over communal strife resulting from land/boundary disputes, murder of a member of a particular town, feuds for farm lands, as well as market quarrels. Resolution of issues of conflicts took the form of negotiation and plea bargaining between the two towns. Often, representations of men recognized for their wealth of knowledge, closeness to power, or the performance of some important religious duties from the two towns would meet to deliberate on the issue. At the end justice was done in terms of compensation, reparation, apology, and payment of damages. In crimes like murder, considered to have dislocative and destructive impact on the society utmost care and evidence relating to the charge was critically analyzed and any iota of doubt observed was resolved in favor of the accused.²⁴⁵

However, where all available evidence pointed incriminately at the accused, no amount of plea could save him or her from the full wrath of the law. Murder, called for atonement, propitiation of gods or ancestors and punishment which was as severe as banishment or even the death sentence. Whatever approach is adopted, first the moral pollution has to be cleansed in order to appease spiritual beings and ancestors who are believed to have been also offended without which the entire community stood a real and imminent danger of suffering a disaster. Belief in witchcraft was widespread across Africa. It was the explanation for otherwise inexplicable misfortune among people who are looking for personalized causes. Accused witches can be men or women, young. Men and women accused of practicing witchcraft are brought before the chief's court and tried either through oath taking or appeal to god or supernatural forces. Considerable wisdom was displayed by the Chief and his council in deciding cases in which no element of witchcraft or other belief repugnant to modern feelings enter. It is most probable that the right decision is given with as much certainty as in a European court. Suspects certified guilty of witchcraft was stigmatized, discriminated against for life and stood irrevocably condemned to whatever penalties the law prescribed. The fate of witches was death or perpetual exile, the former being, in fact, the lesser alternative. For most African groups, ostracizing an individual or group that has

²⁴⁴ S. Merry, *The social organisation of mediation in non-industrial societies: implications for informal community justice in the United States*, New York: Academic Press, 1982, pp. 17-45.

²⁴⁵ P.N.Nkwi, *Traditional Diplomacy: A Study of Inter-Chiefdom Relations in the Western Grassfields, North West Province of Cameroon*. Yaounde, Department of Sociology, 1987, pp. 152

fragantly disobeyed the community was thought to be the most severe punishment that could be meted out to anybody. It feels like death for any one so punished since such a person was regarded as an outcast. He/She would not be allowed to share in the life of the community anymore. There would be no visits to the family, no exchange of greetings, no one would sell or buy from members of the affected family, and may not be allowed to fetch water from community streams. So severe was the punishment of ostracisation that every member of the community highly dreads it, and would do everything possible to avoid it. It does, on the other hand, show the kind of tremendous power of the community in traditional African background. Sometimes, victims accused of witchcraft are subjected to psychological and physical violence, either by family members and their circle of friends, or traditional healers. Indeed, the penalties ordained by the laws may be said to have been imposed partly as a deterrent, partly in revenge, and partly because the crimes were thought displeasing to the gods and ancestors. The punishment varied according to how the crime was regarded either as an offense against community law, priest, chiefs or age grade and club laws.²⁴⁶

Paul Nkwi asserts that whoever puts into jeopardy the concrete realisation of the common objectives or the achievement of the *bonum commune* creates a situation of conflict and becomes the enemy or the less friendly partner. This lends credence to the idea that in conflict resolution, the principles of equity and justice, which are entrenched in African customs and traditions, was upheld. In fact, in Kom traditional society, there is no award for winning an argument. As such, the end result of conflict resolution was to accommodate all parties involved in the conflict, through genuine collaboration by all, in the search for effective compromise. In doing so, unnecessary competition was avoided, because the ultimate aim of conflict resolution was amicable settlement by persuasion, mediation, adjudication, reconciliation, arbitration and negotiation, not necessarily reverting to the use of force or coercion at all cost, or at any cost.²⁴⁷

In typical Kom traditional society, therefore, socialisation is an important factor in conflict resolution. Kom children are raised to consider that a quarrel or a fight with others was a quarrel or a fight between blood relations, and so it becomes imperative to avoid injury and harm, as well as avoiding situations of always trying to win at all cost. In Kom, this was a way of life, which was transmitted through myths, the use of proverbs, folktales, songs and idioms to children at a tender age, so that they may grow seeing human existence as unified

²⁴⁶ F.Achankeng I, *Conflict and conflict resolution in Africa: Engaging the colonial factor Fonkem Achankeng I* Conflict and conflict resolution in Africa: Engaging the colonial factor , University of Wisconsin Oshkosh, 2013

²⁴⁷ Ibid pp.133

and integrated. To further inculcate this way of life, especially in a bid to establish truth, guilt and to discourage dishonest attitudes and evil actions, it was common practice in Kom traditional society to prevent, manage and resolve conflict through oath-taking, mostly at the shrine of a powerful deity, over an instrument that acted as a medium for contacting the deity. To avoid shame or even death, the consequences of oath-taking on falsehoods were made widely known.²⁴⁸

To promote the virtues of peace, solidarity, harmonious living, respect for others and honesty, Kom traditional society instituted the celebration of festivals, during which these values were extolled in song. Rituals and sacrifices were performed to the village deities and ancestors for peace, protection, good work, fertility, and so on. This culture of communal life created an ideal environment for conflict resolution, because it was also an opportunity for a mutual exchange of privileges, goods, favours and obligations, among others. Reciprocity equally fostered peaceful coexistence and, consequently, eliminated the likelihood of conflict and wars. Sanctions were imposed on families and individuals who contravened Kom customs and traditions. This was mainly to prevent stealing, wilful murder, incest, abuse of elders, wilful damage to property, lying, bearing false witness, poisoning and rape. It was also largely believed that deities could inflict sanctions through accidents, sickness, death, famine, poverty, misery, barrenness and loss of children, in addition to societal exile, ostracism, fines, compensation, restitution and the rendering of apology.²⁴⁹

There existed states and kingdoms in the territory that later became Cameroon. These states and kingdoms were divided into centralized states and non-centralized states. The centralized states were found in the Western grassfields and the Adamawa grassland region. The non-centralized states were found in the forest and coastal regions. Centralized States or State-like Societies of the Grassfields These States were well-organized political institutions. They had a central authority who was the chief. The chief was called in Kom, fon in Nso, sultan in Bamum and lamdio in the admawa area. These centralized states had a well-structured administrative set up that was similar to the modern administrative system we have today. The political organization of centralized states was highly centralized. There was a strict respect of administrative hierarchy.

The chief was at the top of the administration. He was assisted by notables, then quarter heads. For example, in the Bafut fondom, the fon was Assisted by the Tabufor and Muma. The chieftaincy institution was well organized in centralized states of the grassfields

²⁴⁸ *ibid*

²⁴⁹ *ibid*

of Cameroon. The chief was appointed as the supreme leader of the state or authority. He had divine powers and competence to handle important issues concerning the kingdom. Also, he had the power of life and death over his subject, controlled all farmland and regulated diplomatic activities with neighboring kingdoms. The regulatory societies made up the legislative arm of the pre-colonial government in the centralized states of Cameroon. In Nso it was called Ngwerong, Bali Ngumba, Kwifoyn Kom and Bafut Kwifon. These were secret societies that regulated the powers of the chief so that it could not be too powerful. For instance, in Bafut kwifon could question the fon, fine him or if he went against the laws of the land.²⁵⁰

Militarily, the centralized states had well elaborated military organizations. These states had war clubs which were responsible for defending the states or kingdoms against invaders and for fighting wars of expansion. For example, in which there was a Mfu which was divided into Mfu gham under mformi gham and mfu bah under mformi bah. Also, in Bafut the war club was called Manjong Social classification People in the centralised society were divided into distinct classes the top of the social ladder and the members of the royal family. This was followed by the nobles who assisted the chief in administration. They were followed by the sub-chiefs and quarter-heads. The last class was made up of commoners. Class distinction was common in the Bafut, Nso and Kom fondoms. Religious Believes. African traditional religion was practiced in the centralized states. They believed in being responsible for rainfall, sunshine, fruit ripening and good harvest. They worship ancestors, they believed in the link between the dead and the living They believed that these ancestors lived in rivers, forest and rocks. For example, ancestral worship was practiced in Bafut, Bali and Kom.²⁵¹

Traditional laws appeared to have been sensible and the penalties were mild when compared with most precolonial laws; they were harsh according to modern European standards. Sir James Marshall's testimony as to the efficiency of the West African pre-colonial justice system is important here. According to him, these people have their own laws and customs, which are better adapted to their condition than the complicated system of English jurisprudence. The adoption of them would, it is maintained, be more conducive to the best interests of all than the present system. The main thrust of the traditional justice system is often to bring closure to disputes between people living in the same community, based on restoration and who will have to live and work together in future. Braithwaite, for

²⁵⁰ Ibid

²⁵¹ Ibid

example, asserts that “restorative justice has been the dominant model of criminal justice throughout most of human history for perhaps the entire world’s peoples”. Its emphasis, according to Armstrong *et al*, was on the “processes of achieving peaceful resolutions of disputes rather than on adherence to rules as the basis of determining disputes”.²⁵²

A fair and just judgment must take into account a wider range of facts and interests, including that of the community, without necessarily compromising the facts of the matter in dispute and the rights of the litigants. Nsereko notes that African customary legal processes “focused mainly on the victim rather than on the offender”. The goal of justice was to vindicate the victim and protect his/her rights. The imposition of punishment on the offender was designed to bring about the healing of the victim rather than to punish the offender. In any conflict, rather than punish the offender for punishment sake, the offender was made to pay compensation to the victim. Compensation according to Nsereko goes beyond restitution. It also represents a form of apology and atonement by the offender to the victim and the community. In the determination of any charge against a person, professional legal representation is not a feature of the traditional justice system, nor can it be regarded as required. Indeed with traditional justice system, decisions can be delivered more promptly and financial costs involved for litigants, are minimal.²⁵³

The importance of traditional courts derives from the fact that proceedings are quick and take place within walking distance. They are also conducted in the local language and carried out in a manner which everyone understands by people who are socially important to litigants, rather than impersonal state officials. Traditional justice is inherently flexible and can adjust to changing circumstances more easily. Although not mandatory, family participation in the legal proceedings was an important feature of the Southern Cameroons justice system. The involvement of the families of the wrongdoer and wronged party reaffirmed the communal ties. Having in mind that individual conduct had repercussions on one’s kin; individuals bore the responsibility to act properly.

Therefore this social structure, which was based on communal living, facilitated the operation of restorative justice. In pre-colonial Southern Cameroons, imprisonment did not exist as a penalty for any offence. Corporal punishment, however, has been and continues to be administered by a number of traditional systems in Africa—almost invariably on juvenile offenders, but never on women or girls. Such offenders are isolated and despised by their

²⁵² D. Armstrong, “*Evolving conceptions of justice in international law*”, Vol. 37, No. 5 , Cambridge University Press, , December 2011, pp.2121-2136

²⁵³ C. F. Fisiy, *Chieftaincy in the modern state: An institution at the crossroads of democratic change*, Paideuma,1995,Pp.1-44

peers and the community at large, but a habitual criminal who has consistently manifested a propensity for stealing is banished from the community. It is however, only after several attempts by the community to restore order by employing corrective action has failed would an offender be banished from the community this would be a last resort where an offender did not attempt to mend her/his ways. Public consensus is necessary to ensure enforcement of the decision. It is, therefore, not surprising that the procedures used in traditional systems allow members of the public to tender evidence and generally make their opinions known. The vast majority of norms, taboos and prohibitions are directed towards protecting the community as well as promoting peace and harmony. Communal farmland, economic interests like the market-place, stream, or shrine are generally surrounded with taboos, including who may or may not enter, and when, and under what circumstances people are permitted or not to enter such places.

There were also special restrictions and norms regulating the behavior of people towards public functionaries like lineage heads, the king or queen, traditional priests, diviners and medicine-practitioners. Such persons are generally regarded as specially sacred, and representative of the community. Their residence is equally sacred so, are instruments of their office. The institution therefore symbolizes stability. It is through this legal role that the traditions, norms and values of his community are validated and transmitted. The powers, roles and functions of traditional leaders were defined in terms of customary law. It was through this framework that the traditional political institution in Southern Cameroons functioned and was not as claimed by the European's that the traditional system lacked cohesion and was inundated with disorder and confusion. Indeed, Southern Cameroons institution of chieftaincy through out the period of research exhibited democratic norms of governance, justice and checks and balances. Such values were to be found in many traditional institutions elsewhere in Africa.

Conclusion

This chapter has examined Traditional Authorities in politics and development in the British Southern Cameroons during the pre-colonial era. It reveals that, the pre-colonial administration in the Southern Cameroons was made up of centralized and non-centralized societies. It further reveals the role of Traditional Authorities according to the traditions and customs of their people. The chapter equally presents the organization of traditional authorities of the Grassfields, the customary law, function of traditional institution and traditional authorities in conflict resolution in Southern Cameroon.

From the chapter analysis, Political institutions were predicated on a solid structure of institutions organically related to one another fashioned out of the social structure of the society with embodiment of unity and tradition. However, the institution of chieftaincy having grown out of the consensus of elders at the birth of the society has consistently thrived as a highly revered institution that was largely symbolized by a chief. The Southern Cameroons Chiefs were seen as ‘embodiment of local custom’ and icons of honour. The office often resided in specific lineages that were genealogically linked to the founding ancestors. It should perhaps be stated here that once a man was installed a chief, he occupied the position for life. It was only on event of grievous wrong doing that led to banishment, dethronement or death and another chief was installed.

CH APTER THREE

TRADITIONAL AUTHORITIES AND THE GERMAN ADMINITRATION

Introduction

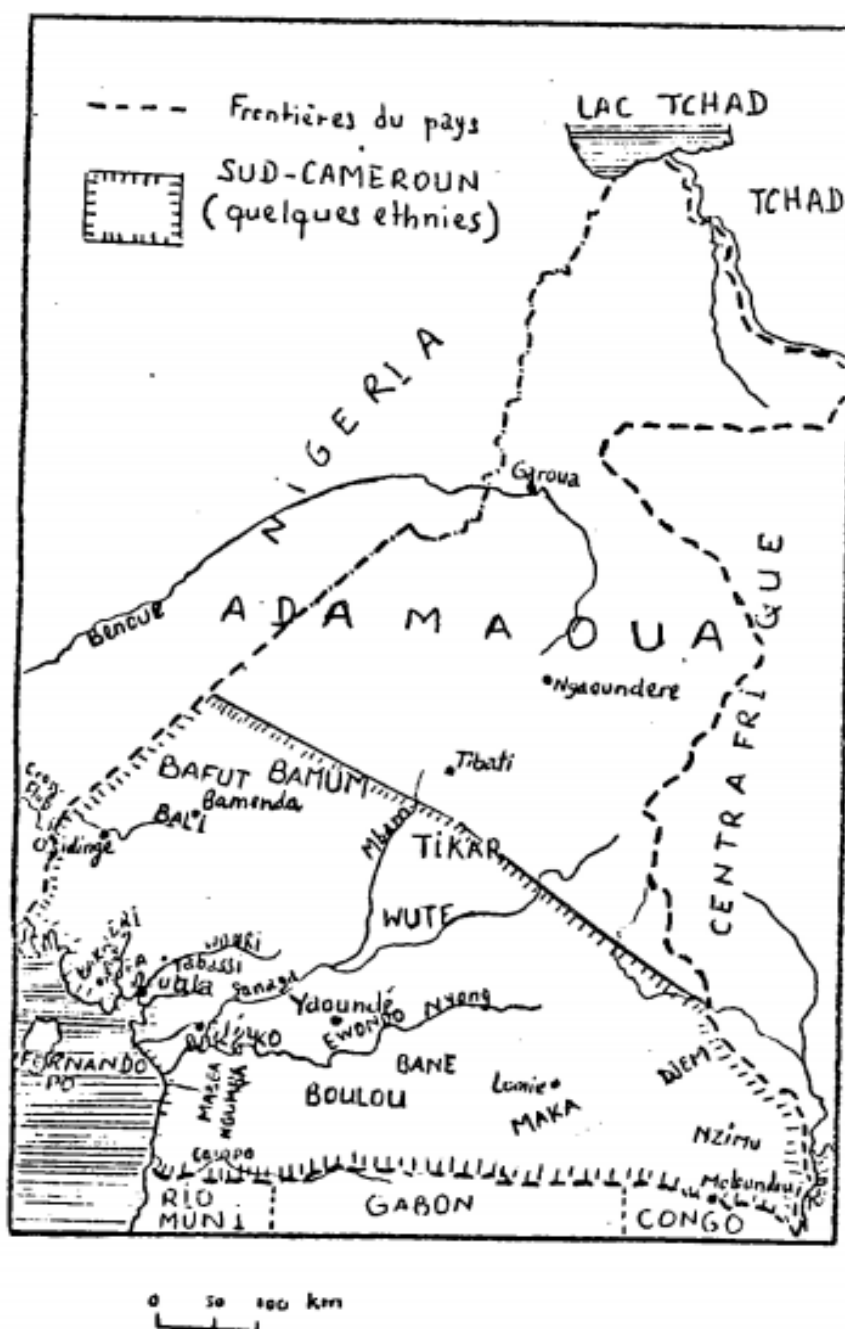
This chapter examines Traditional Authorities in British Cameroon in politics and development way back during the German colonial period. When we look at the changes in the legal administration and development in this era, it does seem that development of the law must have been shaped in part by the colonial government's effort to address an assumed "crisis of disorder" in pre-colonial administrations. The following sections will highlight the major role played by native authorities during the period of German administration.

In the 1880s, the call for colonial activities became stronger as German private trading companies applied to their government for an official mandate to acquire and rule African territory. Despite his initial reluctance to become involved in colonial affairs, Chancellor Bismarck yielded to the twin temptation of expanding Germany's international power and creating an overseas empire. The Germans acquired their first territories in the tropical and several part of Sub Saharan Africa. The colonial protectorate of Deutsches Kamerun was established on the basis of bilateral treaties between Germany and African native rulers.²⁵⁴ Albeit, the strategic logic of political control in the colonial state rested on a particular application of divide and rule, namely a practice of fragmenting and isolating African political activity within the confines of local administrative Sub-Divisions and thereby inhibiting the spread of opposition and resistance to a colony-wide basis where it might threaten to overwhelm the limited coercive resources at hand. Each administrative unit ideally contained a single culturally and linguistically homogeneous 'tribe' in which people continued to live within the indigenous institutions and were subject to 'tribal discipline' through local structures of authority. The imperatives of control thus also constrained the transformation of African societies and, indeed, made what the colonial state understood to be the local institutions of tribe and kinship into the grassroots foundations of colonial domination, as well as a means by which it could derive a degree of legitimacy from association with 'traditional' social forces.²⁵⁵

²⁵⁴ M.V.der Linden, *The Acquisition of Africa (1870-1914): The Nature of International Law*, Boston, Brill, 2016

²⁵⁵ O. Vaughan, *Legitimacy and the State in Twentieth Century Africa*, London, Vaughan eds, 1993, pp.14-15.

Map 5: The Germans occupation of Cameroon before 1911



Source: M.V.der Linden, *The Acquisition of Africa (1870-1914): The Nature of International Law*, Boston, Brill, 2016

The Map above portrayed the German expansion into the hinterlands and the imposition of a system of Indirect Rule: Under such a system, the colonial power could run the conquered country by harnessing the Traditional Authorities' in place recognized by the native population. After the Germans left, the French and British maintained the same policy. Once expansive monarchies, the conquered territories were turned into "traditional communities" that fell under the supervision of administrative districts, known as divisions

and sub-divisions, created by the political authorities. Stripped of their aura and sacred status, kings became “auxiliaries” of the administration, were given a distinct legal status and, as such, subject to the “rights and duties” of their office.²⁵⁶

Moreover, it is also a question of seeing that the German colonization made it possible to consider that Cameroon was an area to be exploited, and that the populations would be used as labour for this operation. From a pragmatic point of view, the Germans have created large plantations of export products including cocoa, coffee, palm oil, etc. The signing of the various treaties allowed or did not even hide the brutal dimension of the methods used to achieve their objectives. And the episode of multiple revolts in the plantations even going up to the tax strike, testifies to these tensions between the Germans and the Cameroonian populations.²⁵⁷

However, the German colonial administration contributed to the opening up of Cameroon through the export of cultivated products. It is thus a question of seeing how the traditional chiefs, especially those of these areas of study, participated and endured the expansion of the German conquest in Cameroon. This is to shed light on different angles and aspects of colonization as glorious as they were obscure.

3.1 The German Administration

The German 'Colonial Constitution' of 1886-1888 was instituted and defined the German administration in Cameroon. The Governor in Cameroon derived his authority from the Kaiser and the German Chancellor. The Governor was authorized to issue "decrees for general administration, taxes and tariffs but these had to be done through the Imperial Chancellor who also looked into appeals made by criminals who objected to penalties meted out by the Governor. The Governor controlled the courts and was the highest judge; all state property was directed by him and because of the difficulty administering the vast territory due to lack of good means of communication, he empowered local administrators to execute some of his functions.²⁵⁸

Administration, according to the functional definition refers to all activities whose purpose is to meet the needs of the general interest of the population as defined at a given moment by public opinion and political power. The German colonial administration was

²⁵⁶ H.R.Rudin, *Germans in the Cameroons, 1884-1914: a case study in modern imperialism*, London, Cambridge University Press, 1938, pp. 65-90 (26 pages)

²⁵⁷ Ibid

²⁵⁸ V.T. LeVine, *The Cameroons from Mandate to Independence*, California, University of California Press 1964, pp.25

responsible for applying the policy or implementing the colonization of the colonial power over the colony. It set up the recruitment of local workers to build its infrastructures, deploy its agents in the field such as missionaries and civil servants, spread the German language to the detriment of local languages, transform mentalities “savages” in “submissive” mentalities through Christianity and denominational schools, to obscure the perverse effects of colonization through the manipulation of the Holy Scriptures. Examples include forced labour, physical and sexual abuse, increased demonization of African mystical practices, looting of resources, etc.²⁵⁹

In the organization of a regular government in the Cameroons in 1903, the colonial office issued a decree creating a council replacing the Advisory Council. The new council which officially came into being on November 14, 1904 had no Cameroonian representative; it consisted of three traders, two planters, one Catholic and one protestant missionary. The Governor was however, above this “*all-white*” Council. Although Buea was the Capital, the Council met in Duala. This council touched upon every question of importance with a bearing on budgets, administration, transportation, communication.²⁶⁰

3.1.1. Traditional Rulers and the German Administration

The maintenance of indigenous authorities supplied the thin ranks of European administrators with desperately needed local allies, agents of colonial power grounded in local society who could actually enforce the mandates of the state in scattered rural communities. All colonial powers in Africa, as Mamdani has recently argued, practiced a form of indirect rule, 'decentralized despotism', through local chiefs and village headmen, regardless of whether they characterized their systems as 'indirect rule' or '*administration directe*'. In French West Africa, for example, the *commandants de cercles* relied on no less than 47,000 village chiefs and 2,206 *chefs de canton*²⁶¹. The most important political relationship in the colonial state was the alliance between European district administrators and the chiefs of administrative sub-divisions and village headmen beneath them. The extensive autonomy and discretion that European administrators exercised in practice was applied primarily to working out an effective relationship with their local African collaborators, who supplied the actual day-to-day presence and muscle of colonial domination. Chiefs and headmen were the essential linkage between the colonial state and African societies. This relationship typically

²⁵⁹ Ibi

²⁶⁰ Ibid

²⁶¹ R. Delavignette, *Freedom and Authority in French West Africa*, New York, University Press, 1950, pp.79

took on a patron or client form, and had several important and contradictory consequences. First, administrators sought to provide chiefs and headmen with sources of income and patronage to supplement their generally insufficient official salaries and to reward them, along with influential elders of powerful local families and growing numbers of other African officials, teachers, wealthy farmers and businessmen with some of the profits of commodity production and trade.²⁶²

The distribution of such resources materially demonstrated the benefits of colonialism and secured the loyalty of those who shared them. These both reinforced the role of the state as the principle source of the benefits of modernity and development, and gave a partisan cast to its involvement in the contradiction between accumulation and control. It also, and most crucially, made patron/client relations not only the fundamental mode of access to the state and its resources, but also, as in pre-colonial society, the fundamental relationship between ordinary people and those with wealth and power. Moreover, while colonial states recoiled, on the one hand, from the disruptive consequences of full scale capitalist transformation of African society; local administrators, on the other hand, often promoted such development as a way of rewarding their allies and securing the support of a class of 'progressive' Africans.²⁶³

Secondly, through the reliance of chiefs and headmen the colonial state was linked to the exchange networks of rural society and implicated in the factional conflicts of lineage and clan through the chiefs' increasing control of peasant labour, peasant access to land, and the distribution of state patronage and resources.²⁶⁴ The ability of the colonial state to act as a benevolent paternal protector of its African subjects and as a disinterested arbiter of conflicting interests was thus compromised by the involvement of its agents in grassroots society and politics. Third, the chiefs and headmen, through their active pursuit of wealth, distribution of patronage to their families and supporters, and frequent abuse of their power to punish their enemies and extort extra-legal payments from the populace under their control, were not only active agents in the process of social differentiation and class formation, but also, as we shall see, principal subjects of both local challenges to the colonial state and the active internal politics and class conflicts of ethnic construction. Paradoxically, the colonial states' agents of local rule were also a critical source of social disruption and a threat to the

²⁶² M. Mahmood, *Relevance of African Traditional Institutions of Governance*, Ntsebeza press, 1996

²⁶³ Ibid

²⁶⁴ Jewsiewicki, *The formation of the political culture of ethnicity*, Haugerud, pp. 338-39

maintenance of control. Colonial domination thus came to rest on the unstable and contradictory mutual dependence of the colonial state and local African strong men.²⁶⁵

Moreover, as the principal clients of the colonial state, the chiefs were, in their own right, the most powerful patrons in local society and became the central focus of the development of clientelistic patronage networks around political institutions and positions of authority, networks that were also linked to and reproduced the relations of clientelism and dependence of pre-colonial societies. These networks, moreover, tended to be ethnically defined within the 'tribal' context of local administration. Peasant rights to land and other resources increasingly came to depend on their ability to sustain claims to kin, client and ethnic affiliations that cut across developing class cleavages and, through the chiefs, blurred the line between state and society. The chiefs embodied the principle of 'tribe' as the basis of social organization, custom as the basis of individual behaviour, and the maintenance of what administrators regarded as pre-colonial ethnic identities. A primary objective of indirect rule was to prevent the mobilization of African peasants in any trans-ethnic anti-colonial struggle and the power of chiefs and their control of patronage was a fundamentally conservative instrument of political fragmentation and isolation.²⁶⁶

The structural dynamics of the colonial state and capitalist development generated the conditions for both political order and disruption, for class differentiation and ethnic identity, and for the linkage between chiefs and the local hierarchies of personal rule, patronage and ethnicity that uniquely characterized the state's intimate association with indigenous societies. The construction of the specific cultural content of ethnic communities and identities was crucially influenced, by the political and intellectual culture of colonialism, particularly European assumptions about the nature of African custom and society. 'Alien imperial states', as Peter Woodward has pointed out, 'did think ethnically and in so doing gave credence to a perceived social reality, which in turn they sought to manipulate and even mould'. This concern with ethnicity, expressed in the conviction that Africans were people who naturally lived in 'tribes', reflected strongly the cultural formation of the European cadres of the colonial states. Between 1890 and 1914 the haphazardly recruited officials of the early expansion of colonial rule were replaced by elite corps recruited from the first universities and military academies of the metropolises. These men represented in themselves the culmination of more than a century of European nation and state-building, an overseas extension of the

²⁶⁵ Boone, 'States and ruling classes', pp. 116-17

²⁶⁶ M.Mahmood, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism.*, Capetown, David Phillip Publishers, 1996, pp.126-28

upper levels of the metropolitan civil service. Both their nationalism and their bureaucratic culture had a crucial impact on the formation of African ethnicity.²⁶⁷

The principles of local authorities rule had rarely been applied in such a broad fashion. We seek to demonstrate however that there are sufficient commonalities across the heterogeneous set of governance relationships to justify their inclusion under a common theoretical rubric. An acute hypothesis proposes that the administrative rule of Europeans (A) over local administration (B) was influenced by the extent to which B is accessible to A in turn. Forms of rule thus depended upon the relative balance of capabilities, technological, military bureaucratic, demographic and economic between A and B and B's proclivity to revolt. A revenue hypothesis proposed that a style of rule imposed by the dominant unit will be a product of its search for wealth, for example, tax revenue, revenue derived from natural resources, or access to markets. The system of rule employed was that of revenue maximization for A. We choose agenda centered hypothesis supposed that the more transformative A's agenda the more likely the imposition system of direct rule. It was only by grasping the levers of power was A able to engineer a thorough transformation of B's economy society or government.²⁶⁸

Traditional authorities were empowered to serve as agents of fundamental change in order to achieve tax revenue derived from natural resources or access to markets. The norms and values of Indirect Rule was harmful to B. Specifically indirect forms of rule are more likely to be established where B enjoys state-like form of rule. We referred to this as an institutional theory of direct/ indirect rule based on access to power, revenue etc. the argument was that greater stateness by native administration lead to more indirect form of rule, all other things being equal. It should be stressed that the concepts in this study of administrations are both matters of degree. It is a wide range of variations. The degree of stateness found in traditional rule affected the style of rule that colonialist established over the Natives. We hereby argue that a more developed political apparatus in traditional rule militates in favour of an indirect form of rule because it enhances the principal agency relationship between the colonialist and the traditional authority because it solves the delicate problem of political order because it was often in the interest and in the culture of the leaders to cooperate rather than to resist.²⁶⁹

Equally important, a state-like sphere provided an agent (Grassfield fondoms) who

²⁶⁷ Ibid

²⁶⁸ Ibid

²⁶⁹ Ibid

were capable of achieving A's policy aims, for example extracting revenue, maintaining order providing man power and material supports. A's geopolitical ambitions was to reform B's religion and or economic practices, there was little reasons to delegate power to an agent who was unable to deliver on promise. The notion of delegation to decentralized agents was largely unworkable unless the principal pursue only the extremely modest agenda obtaining formal recognition of its sovereignty.²⁷⁰

Moreover, the Germans encountered chiefs in palaces, elaborated forms of retainerdom and secret male associations with political functions. Nonetheless, these communities varied considerably in the degree of centralization of political powers, which correlated inversely with population density so that the largest and most centralized polity, the Meta' or Moghamo on the western margins of the Bamenda Grassfields, described in the literature as acephalous and in some oral traditions as slave-marches had the highest densities of all. Patrilineal succession and virilocal marriage, large compound units with sons, brothers and their wives were predominant. However, a large section of the Bamenda Grassfields practised matrilineal succession. Put in these terms it hardly sounds like a region that was culturally, politically or socially homogeneous. Indeed, when it comes to economic activity the diversity is even more striking, with locally specialized production of a wide range of craft and agricultural products apparently unconstrained by ecological factors. Finally, a central zone characterized by production of high-value low-unit-volume commodities, such as fine ceramic-ware and wood carvings, woven caps and decorated raffia-work, and a great deal of iron-ware. Administrative reports suggest that there were on average twice as many people per compound unit than in the very much larger chiefdom of Nso' to the east of the Plain.²⁷¹

The Chiefs played a crucial role in recruiting labour for the Germans, recognized chiefs fulfilled important roles in maintaining law and order, collecting taxes and executing justice. While some pre-colonial authorities lost legitimate power, others saw their authority considerably buttressed by German support. An important pillar on which the system of Indirect Rule was founded was a judicial system which allowed for the continuation of "native law and custom" alongside conditions European legal systems. In principle, native judicial systems were permitted to function as long as native law was not repugnant to European norms. Thus, certain forms of customary justice, such as trial by ordeal, were forbidden.

²⁷⁰ Ibid

²⁷¹ H.R.Rudin, *Germans in the Cameroons, 1884-1914: a case study in modern imperialism*, New Haven, Edited by Yale University Press, 1938

Cases which could not be dealt with in the traditional courts, due to limitations imposed by the Germans, were brought before the German colonial district courts.²⁷²

In the coastal regions of Kamerun "native tribunals" were established, but the Grassfields lay largely beyond effective German intervention. Native judicial systems in the Grassfields were left more or less undisturbed, though poison-ordeals, enslavement and brutal punishments were officially forbidden. Even these stipulations were almost impossible to enforce, however, and in Kom the Fon remained the sole judicial authority throughout the German colonial era. It has already been noted that in Kom, Fon Ngam relied on support from the Germans to further his own judicial powers: when the three royals with whom he was engaged in a conflict refused to appear before his court, he had them arrested and prosecuted by the Germans.²⁷³

In the acephalous societies, colonial administrators established the office of chief effectively to gain a semblance of legal authority among the people and to achieve smooth administration in such unorganized communities. Peter Geschiere contended that acephalous societies proved resistant to the imposition of colonial rule. French and British authorities created the position of chiefs to help stamp out such opposition. The imposition of *chefs coutumiers* in French territories enabled authorities to find executors of administrative orders, who enforced labour requirements, often brutally. Though they were notorious for their brutality, they nonetheless helped extend French political sovereignty into rural Africa. French authorities sought to traditionalize and legitimize these chiefs by enforcing hereditary succession. The chiefs were also effectively supported against rebellious subjects through the use of colonial troops. In British territories, chiefs in acephalous societies were called warrant chiefs. They performed colonial functions similar to those in French domains. But here, chiefs had a high degree of autonomy compared to their counterparts in French colonies. This seeming independence ensured that subjects did not perceive the great intrusion of external powers in their lives because chiefs seemed to act as a screen between the British and the local population.

In 1902, the Germans forced Fon Tohnji of Mbot to negotiate an agreement with them to facilitate their administration in Mbum land. According to the terms of this agreement, he was to collect taxes from the people, supply human labour for the German plantations in the

²⁷² Ibid

²⁷³ Ibid

south, the construction of the German station, and the digging of public roads.²⁷⁴ The agreement was reached only with Tohnji, because he was considered by the Germans as the supreme Fon of Mbum. He was regarded as the paramount *Fon* because the *Fon* of Chup took the Germans to Mbot when they came in contact with him from Bum. The *Fon* of Chup considered that of Mbot as his senior because he was the clan head and had to take the Germans to him. The agreement between the Germans and *Fon* Tohnji gave the Germans sovereignty in the northern part of Mbum land for the administration of the region.²⁷⁵

When the Germans succeeded in getting a grip of the Mbum, they implemented the policy of Divide and Rule to rule them successfully. The Germans also collaborated with *Fon* Mfu to rule the southern part of Mbum which was the Ndu area that made up all the fondoms of the present day Ndu sub-division apart from Ngarum, Ntundip and Taku.²⁷⁶ *Fon* Tohnji, on his part, was to rule the northern part of Mbum which composed most of the fondoms in the present Nkambe sub-division. *Fons* Mfu and Tohnji were chosen and made the central authorities to rule the different fondoms in Mbum land. No criteria were used by the Germans in appointing these *Fons* as their administrative assistants, apart from the fact that *Fon* Tohnji was recognised as the clan head and taking into consideration the peace agreement he had negotiated with the Germans in 1902. *Fon* Mfu, on his part, was appointed simply because he was the clan head and had claimed to wield power over Ya fondoms during the Fulani raids.²⁷⁷

The Germans recognised the *Fons* of Mbot and Ndu as the supreme rulers of the Mbum, while the *Fons* of Nso, Tabenken, and Ngarum were appointed to assist them. This was an endeavour to create paramount *Fons* in Mbum land as all the fondoms of the administrative units were placed under their control. The support of the local police made the appointed *Fons* to assumed supreme rule over the other fondoms that were under their control. The new arrangement by the Germans caused strained relations between the fondoms throughout German rule in Mbum land as there was no paramount *Fon* in terms of governing powers. Although the clan heads were regarded as paramount leaders, they did not influence the *Fons* of their clans. They were simply ceremonial leaders as they could not veto the decisions of any *Fon* in Mbum land. Following the new German arrangement, ironically the *Fon* of Talla who was the Tang clan head was not chosen by the Germans as one of their

²⁷⁴ J. T. K. Mangoh, “*The Wimbun of the North West Province of Cameroon c. 1700-1961*,” B.A Dissertation in History, University of Ilorin, 1986 pp.90

²⁷⁵ *Fon* Mbunwe II, Traditional Ruler, interviewed, Mbot, 2011

²⁷⁷ Ibid

protégé. The fact that the Germans did not chose the Tang clan head but the Fons of Tabenken, Ngarum, and Nsop who were not clan heads themselves was the root cause of conflict amongst the *Fons* which contributed to the failure of any attempt by the Germans to institute paramountcy in Mbum land. This was the exclusive reason why the Fons who were placed under the German central authorities resisted their rule over them.²⁷⁸

In Ndu area, the fondoms of Mbipgo, Njimnkang, Sehn, Wowo, and Njilah resisted the authority of Fons Mfu and Nformi over them. The problem of leadership which started at the end of Fulani raids persisted during the German rule. The fondoms of Njimnkang, Sehn, and Njilah settled on land that was allocated by Ndu to them, while those of Mbipgo and Wowo were of the Tang group that decided to be under the leadership of Ndu for protection during the Fulani raids. Their Fons by tradition were paying tributes to that of Ndu as the tradition demanded and when the Ya group were defeated by Fulani, they had to continue with the payment of compulsory tributes especially in slaves through the Fon of Ndu to the Fulanis in Banyo. *Fon* Mforambo was chosen as the person to be collecting the tributes because he was the leader of the Ya that the Fulani had allied with them. Since they were paying tributes to him, he considered that those Fons who were performing these duties as sub-chiefs under his control. The status quos attributed to the contesting *Fons* was not accepted by them as they claimed autonomy from the Fon of Ndu. Before the coming of the Germans, Fon Mfu had been struggling to create a supremacy over the fondoms that were under his clan. When the Germans appointed him as their central authority in the area, he used this position in an attempt to achieve his ambitions.²⁷⁹

Indeed, Fon Mfu faced a lot of opposition and resistance from the Fons of Mbipgo, Wowo, Sehn, Njimnkang, and Njilah who never accepted that they were his subordinates. Paramountcy could not be successively implemented in Ya clan due to these resistances although the Germans had made Fon Mfu their supreme ruler. The situation in Ndu was very prominent as compared to other areas where fondoms were placed under the authority of other Fons. The Fon of Tabenken ruled the fondoms of Bih, Konchep, Taku, and Kup, while that of Ngarum ruled those of Ntundip and Talla, and the Fon of Sop was given charge of Sehn, Ngvulu and, Sinna.³⁰ Other fondoms such as Wat, Mbaah, Njap, Binshua, Nkambe, Kungi, and Saah were ruled directly from Mbot by Fon Tohnji. The situation that prevailed in Warr clan changed in April 1906 when Tokob was appointed by German administration to replaced

²⁷⁸ St. Y. Nforba, Paradox of Paramountcy in Bamenda Grasslands: Case of Mbum in the North West Region of Cameroon, Bambili, The University of Bamenda, 2020, Pp.1-8

²⁷⁹ Ibid

Tohnji as a paramount ruler.³¹ When Fon Tohnji died, the Germans did not think of choosing another ruler from a different fondom to rule that part of the region. Instead, they decided to maintain the Fon of Mbot as their central authority in the area. The Germans through their administrative organisation attempted to institute paramountcy in Mbum that lasted during their rule. The German protégés enjoyed privileges associated with paramountcy as they imposed their authority over their compatriots in the collection of taxes.²⁸⁰

The contested traditional rulers were not satisfied with these arrangements and constantly opposed the German protégés. They opposed the supreme status ascribed to protégés which made it difficult for the British to maintain all of them when they took over from the Germans in 1916. The disfavoured Fons clamoured for the restoration of their usurped political powers. E.G. Hawkesworth, the first Assessing British Officer in Mbum land described the situation as:

During the interval between the departure of the Germans and the formation of an English civil administration, Nsungli [Mbum] lapsed into a state amounting almost to anarchy. The hamlet heads who had suffered at the hands of the Germans appointed chiefs [Fons], hastened to assert their independence, heads of quarters seized the opportunity to break away from their village [fondom] and travelling became a very dangerous venture.²⁸¹

Many Mbum Fons were recognised by the British as autonomous traditional rulers with none having the status of a paramount ruler. This recognition was done pending the classification of the Fons. By 1924, the British classified Fon and chiefs of Southern Cameroons into different categories and were ascribed to the titles of Native Authorities.

3.1.2. The German Imposition of Native Authorities

Mieke van der Linden claimed that treaties with native rulers were part and parcel of the German quest for African territory, as it was for Britain and France. Unlike Britain and France, however, Germany had no colonial experience in establishing overseas territories before 1922. As a result, for a number of years the Germans used a single treaty model to acquire African territory. By using this model, the Germans presumed that the native rulers and their peoples subjected themselves and their land to the superiority of the German State: *‘Der Besitzergreifung geht jetzt gewöhnlich vorher ein Vertrag mit den eingeborenen Machthabern, durch welchem diese sich der Gewalt des erwerbenden Staates*

²⁸⁰ *ibid*

²⁸¹ National Archives Buea, File AC 13, *Assessment Report on Nsungli Clans*, 1924, pp.11

*unterwerfen*²⁸² The acquisition proper was a symbolic act, such as hoisting the flag or raising border posts acts that symbolized the establishment of effective occupation of the territory. Germany and the natives rulers Bell, Akwa and others signed a treaty constituting a German protectorate, more precisely a Schutzgebiet, over the Cameroonian territory. This communication specified the exact extent of the territory on the west coast of Africa that was placed under the protection of Germany. The most important reason for Germans to participate in this colonial venture and to conclude treaties with natives transferring sovereign rights was to advance their own interests, as can be inferred from an instruction letter the German trader Adolf Woermann wrote to his representative in Cameroon, Eduard Schmidt, on 6 May 1884:²⁸³

*At the same time as the cession of sovereignty, you should by all means get the cession of very extensive lands as private property especially those suitable for plantations. There is no doubt that, if the country becomes German, there will be many attempts to establish extensive plantations, and so it is always a good thing if the land is already in our private ownership, so that we can re-sell it later. You must naturally try to buy as cheaply as possible. One can get the land for nearly nothing.*²⁸⁴

Woermann explicitly referred to cession, implying the transfer of all-comprehensive sovereignty rights by treaty from the native ruler to the trading company acting on behalf of the German State. What is also relevant is that Woermann separated the acquisition of territorial sovereignty rights from the proprietary rights to the land. The former were to be acquired by treaty, the latter by contracts of sale. The trading companies went overseas to trade, to expand their markets and to make a profit rather than to manage a territory as an instrument of the German government. They were in Africa for commercial reasons, not to rule the territory.²⁸⁵

The British had concluded treaties with such Cameroonian Kings as Bell, Akwa, and William, the same rulers with whom the Germans, after they had set foot on Cameroonian territory, also concluded treaties. Great Britain had established trade posts and settlements on the coast and informally ruled the Cameroons between 1840 and 1884. In the second week of July 1884, a cluster of treaties was concluded between Germany and several native rulers.

²⁸² M. Van der, 'Scramble for Africa' during the Age of New Imperialism 1870-1914, Brill, Legal History Library, 13 Oct 2016

²⁸³ European States and non-State actors mainly used treaties to acquire territory. The question is raised whether Europeans did or did not on a systematic scale breach these treaties in their expansion of empire.

²⁸⁴ As translated in English by Ardener, *Eye-Witnesses to the Annexation of Cameroon*, 85. For the original German version of the message of Woermann to Schmidt dated 6 May 1884

²⁸⁵ Ibid

Within the scope of this cluster, the Germans considered two documents constitutive of their relationship with Cameroonian natives.

Photo 5: Some Grassfield Fons; From left to right, Galega II of Bali Nyonga, Mbinglo of Nso, Achirimbi II of Bafut and the Fon of Ndu



Source: V.J.Ngoh, *Southern Cameroons, 1922-1961: A Constitutional History*, Aldershot: Ashgate, 2001.

The first document was a declaration made by native rulers on 12 July 1884, which expressed their agreement to German presence on their territory if several conditions were met. Although the document did not contain any legal obligations, the Germans felt obliged to respect the rulers' claims and to observe the provisions of the document. The most important claims concerned the maintenance of the rulers' monopoly of interior markets, the supply of monetary means to finance these markets, the continuance of trade, and the non-interference with some local customs. Above all, the rulers required annexation instead of protection, but without taking the land on which they lived and which they cultivated. In other words, the rulers requested that the territory be subjected to German sovereignty and that the proprietary rights of the natives to the land be respected. Consul Schultze signed the document to express Germany's commitment to the rulers' claims. The second constitutive document was the treaty concluded on 12 July 1884 between the representative of the trade companies of Woermann and Jantzen & Thormählen, Eduard Schmidt, and the rulers of the territory in question, which in the words of the treaty established a protectorate.²⁸⁶

²⁸⁶ Ibid

The preamble to the treaty established that sovereignty, legislative authority and administrative power were transferred by the treaty subject to a number of reservations, of which the preservation of natives' property rights was the most prominent. What is very clear is that the aim was not to constitute a traditional protectorate, but a Schutzgebiet. On the one hand, the scope of the transferred sovereign rights remained undetermined, but they comprised more than the exercise of external sovereignty. On the other hand, the Germans explicitly consented to the native rulers' demands to maintain and regulate their peoples' proprietary rights to land, the rights of the rulers to rule their peoples in accordance with their own customs and laws and to levy taxes, which implied that this treaty did not involve cession of full sovereign rights over the territory. Formulating non-intervention clauses (preserving internal sovereignty) was common practice in writing treaty texts for the purpose of establishing protectorates.²⁸⁷

To summarize, Germany had no colonial history when it decided to go to Africa in the 1880s. In the context of its imperial expansion, Germany intended to establish colonial protectorates on the African continent. Acquiring African territory by cession or establishing protectorates in the traditional sense, the Germans excluded at forehand. Trading companies played a central role in the creation of the informal empire; they concluded many treaties with native rulers in the name of the German State. While these treaties stated protection as their purpose, in practice, as will be argued later, annexation was effectuated. Schutzgebiet treaties contained the same ambiguity as the treaties the British and the French concluded with native rulers. The Treaty of 12 July 1884, for example, spoke of the transfer of sovereignty, legislative authority and administrative power, but included a non-intervention clause and a guarantee to preserve natives' property rights to land. Another noteworthy feature of the treaties establishing German protectorates in the Cameroonian area was that within such a protectorate a relationship of suzerainty was established. Eventually, as will be seen next, establishing a Schutzgebiet opened the door to annexation.²⁸⁸

From 1884,, Bismarck changed his mind, as he came under pressure of the nationalist movements within parliament, the trading companies lobby and internal social problems. An accumulation of political, economic and social considerations were the incentive for Bismarck to participate in the quest for African territory. This can eloquently describes this mixture of motives, which convinced German politicians, and Bismarck in particular, of the need for territorial expansion: 'An enhanced national consciousness expressed by Germans both at

²⁸⁷ Ibid

²⁸⁸ Ibid

home and abroad; a swollen purse requiring objects for expenditure, and then a depleted purse in need of large dividends regardless of risk; and abnormally inflated production demanding outlet markets; mushroom industries clamouring for raw materials; an overstocked labor market using emigration as a safety-value; and finally, an ever growing navy promising protection to overseas ventures and investments.’ Bismarck’s overall conclusion was that Germany could not afford to let France and Great Britain take the lead in the quest for colonies. Although the benefits of a colonial venture in Africa remained uncertain, Bismarck argued that Germany’s future depended on overseas possessions. In general, Bismarck was prepared to respect all existing and future colonial possessions of other powers, large or small, as long as they could be considered to have been properly established and were recognized under international law. In addition, far from impeding exploratory initiatives, he encouraged German nationals to sail the oceans in an effort to open up undiscovered worlds and to conduct profitable trade.²⁸⁹

In the Bakweri land for instance, to make chiefs effective instruments of colonial administration, they were given tremendous power and authority unprecedented in most traditional African societies. Such was the case of Manga Williams, he was first appointed District Head of Victoria by the Germans in 1908 and later re-appointed in the same post by the British. Chief Manga Williams was able to exercise enormous power and authority over previously independent villages. He was accused of using his authority for his personal benefits, including illegally occupying and that did not belong to him. Scattered in villages along the coast and on the south and south-eastern slopes of the Cameroon Mount Fako, the Bakweri were believed to have migrated from Mboko country on the northern side of the mountain sometime between 1750 and 1770 or perhaps earlier. Many reasons have been suggested as the motivation for this movement, including increase in population, family disagreements, or simply ambitious individuals wishing to establish themselves as village heads in new areas. Ardener asserts that:

“The foundation of new village in Kpe expansion seems to have been an individual affair, in which one man with a few relatives and friends might move off into the forest and found a new settlement of which he would be recognized as leader, even though later he might be joined by families from other parent villages”

Together with the cultural uniformity within the region, there were local differences in political organization, attributable in many cases to different dynastic origins, in rules of

²⁸⁹ M.E. Townsend, *Origins of Modern German Colonialism 1871–1885*, New York, London, Longmans, Green and Co., 1921, pp.16-17

succession, kinship structure, funerary customs and land tenure. A common characteristic among the different Bakweri villages was their political structure. Like most segmentary societies, there was an absence of any form of centralized government or autocratic rule. Each village jealously maintained and protected its independence. However, unlike the Igbos of south east Nigeria who could not tolerate any individual assuming the mantle of chieftaincy among them, each Bakweri village had a recognized chief known as *Sango Mboa* “father of village”. The Chief was either the founder of the village or the direct descendant of the most senior patrilineal line of the founder of the village.²⁹⁰

Although this special position earned the chief the respect of the entire village, it did not give him autocratic or wide ranging powers. Important village decisions were arrived at by the consensus of the ‘*Vamhaki*’ or the village council. No laws could be approved or enforced if they did not represent the wishes of the majority of the people in the village. In matters of great importance such as declaring war, a village meeting attended by all ‘able body male’ citizens was called to make such a decision. This traditional system of governing was often misconstrued by colonial administration as anarchistic. For instance, a 1924 League of Nations report described the political structure among the Bakweri in this manner. The Bakweri seem to have developed no higher unit of administration than the family. No clan acknowledging one individual has been discovered, and it seems unlikely that any will be found. Even the head of the family has, as a rule no great control over its members.²⁹¹

In his intelligence report on the clans and village groups in Victoria district, J.G.C Allen, D.O. for Victoria, erroneously described one of these village councils as ‘an ill-defined body of membership. Nevertheless, his report acknowledged that this body was fully representative of the popular opinion and that its members recognized no hereditary officials, but certain people became acknowledged as spokesmen simply because of their eloquence. While the 1937 report might have been overly concerned with the physical appearance of the council members, it failed to realise that some of the representatives were present simply because they could understand and communicate with the visiting officer. That was probably why the council included the youth who had ‘learned to read and write’ or the one who had ideas. Allen’s report on the other hand, demonstrated the nature of the African traditional democracy as it functioned among the Bakweri. Nobody’s position in council, except that of

²⁹⁰ M. Njeuma, *Introduction to the History of Cameroon Nineteenth and Twentieth Centuries*, New York: St. Martin’s Press, 1989, pp.72

²⁹¹ Ibid

the chief was hereditary. Consequently, every villager had the opportunity, if they qualified male, married or elderly, to participate in some aspect of council proceedings.²⁹²

Furthermore, succession to the chieftaincy was strictly patrilineal, it was nevertheless democratic. Theoretically, only the eldest son of the deceased chief became the new village head. In reality, this could only occur with the approval of the council which was in a position to either accept or reject the successor. For instance, neither disable persons nor anyone who lacked good leadership qualities or was too young even if he was the eldest son could be approved by the council to become chief. In the latter situation, a regent was elected by the elders to assume the chieftaincy until the successor was mature enough to take over. Also, according to Bakweri tradition, nobody could be recognized as a chief without being elected by other village heads and approved by them and the people nor could anybody become a village head if he was not of the line and approved by the people. A new element was introduced into the area with the founding of the settlement of Victoria²⁹³ by Alfred Saker in 1858. Not only did it become a settlement for those fleeing from religious persecution on the Island of Fernando Po, but it also attracted a few coverts from neighbouring Bakweri villagers. When Britain refused to take over the administration of the tiny missionary settlement, Alfred Saker created a Town Council and a court of Justice to serve as the administrative and judicial arm of the tiny missionary settlement respectively. Of the twelve members who made up the council and the court, six were selected by the settlers while the others were appointed by the missionary in-charge.²⁹⁴

Both the council and the court possessed some common traits with traditional Bakweri political structure. For instance, the missionary in-charge could not unilaterally make decisions without the input of the council. Secondly, the jurisdiction of the council and the court were restricted to the town of Victoria. In other words, like most Bakweri societies, the administration of Victoria did not encroach into neighbouring villages. It was against this backdrop of traditional democracy and the quasi-European democracy in Victoria that German and later British colonialism became involved. As in other parts of traditional Africa where similar non-centralized structures existed, European colonialism did not maintain the prevailing political system. Instead, the indigenous institutions were often re-organized to serve the administrative and economic needs of the colonial authorities. That may explain

²⁹² Ibid

²⁹³ Under the Germans, Victoria Division was known as Victoria District. The British renamed it Victoria Division and divided it into three administrative districts. Chief Manga Williams was in charge of the Victoria while Chief Endeley and Fritz Mukete were in charge of Bakweri and Balong districts respectively.

²⁹⁴ Ibid

why Manga Williams was appointed by the Germans, and later by the British to a position of great power and authority unprecedented in Bakweri society.²⁹⁵

In 1894, Chief Manga Williams following German acquisition of Victoria from Baptist Missionary Society, the new German administration replaced the Town Council and the Court of Justice with a native Mixed Court (NMC). The new court was made up of only four members, including a secretary, and the mayor of Victoria as its president. These members were appointed by the German administrator in the district. At first, two of the four court members came from Bimbia while the remaining village meeting attended by all 'able-body-male' citizens was called to make such a decision. This traditional system of governing was often misconstrued by colonial administrators as anarchistic. To make the court more representative of the district, the number of representatives from Bimbia and neighbouring Bakweri villages was reduced to one each while two members were chosen from Buea. All representatives to the NMC were all appointed by the District Officer *bezirksamtmann* without taking into account the traditional role or position of the individuals in society or whether they were the right persons to represent the people.²⁹⁶

The jurisdiction of the court extended to cover many Bakweri villages. The system failed to take into consideration the traditional democratic values of the society since the people had no input regarding who was appointed court president. The court members and the president were accountable to the *Bezirksamtmann* or *stationsletter* and not to the people as had been the case. The appointment of Manga Williams as president by the Germans ignored the fact that each Bakweri village was an independent entity. For one thing, the authorities were more interested in appointing somebody who could bridge the gap between the natives and the administration than respecting tradition. The Germans respected the spiritual power and traditional knowledge of their elders that superseded by a sense of confidence in the younger men of "brain" and push" and Manga Williams matched that profile. He was young thirty two years old in 1908, entrepreneurial and fluent in both English and German languages. His appointment as president of the MMC and later as district head of Victoria positioned him as the sole authority and liaison between the people of Victoria and the *Bezirksamtmann* or *stationsletter*. He consequently amassed tremendous power and extended his authority and influence through Victoria Division and the Southern Cameroons. Manga

²⁹⁵ Ibid

²⁹⁶ National Archives Buea (NAB), File 1923/5, also see bakweri Report, File Ag 1935/24.

Williams was given almost complete control in the administration of justice and the collection of taxes in his area of jurisdiction.²⁹⁷

In a minor reform aimed more at administrative re-organization than reducing the authority of Manga Williams, the German authorities in 1910 introduced native courts in other village groups outside the town of Victoria, at Bimbina, Bonjongo, Bwinga, Bota, Bibundi, Batoke and Soppo. These courts were given authority to deal with cases and disputes in their respective areas. At the same time, an appeal court was created in Victoria with Manga Williams as its president. The latter court was in charge of reviewing cases from the other village courts. Therefore, as president of the Appeal court, Manga Williams continued to exercise some influence over the other village groups. The minor reform by Britain of the native administration in 1916 in Victoria Division actually bolstered the authority of Manga Williams by abolishing the minors that had been created by the Germans in 1910. Thus, the only court that was left was the Victoria Court with Manga Williams as its resident.

The amalgamation of villages under a single native authority might have been a pre-requisite for the success of indirect rule in small societies; the system once again placed too much authority in the hands of a single individual and virtually ignored the independent nature of each Bakweri village. According to the 1916 native Authority Ordinance of Nigeria which was also applicable in the Cameroons province, a native chief recognized by government and whose duty was to maintain order and to appoint native police to assist in this purpose. He was authorized to prevent the commission of any offence and if necessary to arrest the intending offender. He may also issue orders on a certain number of subjects not inconsistent with Nigeria statute. Therefore, the first priority of the administration was protecting the native authority for the sake of good administration and not necessarily in the interest of the people. Such a philosophy was contrary to Bakweri traditional system, and provided men like Manga Williams with the opportunity to abuse that authority. Commenting on the autocratic nature of such a system, the resident of the Cameroons Province in his 1932 League of Nations Report indicated that:

“To this end the rule has been through individual, who for the most part hold hereditary positions, and has so acquired an autocratic tendency as opposed to the indigenous system of organization which amongst the forest dwellers at any rate, is democratic, being based on the rule of a chief with his council and not on the rule a chief as an autocrat. Many of the district heads have been lulled into a sense of security, they have assumed autocratic powers with which native custom never endowed them and in some instances have abused their positions to the detriment of good administration”.

²⁹⁷ Ibid

Chief Manga Williams, in spite of several periods of ill health, gave much satisfactory work, his keenness, tact and powers of organization were proven. He was progressive and able to give intelligent assistance in schemes, the value of which were not readily accepted or understood by the chiefs working under him.²⁹⁸

On 9th December 1891, the Germans received a peaceful delegation from Mankon that paid ivory and labour compensation for the 1889 war. But in the night of 10th December 1891, Mankon made a surprised attack on Pavels' patrol. The Germans answered with full force killing 200 Mankon warriors. When Mankon surrendered, German troops continued to Bafut where they met with another German contingent under Captain Glauning that invaded Bafut from another direction. Both contingents annihilated Bafut after seven days attack. The Fon of Bafut fled to an unknown destination. Pavel turned again on Mankon and completely crushed them on 20th December 1891. Following the subjugation of Bafut, the Fon of Kom did not hesitate to submit to Germans suzerainty. He sued for peace to Captain Von Pavel, the commanding officer of the expedition, by sending gifts and accepted to provide labour for the construction of the Bamenda Military station. But, the peace was short-lived as the Germans raided Kom leading to widespread destruction. The raid resulted from the fact that the Fon did not meet up with the demand for labour and failed to supply food to the German Military station in Bamenda. The Germans had not only demanded Labour and food, but these were to be accompanied by the Fon's daughters. The Fon refused to comply with such heartless and licentious demands.

Consequently, the Germans invaded the Fondom with heavy artillery. The confrontation dragged on for seven months before Kom was conquered. As a result of heavy human and material casualties, Kom dejectedly submitted to German rule in January 1905. Pavel's expedition to Banyo Report was received from Banyo that a German officer had been killed in that Lamidat. Pavel left Baliburg on 8th January 1902 with 5 officers, 150 African soldiers and 600 carriers and travelled to Bambui where he was received by the Fon of Kom, the chiefs of Bambui, Bambili and Mejang who all declared their loyalty to Germany in appreciation for the defeat of Bafut that had been a source of nuisance in the region for a long time. Bafut regularly raided these villages and so its defeat was a source of relief to the neighbours. From Bambui, Pavel travelled to Babessi and onward to Babungo. The chiefs of these villages all pledged their loyalties to the Germans. On the 15th of December 1902, Pavel arrived at Nso and was received by the Fon. From Nso, Pavel travelled through Nsungli land

²⁹⁸ Ibid

and arrived at Banyo on 29th January 1903. He confirmed that Captain Nolte had been killed by a rebellious Lamido and that the Lamido was later killed. Pavel concluded a peace agreement with the new Lamido and left Banyo in February 1903.²⁹⁹

Relations with the people of Fungom became even stronger as the Fon welcomed and offered him food on his return visit. In recognition of the Fon's gesture, Glauning decided to buy a cow from them at an exorbitant price of sixty marks. This marked the beginning of friendship and collaboration with the Germans in the area similar friendly relations were also established with the people of Befang and Esimbi when Glauning visited them in 1907 on his way from Bafut. Despite these amicable relations, the conflict in Kom caused the Germans to disregard any earlier established relations. Villages along the routes that the Germans took were invaded and pillaged. The approach of the Germans under Glauning caused many people to hide. Mmen village was Glauning's gate way into the Fungom area and as such became the first victim. From Mmen, he went to Kuk where the people went into hiding but were courageous to return and supply Glauning with food and friendship was established. In Weh, many people were killed and some went into hiding while the village was ransacked. In Wum, the Aghem people received the Germans and they spent a night before returning to Bamenda. Although many villages accepted German rule, they hated the despicable vandalism of the German military. In Mmen, the refusal to supply food to the German troops had led to razing down of the entire village by fire and taking their chief to captivity. At Munken, an attempt by Glauning's officials to force open the chief's store house had been resisted and five German officials and several Munken people lost their lives.³⁰⁰

In fact, it was on Glauning's second visit, that peace was made and Munken grudgingly accepted German rule. The people of Boyo and Menchum Divisions were obliged to yield to German pressures and accept their rule not out of good will but because their weaponry did not match that of the Germans. The terrorization posed by the German military weaponry obliged many people to prefer collaboration to German brutality. As a result of German ferocious raids, their hostile imperial administration was established in the Grassfields. Notwithstanding the suppression of the people, uneasy calm reigned in the region because the indigenous people dreaded the repercussions that would ensue if the Germans sensed any mistrust. On mere suspicion of resistance to German rule, communities could be raided, plundered and razed by vicious German soldiers. A case in point was the Aghem

²⁹⁹ P. N. Nkwi, *The German Presence in the Western Grassfields 1891-1913, A German Colonial Account*, Published by the African Studies Centre, Leiden, in collaboration with the Ministry of Higher Education, Computer Services and Scientific Research. Yaoundé, Cameroon, Leiden, The Netherlands, 1989

³⁰⁰ Ibid

people who were stormed and shattered in 1905 because of a rumoured suspicion of rebellion from a rivalry village chief. The Germans profited from internal disagreements to subdue the people, for example, it was alleged that there was insubordination to the chief of Weh. The German troops invaded Weh and arrested twenty-two persons and killed twenty others for refusing to obey the chief's orders. Those arrested were confined in the Bamenda prison. Though some chiefs were protected against their subjects, suspicious chiefs could not escape the wrath of the Germans.³⁰¹

Wum Assessment Report states that the palace of chief Mubadji was burnt because the people refused to supply labour. The reports further indicate that in Nyos, when the chief refused to supply carriers and labourers he was arrested and many of his subjects executed. Similarly, in Munken, the chief was demeaned by being publicly whipped for refusing to supply carriers. Meanwhile the whole village of Abar was razed for refusing to supply labourers and carriers. This was the spirit in which the German imperial rule was established. Their activities were characterized by dishonour and such indignity that left the indigenous people invariably in a state of frustration and humiliation in their own homes. Obviously such people could never have supported the Germans at the outbreak of the First World War in Cameroon. Report on Ngie also reveals similar heinous German military actions against the people in 1902 following a German imperialist expedition in the area. Villages were razed to ashes, unarmed civilians executed and others imprisoned alongside their chiefs. In spite of these atrocious actions and strained relations with the people, the Chief of Akorkwe was tricked by the Germans to summon his people for peace and instead of talking peace to the people when they assembled, the Germans arrested and imprisoned them. The report further reveals similar malicious acts in Bonaten where Angara, the resistance leader was wounded and incapacitated. His replacement who was supported by the Echaka people continued with the protest against the Germans.³⁰²

They were rounded up by the Germans and either imprisoned or executed and their villages scorched down. Echoes of the German violent pacification campaigns led the people of Adjì, Apong, and Fawnbot not to resist the German assaults but rather to collaborate with the Germans. They offered them food and supplies but when they faltered in the supplying of labourers, they were confronted and their villages shattered. Such acts were also perpetuated against the people of Tedji. The Germans had offered them clemency and friendship if they returned to their burnt villages. A summary account of German pacification massacres in Ngie

³⁰¹ Ibid

³⁰² Ibid

was presented by A. D. T. Weed, Assistant District Officer ADO for Bamenda Division who indicated that with the exception of Adji and Apong villages, whose chiefs readily succumbed to the Germans “... every single house was burnt throughout the whole country for one reason or the other, either for their initial resistance or flight or for not complying with some consequent order”. Undeniably, German attitude which in some cases ordered chiefs to set fire on the houses of their subjects was embarrassingly humiliating and demoralizing. Weed further reports that “... the chief of Fawnbot who refused to supply labour for road making was forced to take a torch and himself set fire to every house in his village. It was further reported that all the Ngie chiefs were imprisoned for up to three months with the exception of the chiefs of Etuwi and Adji.”³⁰³

Germano-Bali relations after the treaty, Bali kings Galega I and Fonyonga II who reigned during the German colonial period were often seen as having collaborated with the Germans to establish hegemony. But a careful examination of the situation of Africans of that age will demonstrate a limitation in their knowledge of world affairs at the time. Whereas contemporary observations are based on the perspective of post-colonial understanding, it is important to consider the factors that guided decisions at the time. Galega I had an empire he and his predecessors had conquered and governed before the arrival of the Germans and he had to preserve it with care. If he reacted like his contemporaries, his kingdom and the vassal states would have been shattered at the very beginning of German invasion of the Grassfield. Having been told that slave trade was abolished and peaceful trade established, Galega I did not expect that the German request for labour was more or less another form of human slavery. He believed the people sent to the plantations were going to make fortunes and return with riches to the kingdom. But towards the end of his life, Galega I realized that the people he sent to serve the Germans were not forth returning. He also noticed that his relations with his neighbours and subjects were increasingly being compromised because of his association with the Germans, so he had to retract.³⁰⁴

Moreover, since Galega declined sending more workers to the plantations, the Germans ignored him and applied force to extract labourers from other villages in the region. It should also be noted that after using the Balitruppe to defeat the Grassfield chiefdoms and establish German rule, the German imperialist regime started dissociating with Bali. They no longer expressed loyalty to the new Fon of Bali, Fonyonga II who rule from 1901 to 1940 succeeded his father in 1901. The Germans equally assumed that Bali could also pose a threat

³⁰³ Ibid

³⁰⁴ Ibid

to the regime as the Douala had done. It was also possible to argue that the transfer of the German headquarters from Bali to Bamenda in 1902 was partially caused by increasing tense relations between the new Fon, who found out that the Germans were impeaching on his authority and the German administrators expected the Fon to pay homage to them. Bali sources hold that, the Fon asked the German administrators to transfer to Bamenda so as not to continue to share in the royalties from his subjects. Nyamndi argues that “nothing epitomized the association of Bali and the Germans better than the presence of the German station in Bali”. But a careful analysis will show that after the complete conquest of the Grassfield, the Germans found Bamenda to be a more strategic place from where they could administer the entire region. However, the proximity of the new station at Bamenda to some of the Bali vassal states and rival kingdoms facilitated the Germans design to weaken the powers of the Fon of Bali and have a direct control of the region.³⁰⁵

The initial cordial relations between Bali and the Germans deteriorated as the Germans firmly consolidated their rule in the region. Henceforth the supply of labour and collection of taxes from the different villages of the Grassfield was done without the use of Balitruppe as people of other ethnic origins replaced Bali people. Under Governor Theodore Seitz 1907-1910, Bali vassal chiefdoms Bamesse, Babadju, Bangang, Bamumbu, Widekum villages were granted independence by the German administration (Memorandum of 11 September 1911 by DO of Bamenda to the Governor). The Germans had achieved their goal of establishing their administration and no longer had any regard for the Zintgraff-Galega treaty of 1889. Rather, Governor Karl Ebermaier described Galega 1 as “a negro intriguer with lust for power”.³⁰⁶

From 1908, the German administration developed an estranged relation with Bali. In 1912, Fonyonga II of Bali had to appear before the administration to testify that he was not collaborating with Douala Manga Bell and Martin Paul Samba to instigate a nationwide rebellion against the German administration or else he too would have been executed. As such, the Germans became the enemies of Bali, their former ally. This explains why Bali refused to offer the Germans any support during the First World War. On 15th November 1915, the Germans led by Abramowski stormed Fonyonga’s palace treasury and plundered precious relics and the sum of £2000 before setting the royal citadel ablaze. How the Fon and all royalties together with the rest of regal antiquities escaped the inferno remains a mystery.

³⁰⁵N.B. Nyamndi, *The Bali Chamba of Cameroon*, Paris, Edition Cape, 1988, pp.11-14

³⁰⁶ Ibid

The attack on Bali proved that the Germans had no friends and respected no treaties or agreements. Just as the Douala chiefs received them and eventually became their enemies, so too were those Grassfielders that received them and ended up as enemies.³⁰⁷

The German approach to the administration of British Cameroon was very significant. The larger administration district which grouped several pre-colonial and administrative entities together, paved the way for the traditional authorities to operate within larger political or administrative units in the future. Moreover, at the grass root level, the traditional systems were left virtually intact so that the position of traditional authorities was preserved, thereby making it possible for these leaders to continue edging the indigenous authorities in the territory. Furthermore, the German upheld and even strengthened the authority of traditional authorities and thus made it difficult for these traditional authorities to see why the modern leader should replace them in a changing world in a sense, therefore, the German administrative approach in the territory acknowledged the importance of the traditional authorities to rule the territory. In order to exercise a maximum of control at minimum cost, Germany adopted a policy of implicating the natives to rule the territory. German Indirect Rule closely resembled the more famous British system of Indirect Rule which was developed in Northern Nigeria and applied in many British colonies after the First World War. Both systems relied heavily on what was surmised to be legitimate traditional authority to carry out colonial administration.³⁰⁸

3.1.3 Traditional Authorities and the German Invasion

In 1904, an anti-colonial war broke out between the Kom ethnic grouping and colonial administration in the Bamenda Western grasslands. The causes of the war hinges on motives of subjugation. A certain German station commander in Bamenda made a blunder that was regarded by the Kom leader and his people as an affront to the honor of the King. Sometimes in 1904, the German Colonial administration was becoming increasingly impatient and offended over what it perceived to be the recalcitrance of the ruler of Kom and his outright refusal to submit to colonial authority. The German military commander at the Bamenda military station then resolved that he would demonstrate the invincibility of the German colonial might by humiliating the Kom ruler. Word was sent to the Kom ruler that he should send food stuff and laborers, alongside one of his daughters to the German station in Bamenda. He must make sure that his daughter accompanied the laborers, such was the firm

³⁰⁷ Ibid

³⁰⁸ Ibid

instruction. On receiving this news, King Yuh of Kom is quoted to have “roared” in anger that:³⁰⁹

The Germans will not dishonor me [emphasis mine]. They want to do to my daughter what they have done to daughters and women of weaker fons [kings]. I am fon [King] of Kom and I command many other fondoms [Kingdoms]. No one has ever dared my power. Go to the Germans and tell them that they can never dishonor me.

The Fon had the responsibility of protecting their women against harm of any type. Even ordinary men enforced honor by standing up to their women and protecting them. Thus it became almost certain that an affront on the daughter of a powerful ruler like the one of Kom was doomed to result in armed confrontation. The Kom leader was adamant that the German request for his daughter to carry food to the Germans was insulting, disrespectful and dishonorable to his person. Thus he hastily sent a firm message to the Germans, inviting them to war. He sent wood ash, and in an attempt to understand the meaning of wood ash as a response message within the grassland customs, the Germans were told that it meant an invitation to war, precisely that the Germans would be blown off like ash if they dared the Kom in war.⁹³ In Kom, a usual way to declaring war against an enemy was when two bundles, one containing ash and the other containing wood, were sent through special envoys to a potential adversary. If the potential adversary chose the bundle of camwood, it was regarded as a sign of submission and war booties or demands would be requested from the ruler. If on the other hand, the ruler had chosen the bundle of ash, then he would have settled for war.⁹⁴ In the case of this incident with the Germans, no room was given to a choice. Only a bundle of ash was sent, meaning already a declaration of war. This helps to situate the gravity of the German offense, asking the leader of Kom to send forth his own daughter for sexual gratification of the colonists. What then followed was a fierce war between the colonial army and the Kom warriors.³¹⁰

The German colonial army comprising mainly of Bali, Ewondo, and Sierra Leonians, the Kom adopted the strategy of poisoning the waterways at the fords, from which many advancing *schutztruppe* members drank and died. With largely rudimentary weapons and comprised of swords, spears, lances, clubs, stones, catapults, slings, cutlasses, iron-tipped arrows, Dane guns, and shields, manufactured in the local industries in Kom by blacksmiths.

³⁰⁹ H.R. Rudin, *Germans in Cameroon 1884-1914, A Study in Modern Imperialism*, Greenwood Press, New York, 1938

³¹⁰ P. N. Nkwi, *The German Presence in the Western Grassfields 1891-1913, A German Colonial Account*, Published by the African Studies Centre, Leiden, in collaboration with the Ministry of Higher Education, Research. Yaoundé, Cameroon, Leiden, The Netherlands, 1989

The Kom people engaged the multifarious, well drilled and well equipped colonial army in a seventh month fight. The Germans did not have it easy with the Kom, incorporated with the topography in their war strategies for it became an important feature of planning warfare in Kom. As one British official saw it in the 1920s, “the whole [Kom] country was extremely rugged and broken, with rolling uplands of an average altitude of from 4,000 to 6,000 feet.” In part for strategic reasons, the capital of Kom, Laikom, was located on top and around some of the highest points.³¹¹

This posed a serious problem for the attacking colonizers who often tagged victory by capturing and humiliating the leader of the resisters. In the seven-month long war of resistance that ensued, the Germans entered Kom villages, burning houses in ruthless fashion, and “appointing men of their own selection to look after various villages after the inhabitants had been subdued.” Most Kom men joined in the fight against the Germans, making the capture of Laikom a very difficult task for the Germans. When the Germans finally captured Laikom, they burnt it down, together with the burial ground of the previous Fons. This act, considered by the Kom a desecration, was unforgivable, such that the Kom remained passive resisters to German authority, and were only kept in check by colonial militarism. This resistance would quickly resurface during the 1914 war.³¹²

In a nutshell, The Kom resistance led to the death of too many old men, not through gunfire but through hunger and starvation. During the war, the Germans burnt down the houses of the old men, causing them to take refuge in the bush, during which time they died, on account of lack of food and the cold they endured. The truth is that during that war, more men perished in hunger and cold than were ever actually killed in battle. In spite of their war losses, the Kom felt that they had upheld their honor by fighting against the Germans. Foyn Fuh particularly assembled his council of elders at the end of the war, and told them that by not letting the white man defile his daughter, and by not letting the white man capture him, and by challenging a multiplicity of colonial soldiers of different ethnic formations fighting for the white man, he had defended his prestige and honor that he was unconquerable.³¹³

To realize its economic secret agenda, the colonial government in 1910 drew up a plan meant to expropriate parts of the Duala lands exclusively for white use. Even though the 1884 Germano-Douala treaty had given the Duala the right to hold on to their lands, the colonial government profited from the ambivalence of its dictated treaty terms to argue that the treaty

³¹¹ Ibid

³¹² Ibid

³¹³ Ibid

had given them the right of management, including land. Land was the last thing the colonized hoped to hold on to: “For a colonized people, the most essential value, because it is the most meaningful, is first and foremost the land: the land, which must provide bread and, naturally, dignity.” Arguing, amongst many others that the expropriation contravened the terms of the 1884 treaty, the Duala resolved to resist. One of the Duala Kings – Dika Akwa, appeared at this time to be leading the Duala in protesting against colonial practices and injustices against the colonized. He was joined in 1910 by his son, Prince Mpondo Akwa, who had just returned from Germany where for the past seven years he had been leading the fight in the Metropole against the practices of the colonial government.³¹⁴

To fight back the colonizers, the Duala resistance was beginning to snowball into a national one in which King Bell aimed at rallying all the traditional rulers in Cameroon for a national anti-colonial resistance. King Bell was resolved to solicit allied assistance for the overthrow of German colonialism.³¹⁵ First, Bell contacted one Martin Paul Samba, leader of the Bulu in South Cameroon who had attained the rank of German Army Captain but had fallen out with the Germans and was in the process of mounting an anti-German colonial resistance. Bell and Samba agreed to seek foreign assistance to overthrow the Germans. Bell was to obtain assistance from the English and Samba from the French. Bell then sent a messenger who was to enter Nigeria and obtain the support of the British colonial government there. The German colonial authorities, however, intercepted the messenger.³¹⁶

The Duala leader contacted Madola, leader of the Grand Batanga, South of Douala. To be clear, Bell succeeded in convincing others of the need for national resistance against the Germans.³¹⁷ This was evident as some Chiefs and clan elders or headmen as well as the Association of “Botiko ba Ngeke” began to organize others for a united front. During a Duala assembly in April 1914, a secret letter was circulated detailing their plans, fighting spirit and unity of action. As observed by a German official, this unified resistance was already spreading beyond Douala into neighboring places such as Bassa, Wouri, Abo and Pongo, the Abo particularly supporting the Duala. In continuation of realizing a national movement, envoys were sent to other parts of Cameroon including Balong, Susa, Yabassi, Ngaoundere, Dschang, Yaounde, Bali and Bamum, to rally every one against the German colonial

³¹⁴ E.Ghoms, “Resistance Africaine a L’imperialisme Europeen: Les Cas des Douala du Cameroun,” *Afrika Zamani*, 1975, pp.169.

³¹⁵ *Ibid* pp.170

³¹⁶ *Ibid*

³¹⁷ A. Ruger, *L’Afrique et L’Allemagne de la Colonisation à la Cooperation 1884-1986 (Le Cas du Cameroun)*, Yaounde, Kum’a Ndumbe III Editions Africavenir, 1986, pp.167

authorities. From the district of Yabassi, one influential Mfomu of Bodiman participated in a Duala gathering in April 1914. Rudolf Manga Bell even succeeded in a passionate speech to convince the people of Muyuka, some 70 km North of Douala, to donate money in assisting in fighting against the German colonial government. The Douala tried to ignite a fear monger among potential supporters; that they should rally against colonial rule otherwise; the colonialists were going to deal with them one by one.

They sent other envoys to the grasslands. The German colonial authorities speculated that King Bell had sent someone to contact the Fon of Bali, but they were unable to obtain proof. They contacted Chief Tata of Bagam as well as the Sultan of Bamum. One elder was sent to the King of Bamum, Sultan Njoya, to convince him to support King Bell and the Duala people in their anti-colonial struggle. The King of Bamum was briefed on the Duala plans, which included plans to seek the support of England against Germany, so as to push out the German colonizers and replace them with the English. Not only did the King of Bamum turn down his colleague's request for a national resistance against the Germans, he quickly betrayed his colleague to the colonizers, and turned over Ndane's message to the Germans via German missionaries in Fumban. Njoya's betrayal led to the arrest of Rudolf Manga Bell, Ngoso Din, Mfomu and others in May 1914. In any case, it can be said that for the very first time in the history of the Cameroon colony, the Duala resistance attempted, and perhaps with a fair amount of success, to organize a national anti-colonial movement in Cameroon where the country would be delivered of the violence and misery of German colonialism. The outbreak of the 1914 war and the invasion of Cameroon would provide just that opportune moment for Cameroonians to show such wide hostilities and resistance to German rule.³¹⁸

Upon the outbreak of the 1914 war, the colonial authorities, wanting to maintain political peace by all means possible decided on a summary treatment of King Bell. He was accused of high treason and complicity with the enemies Britain and France, then together with Ngoso Din and Martin Paul Samba, summarily tried and found guilty on 7 August 1914, then quickly executed the following day. Bell's execution happened against appeals for clemency from the foreign missionaries in Cameroon. Contrary to colonial calculations, this violent termination of the life of a Duala King and other important Cameroonian leaders would make matters worse, turning the Duala madly against the Germans in the course of the 1914 war. Meanwhile, Prince Akwa who had been arrested in 1911 in Douala and deported to the Northern part of the country had continued to lead the fight against colonialism and was

³¹⁸ E.M. Chilver, *"Native Administration in the West Central Cameroon", 1902-1954"*, Blackwell, Oxford 1967, pp. 89-139

convincing the Sultans of Mindif, Ngaoundere, Kousseri and other dignitaries in Garoua to mount a national resistance movement against the colonizers. Accused of subversion, colonial authorities shot him in August 1914.³¹⁹

3.1.4 The role of the Traditional Authorities in Customary Courts

The annexation of the territory by the Germans in 1884 led to the disbanding of these Courts and the checking or reduction of British influence on these coastal people of Cameroon. Immediately, they introduced their own system of justice. They did not disregard the traditional system of administration they met on the ground and African customary laws functioned side by side with European law, if and only if the later was not repugnant to natural justice. In this direction, they used chiefs or traditional rulers as judges in Native Courts and had to manage the judiciary system based on the customs and tradition of African. In short, they kept the peace and maintained law and order. However, their judgments were based on European judgments. What is clear is that, the Germans hardly interfered in the administration of justice as chiefs dispensed it and they acted as supervisory authorities. They came visiting the chiefs' compounds on monthly bases where cases were heard. In this exercise, they sat side by side with German officials who consulted them before any matter could be adjusted, passed or amended. It was therefore their policy to strive as much as possible not to interfere with Native Courts and respect the customs and traditions governing the people and their institutions³²⁰.

Irrespective of how territory was acquired, the newly obtained areas needed legal rules and courts. In addition, the substance and application of local customary laws had to be evaluated and categorized. A balance had to be found between the law of the colonized and that of the colonizer. Inevitably, a dual system of courts emerged on colonial territories, one exclusively administering native law and the other administering the new law, imported by the Europeans. Applying the law in colonial territories did not only involve controlling the territories by means of set rules and procedures, but also demonstrating possession, labour, power and authority. Law in the overseas territories consisted not only of positive law, institutions and procedures introduced by the Germans; it also had to deal with native customary law and to react to the challenges this confrontation brought about.³²¹

³¹⁹ R. Rudin, *Germans in the Cameroons*, 1884-1914, p.188.

³²⁰ NAB, Ad, 1922, No. 277/27, An Assessment Report on the Bum, 1922, p.11

³²¹ Ibid

3.1.5 Economic Development

Germany's principal interest in Cameroon was economic and all German administration was geared to the attainment of that goal. In order to achieve their economic goal, the Germans instituted *the 'Kolonial Wirtschaftliches Komitee'* Colonial Economic Committee in 1898. Which was a child of the 'Committee: for the Importation of products from German colonies founded in 1897. Its prominent members were Professor Wohltmann, Thormahlen of the Hamburg trading firm and Scharlach of the 'Gesellschaft Sud-Kamerun'. The Colonial Economic Committee was funded by the Colonial Society, the Ministry of interior and Contributions from the public. It designated -sub-committees to study special problems. *The 'Die Botanische Zentralstelle'*, Central Botanical Bureau, "functioned chiefly as a kind of clearing house for scientific research". This center experimented with plants received from all over the world and in a branch in Victoria, the Botanical Garden, experimented on hundreds of plants.³²²

Since Germany's overriding interest in Cameroon was economic, the German government made use of the country's natural resources. In this respect, the opening up of plantations in collaboration with the chiefs was paramount to the German's drive in Cameroon. Prior to the German colonization of Cameroon, rubber, palm oil and palm kernels were the primary products cultivated by the natives. The first German plantation was set up by the Woermann and Jantzen and Thormahlen firms. By January 1st, 1913, 195 whites were listed as engaged in planting in the Cameroons. At that time the number of plantations was 58 and the number of native workers on plantations was 17,827. These plantations which were found in and around Victoria and on the slopes of the Cameroon Mountain covered an area of about 100,000 hectares. German colonial government policies, supply of labour, expropriation of land to facilitate economic development to the benefit of Germany were enforced by the traditional authorities.³²³

The German explorers or authorities moved into an area, they made treaties with chiefs and offered them with German flags. This was a symbol of German authority and recognition of the authority of the chiefs by the Germans. With these gestures, chiefs had to collaborate with German colonial authorities in their districts and were charged with the responsibility of collecting taxes for the Germans. In return, they were entitled rebates (five to ten percent of the amount collected as rewards). They thus collaborated in the economic

³²² Ibid

³²³ Ibid

sphere as they were nominated or appointed official tax collectors as from 1909 when direct taxation was introduced.³²⁴

They also rendered other services to the Germans as they supplied labour for German plantations in the south. The Western Grasslands in general and Wum area was a veritable source for labour to the Germans and the first assignment for the chiefs upon the arrival of the Germans was to provide labourers for the plantations. Those recruited mostly went to Geselechaff Nordwestand Westafrcanische pfanzungsesellechaff in Victoria. Though such recruitments were looked upon as voluntary, captives from expeditions and those recruited under special contracts were also provided by the chiefs.³²⁵ Among the Menchum Valley settlements, Mubadji village is well noted to have cooperated in this domain. The Aghem also contributed enormously and Kuk was also prominent in the supply of labourers to German plantations. All in all, recruits left from Wum area to work in the coastal plantations, recruited with the efforts of the chiefs.³²⁶

By 1906, therefore, all the chiefdoms in the Bamenda Grassland had completely fallen under German control. The immediate consequence was the loss of sovereignty by the Grassland traditional rulers. With this loss of sovereignty, chiefs had to play second fiddle to the colonial administration. However, due to the strong sway chiefs continued to have over their subjects, the Germans found it expedient to rely on them to satisfy their own colonial exigencies. Hence the German colonial policy in the region virtually followed the "indirect rule" principles. The chiefs were charged with the execution of imperial policies. They recruited labour for the coastal plantations, assured the performance of public works, collected taxes, maintained rest-houses along the main routes with public labour and couriers or "flag-posts". Many of the chiefs were issued registers establishing their status as official tax collectors receiving ten percent tax rebate, or as minor agents of government to be protected from the opposition and attacks of neighbours or carriers. The system certainly overworked the chiefs charged with tax collection and recruiting labour as they had to cover long distances, travelling from village to village, compelling their subjects to pay their taxes or perform equivalent labour. Apart from the distances the chiefs covered, their subjects began to regard them as traitors or stooges of the Germans while the Germans on the other hand jailed, tortured and exiled all the chiefs who failed to execute their duties accordingly. This was the

³²⁴ H. R. Rudins, *Germans in Cameroon, 1884 – 1914, A Case Study of Imperialism*. New York, Greenwood Press, 1968.

³²⁵ P.N.Nkwi, *Traditional Government and Social Change, A Study of the Political Institutions among the Kom of the Cameroon Grassfields*, Fribourg University, 1976.

³²⁶ P. N. Nkwi and Warnier, J. P. *Element for a History of the Western Grassfields*. Yaounde, SOPECAM, 1982.

situation that forced the chiefs to accept German domination in the Bamenda Grassland on the eve of the First World War.³²⁷

Added to these services, chiefs also provided labour for the quarrying of stones for road constructions and other infrastructural developments in the territory especially during the building of the Bamenda Station as well as the Brick Kiln at Bamenda. They equally provided potters to the Germans. Most of these potters carried goods for German traders between Bansa and Banyo. Again, they were used for the transportation of wild rubber from Wum to Nkongsamba Railway. Chiefs kept the peace and maintained law and order. Hence, they administered justice and made sure that law and order reigned. Germans hardly interfered in the administration of justice as chiefs dispensed it using local laws and customs under the supervision of Germans colonial authorities. The Germans maintained friendly relations with the chiefs as they came visiting the chiefs' palaces on monthly bases. During such visits, the chiefs consulted them before passing judgements or verdicts. It was German colonial policy not to interfere in Native Courts which were manned by chiefs. They did as much as they could to respect the customs and traditions of the people.³²⁸

Where mutual trust and confidence was inherent, the German colonial authorities did everything possible to protect chiefs and maintained them in power if they were sure that their interest would be protected. This could be elucidated with the Kom instance where the coming of the Germans was seen by some sub chiefs as a means of reasserting their independence vis a vis the Kom. As a result, they refused paying taxes through the Fon of Kom. Most prominent was Mbesinaku whose chief had to be arrested and imprisoned but later released for since he promised to continuously adhere to the Kom's overlord ship. Again, three Kom Princes were had to be arrested for challenging the authority of the Fon and his court. Those that could not escape were executed. The Germans therefore indicated their preference and support for Fon Ngam as his authority over his subjects were upheld. In Weh, the Germans applied similar means when twenty two Protus Mbeum Tem and Maethew Basung 109 persons were arrested and twenty killed for refusing to adhere to the orders of the Fon. The others were confined in the Bamenda Prison.³²⁹

From the above analysis, it is clear that the Germans collaborated with the chiefs in the implantation of colonial rule and showed little opposition to them right up to the end of their rule. They believed that maximum benefits could only be derived from support to

³²⁷ Ibid

³²⁸ V.G.Fanso, *Cameroon History for Secondary Schools and Colleges: The Colonial and Post-Colonial Periods*. London, Macmillan, 1989

³²⁹ Ibid

traditional rulers. In this direction, traditional institutions became very vital in the day to day running of local affairs. Such zealous use of traditional authorities caused them to contemplate, in 1913, applying the indirect rule system that was practiced in Northern Nigeria by the British. Before then, everything was done to use local authorities and not to force a system on the people that was at variance with their customs and traditions. More success in the colonial empire could only come with increased authority of chiefs over their subjects while they remained inferior to Europeans though they had to be treated at least with respect.³³⁰

Before colonization, rubber, palm oil, palm kernels, cocoa and coffee had been cultivated for trade with German commercial firms. Under German rule, large-scale plantations were established in the present-day South West Province. In 1906, there were 23 plantations, encompassing 7292 hectares; in 1913 the number of plantations had been increased to 58 28 225 hectares), established for the production of cocoa, rubber, palm oil, bananas, tobacco, tea and so on. Unlike the coastal areas, which proved highly suited to plantation agriculture, the Bamenda Grassfields presented no major economic attraction to the European traders and planters save as a source of manpower. The establishment of the German military station at Bamenda was intended to ensure a steady supply of labour for plantation and government service. Due to the expansion of the plantation system, the growing needs of the colonial bureaucracy, and the construction of a railway, for commercial and military purposes, the demand for labour far exceeded the readily available supply.³³¹

Forced labour soon became the bottom line of German colonial policy. According to one conservative estimate, 150,000 Cameroonians were conscripted to work for the German government. Most of the plantation workers were "imported" from the Grassfields, as people in the vicinity of the plantations showed little inclination to work for the Germans. Grassfields rulers were rewarded for the regular recruitment of plantation workers. Labourers were often recruited by force by their chiefs, as the chiefs who did not meet government demands for labour were beaten and chained. The system of forced labour, with compulsory service ranging from 6 to 18 months, gave rise to much resentment, particularly as methods of recruitment were often inhumane, wages low, working conditions abominable and the death rate among plantation and railway workers very high. According to one recruiter, only one-half to one-third of the workers recruited from the Grassfields returned home alive at the end

³³⁰ P. M. Tem and Maethew Basung Gwanfogbe, *Interests Determining Friendly Relations between the German Colonial Authorities and the Chiefs of Wum Area*, Kamerun Bamenda University of Science and Technology and the Catholic University of Cameroon, Bamenda, A Journal of Contemporary Research, 2018 pp.35-54

³³¹ Ibid.

of their service. Much of the resistance towards German rule focused on the German labour policies. The resistance to the German labour policies took the form of passive resistance (hiding in the bush at the sight of a recruiting party, as well as armed protest.³³²

The White planters encountered difficulties with the natives in matters of landownership. This was because the natives failed to realize that once they had sold a piece of land, they no longer had any access to it. To the natives, they still had the right to hunt on the piece of land. Secondly, most of the natives, especially the Bakweri people, were reluctant to work. A third difficulty was the transportation of the products since Cameroon had a poor communication network and the Doualas were not particularly happy with the breakdown of their role as the middleman between the whites and natives further inland. In order to overcome the problem of communication, railways and roads were constructed. Since road construction was more difficult and expensive, attention was geared towards rendering the few rivers navigable and building railways. On May 4, 1906 the scheme for building railways was given financial support and the first railway, the 'Nordbahn' was started which was intended to run from Bonaberi to Nkongsambo covering a distance of 160 kilometres. In 1910 a second railway line, the 'Mittlelandbahn', running from Douala to Widimenge on the Nyong River was started and completed in June, 1914. In 1913 the 'Nordbahn' transported 37,000 tons of goods and the 'Mittlelandbahn' transported 3,000 tons. The natives resented the construction of the railways, especially the Doualas because it necessitated, either directly or indirectly, the expropriation of their land and they were also reluctant to undertake the strenuous manual labour required under trying conditions.³³³

The construction of railways, roads, and the improvement of river navigation opened markets in Cameroon for both the Whites and the natives. While the Whites imported steel, iron, machinery, food and medical supplies, the natives imported cloth, liquor, arms, gun powder, perfumes, watches, pipes, bracelets, red caps, umbrellas and rice. The improved means of communication also stimulated agriculture. The products which were of interest to the Germans were palm oil and kernels, banana, cocoa, coffee and rubber. The Sud-Kamerun company and the Nord-west Kamerun Company were the two prominent companies in Cameroon after the 1890s. The Sud-Kamerun was capitalized at 2,000,000 marks and was established on December 8th, 1898. It was dominated by Belgians and a Belgian, Colonel

³³² Ibid

³³³ Fanson, V. G., *Cameroon History for Secondary Schools and Colleges: The Colonial and Post-Colonial Periods*. London: Macmillan, 1989.

Thys, was the Vice-President. Its initial headquarters was in Brussels but was later on transferred to Hamburg. The company was allocated 72,000 square kilometres devoted to rubber exploitation. The Nord-West Kamerun Company was founded on July 31st, 1899 and controlled an area of 80,000 square kilometres of land in Cameroon. The company was to allocate 100,000 marks for the construction of roads, canals, railways and establishment of plantations in Cameroon.³³⁴

The Germans needed palm oil for soap and candle manufacture and the Victoria Botanical Garden experimented on palm seeds so as to produce, the most suitable palm tree for Cameroon. In 1908 a soap factory was established in Douala. "As late as 1912, the larger amount of palm products exported from the Cameroons was produced by natives. 11 Cameroon produced the highest quality of cocoa used in Germany although the quantity was affected by the cocoa plant pest and the blight. Rubber, however, was the most important export and the *Hevea brasiliensis* was the most widely grown species of rubber. In 1912, the total value of cocoa was 11,472,223 marks; 19 smaller quantities of tobacco; coffee and kola nuts were also produced. The Germans were rewarded for their interest in the economy of Cameroon because "for most of the years in the period 1896-1908 the Cameroons were first among all German colonies in Africa in the amount of her exports. To Germany's total colonial trade of 240,208,483 marks, the Cameroons contributed 40,568,000 marks. The exploitation of German plantations in Cameroon was done by the Woermann firm which started operating in Cameroon in 1868 and the *Jantzen and Thormaehlen* Company which began operating in Cameroon in 1875."³³⁵

3.1.6 The Social responsibilities of Traditional Rulers under the Germans

German educational policy in Cameroon was minimal in all respects, and education was primarily a missionary concern, especially until 1910, when an education law was promulgated which enabled the government to exercise some control over the rapidly increasing number of mission schools. The law prescribed a programme for mission schools and stipulated that no language other than German was to be used as a medium for instruction. Schools which satisfied government requirements were granted moderate financial support. The nominal increase in government concern for education seems to have been motivated by the increasing need for Africans who could serve the German government as clerks, interpreters, and so forth. In order to enable the Cameroonians to facilitate the German

³³⁴ *ibid*

³³⁵ Ngoh, Victor Julius, "The Political Evolution of Cameroon, 1884-1961". 1979, Dissertations and Theses.

'mission' in Cameroon, elementary education in writing and reading was provided for the natives. Under Governor Soden two teachers were sent to Cameroon in 1887. The curriculum included the teaching of arithmetic, reading and writing German, some religious instruction and agriculture.

The groundwork for the establishment of schools in Cameroon, King Bell provided land for building of a school which started functioning in 1888. In 1890, another school at Deido, Douala, was begun with twenty-five pupils and after that another school was established at Victoria due to the influence of a Cameroonian Baptist missionary, Pastor: Joseph Wilson. Governor Soden's successor, Von Puttkamer, retarded educational development in Cameroon because of his dislike of the Douala people - he objected to the teaching of the Douala dialect in Victoria. In 1906, another school was opened in Garoua headed by a Cameroonian from Victoria. School at Garoua soon ran into difficulties because the Muslims thought that the introduction of education would undermine Islam if Christianity was also taught. In order to avoid this, the German resident-commissioner in Garoua, Struntel, ruled that the Muslims should study their own religion and be compelled to attend religious services in the local mosque every Friday.³³⁶

In 1907, Douala housed a conference on the educational situation in Cameroon. It was decided that European languages, except German, should not be taught in the schools and the Douala dialect should also be discouraged in schools. The refusal of the use of the Douala dialect was on the grounds that the wider use of that language would increase the influence of the Douala people, who had become a serious problem to the Government. In 1911, German was given priority over the other subjects and a tuition fee of six marks was required in Douala. In order to enable mission schools to get government aid to teach German, they had to adhere to the government school plan and the amount was determined by the success of the students in passing official examinations in German. In 1910, an agricultural school was opened at Victoria in order to train Cameroonians for agricultural work in the colony. The requirements for admission included a knowledge of German and proof of a completed school courses either in a mission or government school; the candidate had to sign a contract with the government to remain in school for two years and work with the government for five years after completion. If the candidate left school before completion he was subjected to a yearly payment of 200 marks to the government. In order to increase agricultural yields, planters were taught techniques of tropical agricultural and prizes were offered for the

³³⁶ Ibid

solution to specific agriculture problems by the Colonial Economic Committee of the Colonial Society. The use of forced labour by the Germans in their economic undertakings was strongly resented by the natives but to no avail. Forced labor was widely used by the Germans especially in the plantations.³³⁷

These Government schools served as models for the Mission schools to copy. Priority was given to the children of the African ruling and trading class. This is evident in the choice of King Bell's town for the establishment of the first school and the priority given to the royal house to register before anybody else. In Garoua, the Lamibe's sons were given preference. The priority given to children of the ruling class introduced the idea that education was for those in power and for the rich. This notion attracted those in power to use education in sustaining their positions and encouraged those of low social order to improve on their status. The schools also induced the pupils to appreciate the values of German culture while the Missions upheld Christian culture in general. Indisputably, this strategy established a local bourgeoisie and induced existing influential authorities to support German rule and sustain its interests.³³⁸

In some cases, the native workers, who were generally underpaid, had to trek several miles to the plantation. Some plantation owners "shanghaied the laborers, shackled them together, and marched them long distances to work." Because the native worker was usually taken to a new and unfamiliar environment he more often than not, was a victim of loneliness and homesickness. Those who were more unfortunate to work in the malaria infested areas usually returned home to die of the disease. The lack of adequate food, poor shelter, overwork, disease and little or no medical care led to many deaths. An idea of the extent of the death rate can be deduced from a decree in 1900 which stipulated that every plantation was to have its own cemetery.³³⁹

³³⁷ Mathew Basung Gwanfogbe, *Changing Regimes and the Development of Education in Cameroon 1886-1966*, (With Special Reference to the Basel Mission), University of London Institute of Education, August 1995

³³⁸ Ibid, P. 142

³³⁹ Ibid P.112

Conclusion

This chapter highlights the Traditional Authorities under the German administration as it brings to the fore, the role played by the traditional authorities this time. The chapter brings to bare the strategic logic of divide and rule under the banner of political control that to some extent fragalised the once revered auto rule systems Africans enjoyed during the pre-colonial era. It is equally worth noting that the Germans contributed a great deal not only to the exploitation of the people but created large plantations where the population was exploited as they served as the labour force to these plantations.

The legal and strictly administrative aspects of the German rule brought a certain *modus operandi* in which the governor in Kamerun got his authority from the German chancellor and through whom he was equally given the right to pass administrative decrees and collect taxes. Moreover, mindful of the difficulties encountered in effectively administering the vast territory, German administrators embarked on the empowerment of local administrators to assist them carry out such functions. Allowing indigenous African authorities to continue in the administration of their local population actually served as an impetus to the colonial agenda that now had a kind of “willing” cooperation from the local chiefs, hence promoting a good relationship between the European administrators and the their local collaborators represented by the chiefs. Worth noting too is the idea that the indirect rule system instituted by the coloniser aimed at discouraging any form of a possible homogenous anti-colonialism struggle that could emanate from among the colonised entities or people. Thus fragmenting any possible alliance among the Africans to effectively fight the colonialists as local chiefs with the powers they wield on their people served as a weak link in any eventuality of a resistance.

These same Chiefs and Fons were used as agents to facilitate the collection of tax revenues gotten from their natural resources. As much as the colonialists manoeuvred their way sometimes through subtle and hard methods to push their expansionist agenda, some Chiefs and Fons never the less put up a brave resistance to the colonialist project as some of them succeeded to show the colonialists through their resistance that they were not willing to compromise certain aspects of their tradition.

German penetration of the interior of Cameroon land was motivated by the desire to explore and be acquainted with the economic potentials (including human labour) of the country for better exploitation and also to establish colonial boundaries with rivaling imperialist powers. Resistance to their penetration into the Buea regions and Bamenda Grassfield resulted largely from the constant demand for carriers by German traders and

labourers by the planters. The forceful displacement of people from their homeland resulted to the loss of individual and collective liberty and security. The chiefs lost their autonomy and suffered incessant subjugation to the colonial administrators. The Grassfielders resented forced labour and the abhorring working conditions in the distant tropical hot climate in the plantations at the coast where many died and those who survived were often separated from their families sometimes forever in life. The refusal to supply labour also stemmed from the fact that many who went to work in the plantations, road and railway construction sites, never returned and were never accounted for. As such, pressure from the subjects obliged the chiefs to discontinue the provision of more labourers and carriers. When German recruiting teams arrived any village, all the villagers escaped into the bush. As a result, chiefs became object of scorn and ridicule by the Germans. Those who supported the Germans fell out of favour with their people. It can therefore be established that resistance was not demonstrated only during penetration but throughout German imperial period. As illustrated above, German campaigns for labour in the plantations, for public works and for porters were carried out with force and wherever there was resistance, a village was set ablaze, the traditional ruler shamefully beaten in public and those who resisted were gunned down or sent on exile. Evidently, Hienrich Schnee emotional and deluding argument that the Germans did not brutalize the people they colonized is dishonest as far as Cameroon was concerned. The treaties Germany concluded with native rulers to establish a unified *Schutzgebiet* of Cameroon indicated that Germany would not acquire all-comprehensive sovereignty over the territory: sovereignty rights would be divided between Germany and the native ruler.

CHAPTER FOUR

TRADITIONAL AUTHORITIES AND THE BRITISH ADMINISTRATION

Introduction

The politics of the native administration system in the Southern Cameroons was the continuity of the German system of administration that existed before the First World War. The Germans were defeated in the First World War. This led to the division of the territory between the English and French who had to initiate policies that would ensure efficiency in the administration of their dominions. In order to achieve this, the British divided their territory into two parts, Northern and Southern Cameroons, and incorporated them into the Nigerian protectorate. This arrangement was borne by communication difficulties as it would have been difficult and expensive to coordinate affairs between the North and South of the territory, because of a seventy kilometres narrow strip of land that separated them. The Northern part that was regarded as a natural continuation of the Hausa and Fulani regions of Nigeria was administered as part of the Northern Province while the South was merged with the Eastern Province. From 1916 to 1921, no official administrative British policy had been instituted. It was only in 1923 that the British colonial policy was officially adopted and in accordance with the 1923 Order in Council for the Cameroons, the Nigerian laws became applicable in Southern Cameroons.³⁴⁰

Effective occupation of British Cameroons by British Authority required a form of governance with which the Cameroonians would comply willingly, rather than coercively. This imperative led to the indigenization of the colonial state through the adoption of the system of indirect rule. The post-colonial state, too, embraced Indirect Rule, albeit in a modified form. A corollary of this process of colonial and post-colonial state construction has been a redefinition of power relations at state level. It has also had significant repercussions at the material level. This research is a study of traditional authorities' role in the Southern Cameroons during the British period of Administration.³⁴¹

The new British government in Cameroon focused on establishing British authority with a minimum of cooperation, making use of traditional rulers to implement its policy. This

³⁴⁰ Reymond Njingti Budi, *Southern Cameroonians in Nigerian Politics 1922-1961: Resistance to Political Domination*, Afro Asian Journal of Social Sciences Volume IX, No III. Quarter III 2018 ISSN: 2229 – 5313

³⁴¹ Roy Richard Grinker, George Washington University and Christopher B. Steiner, *Perspectives on Africa, A reader in Culture, History, and Representation*, Middlebury College Library Publishers, 1997, p.15

early British strategy in the Bamenda Grassfields, implied more or less a continuation of the German system of government, which likewise made extensive use of so-called Native Authorities to implant colonial rule. Initially, few changes were effectuated: the British recognized those traditional authorities recognized by the Germans, the Native Courts established by the Germans were accepted as the foundation for the administration of British judicial policies, and education was left largely to the Christian missions. In terms of taxation there was no real departure from the German system: tax quotas were fixed at a percentage of the estimated gross income of villages. Detailed assessment reports were drawn up for this purpose. Like the Germans, the British adopted a policy of compulsory labour, though the British policy was far less severe than the German policy had been: every adult male was liable to conscription for one or two weeks a year, as near to home as possible, to work as a porter, in road construction, and so on. The area of Cameroon under British control was divided into four administrative divisions; Bamenda, Mamfe, Kumba, Victoria each under the direct control of a District Officer (D.O.), who was responsible to the Resident in Buea. These divisions were more or less continuations of administrative divisions established by the Germans.³⁴²

Despite a lot of literature that has been written on the British Indirect rule as an official colonial policy since its inception, this system has been described by Padmore as “... *the system of governing Blacks through their own Chiefs and political institutions* under the control of European officials with the minimum of interference”. According to Halerch, the institution of the indirect rule policy came into force in tropical Africa after the First World War. Before this time, to him, there was no native policy that was instituted by the British colonial authorities as each dependency was to develop a policy that was to facilitate the administration on the spot. Hence, there was no higher direction, philosophy or any uniform method of administration envisaged by Downing Street. This administrative arrangement that developed was turned *into a strategy by Lord Lugard*, who published his *The Dual Mandate in British Tropical Africa* in 1922.³⁴³

³⁴² V.J. Ngoh, *Cameroon 1884 – Present, History of a People, A Hundred Year*, Revised and Updated Edition, Limbe Design House, 2018,

³⁴³ K- Afful, *Traditional Governance; Influence on Democracy in Africa*, New York, City College of New York press, 2015

4.1. The British Administration 1916-1960

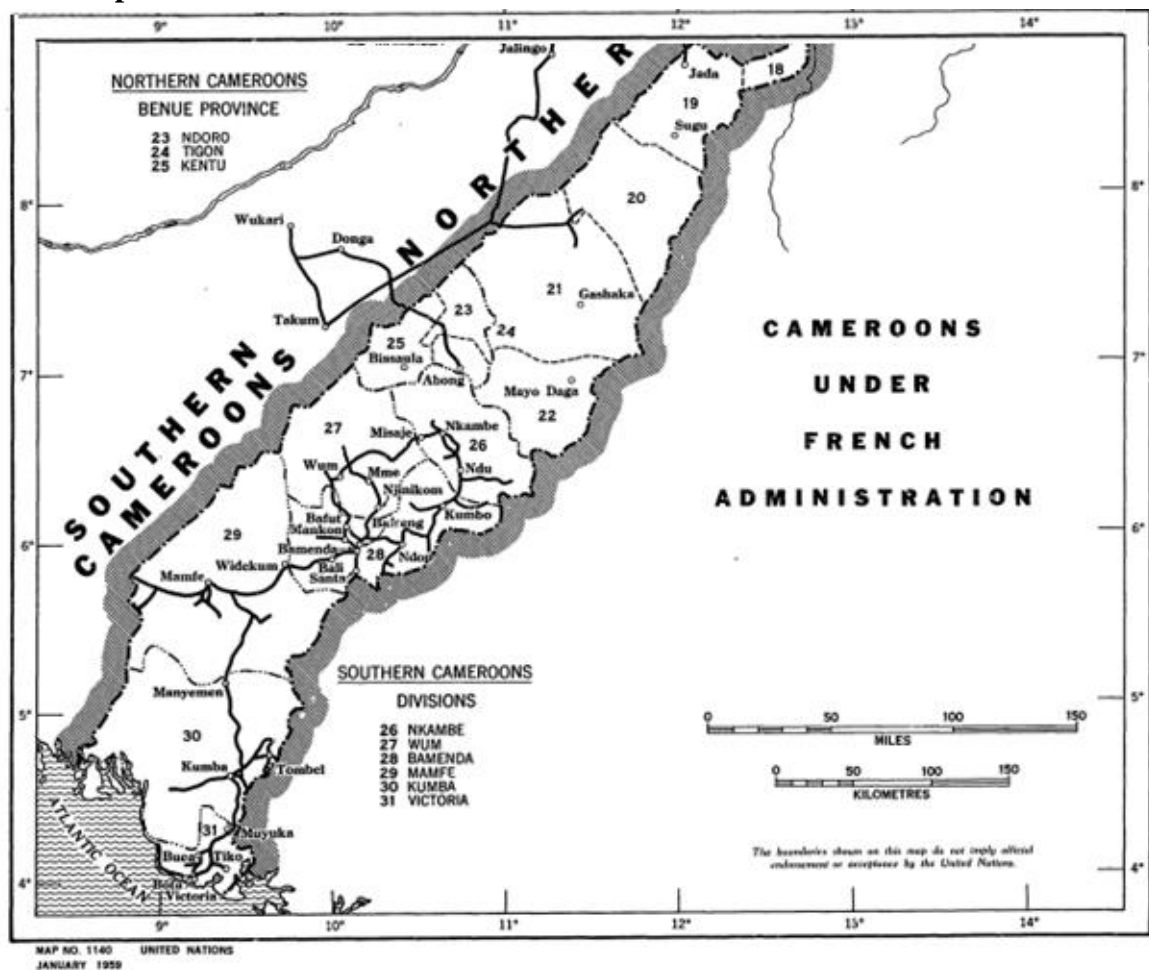
Under colonial rule, Southern Cameroons was ruled on the basis of Indirect Rule which allowed natives to execute judicial and executive decisions. The British in Cameroons used indirect rule because it meant that Cameroonians would comply willingly rather than having to coercively force compliance. This was important because it gave citizens of British Cameroons autonomy and helped to establish “a greater vitality of local political institutions in West Cameroon. Despite the indirect rule used to invigorate the spirit of citizens, the British found that they had to “approach various developmental programs” because “there was little involvement of the local people in planning and executing community development programmes. In the region of Nigeria, the same policy was being carried out. Here it was traders who started it all. We have already seen how along the Niger Delta they co-operated with the local chiefs through the Court of Equity. When the Royal Niger Company was made to rule Northern Nigeria, it attempted to do so by not undermining the authority of the Emirs of the regions. Under the Niger Coast protectorate the example of the Court of Equity was continued. Institution called Native Councils and Minor Courts were formed and given the power to make bye-laws, no regulate local matters and to try certain classes of cases. The members were all supposed to be traditional chiefs. They gave these people ‘*certificates of recognition*’ which were called warrant chiefs. Apart from trying cases and passing bye-laws the Warrant chiefs also recruited and supervised the men who built the main roads and government stations. In the same way the Lagos Government in the 1890s created in the Yoruba land, Native Councils with chiefs in other parts of British West Africa carried out. In Sierra Leone and Gambia Protectorates British political officers were also doing their best to make use of indigenous chiefs in local government.”³⁴⁴

With a lot of experience gathered along the years as High Commissioner (1900-1906) and Governor-general 1912-1919 in Nigeria, he systematized Indirect Rule into a coherent *administrative ideology*. This entailed the use of indigenous African chiefs and traditional institutions in the administration of the colonial states. Its adoption by Lord Lugard in Northern Nigeria was not deliberate but was a response to local necessities on the ground. Lugard had suddenly taken over control of the well organised Emirates of Northern Nigeria with only a small handful of European administrators. Faced with the heavy task of ending slavery and slave trade which was the bases for the power of these Emirates and with a

³⁴⁴ E.A. Ayandele et al, *The Growth of African Civilization, The Making of Modern Africa Volume 2, the Late Nineteenth Century to the present date*, Burnt Mill UK, Longman Group Limited, 1972

population of about eight million with only few Europeans, he either had to use force in instituting direct rule or continue using the authorities of the Emirs in administering the people. Even if he had opted for direct rule, it would have been impracticable and too expensive to maintain. He therefore had no choice but to use the administering authorities he met in the administrative machinery. He justified the policy when he stated: "that the political staff available for the administration of so vast a country inhabited by many millions must always be inadequate in the proper sense of the world, and that it was, therefore imperative to utilize and improve on the existing machinery".³⁴⁵

Map 6: The Map of British Cameroons³⁴⁶



Source: UN digital library

³⁴⁵ Ibid

³⁴⁶ Map shows the Cameroons under the British administration were divided by a stretch of approximately 45 miles into north and south by the Benue River. Map shows area administered: as Cameroons Province, by the Residents of Bornu, Yola, and Muri provinces. Map shows: Nigeria-Cameroons, Anglo-French, province and divisional boundaries, two classes of roads, railways, native courts, preventive stations, government and native administration schools, mission stations, and schools. Original map is filed in the Map/Geospatial Center, a map reproduction is attached to companion volume. "R. 0,1007" ; "1384.5775.A2074/403.1000.8/28.

With this, Lugard had no choice but to use *natural rulers if he had to occupy the area effectively*. There was even no prospect that he would ever get enough British administrators if the direct rule policy was adopted. This policy therefore worked to offset the acute lack of British personnel that were to effectively administer their vast colonial empire. This view has been supported by Richen when he suggests that Europeans only used very small amounts of resources in their colonial enterprises. He goes further to argue that even by the 1930s when colonialism was at its peak, there were only 3000 European administrators that were charged with the responsibility of directing and administering the African population of about ninety million. This therefore forced them to rule indirectly through the traditional institutions they met. It therefore implied that the British colonial authorities were not able and willing to use resources from home in administering the protectorate and the only solution was their reliance on traditional rulers and their institutions.³⁴⁷

Photo 6: Queen Elizabeth II and the Traditional Rulers of Southern Cameroons in Britain



Source: Royal Collection Trust online digital System

Photograph of Queen Elizabeth II shaking hands with Traditional Authorities from Southern Cameroons in 1958 Lancaster Agreement on Constitutional Arrangement for the

³⁴⁷ L. Harlech, *British Native Policy and Administration in Tropical Africa*, Witwatersrand, South African Institute of International Affairs, 1941, pp. 495-510

Independence of Southern Cameroons. Present in the delegation were Fon John Yai of Bum who a member of the Southern Cameroons House of Chiefs

This choice was motivated by the fact that traditional rulers were the centres of economic resources and it was cheap and more pragmatic in ruling the colonial peoples through their own leaders. It also made it possible for British colonial policies to be implemented through indigenous leaders, who enjoyed enormous loyalty from their people. Furthermore, the absence of proper communication between the British and indigenes forced them to adopt this policy giving them very little or no alternative than to rule through the chiefs especially in areas where they enjoyed strong ethnic loyalties. The recognition of chiefs meant that they were to act as mediators between government and the people. Although Sir Donald Cameron (the co-initiator of IR along with Lugard) do not deny this view and holds that administrative and financial expediency were factors that necessitated the adoption of the policy of Indirect rule, he adds that the policy took cognizance of the fact that the will of the people through the natural authority of chiefs and the established customs of the people was also important. This policy was outlined in Frederick Lugard's political memoranda that contained ordinances and regulations that touched on all aspects of the colonial administration. The memoranda contained directives and the views he had on the system and these were his suggestions and directives to all staff and those concerned with the colonial administrative set up.³⁴⁸

Through these, the British envisaged a policy whereby the Africans would continue to be ruled by their chiefs and elders under British administrators so as to encourage political and economic development without leading to detribalization or nationalist politics. Lord Lugard went further to argue that the authority of the chief must first be legitimized by the Governor which according to him:

The de facto rulers who after the British conquest of Northern Nigeria had been reinstated or appointed to the various Emirates and all other de facto chiefs who had been recognized by Government were to be supported in any way and their authority upheld [...] and the duties of a resident to rule through the chiefs and to seek their co-operation and to maintain their prestige. These recognized African chiefs were not to be seen as independent rulers but were the delegates of the Governor whose representative was the resident. The acquisition of more territories necessitated the preference of chiefs in the administration rather than the educated elite. The natural rulers had resented this group. They mounted hostility on them as they regarded them as "low born, up-start, and foreign".

³⁴⁸ Ibid p.189

More territories meant moving into the interior and the educated elite were urban and coastal in nature. They no longer represented the people in the new dispensation. Lugard insinuated that it was a fundamental principle of the British colonial policy, that the interest of a large native population shall not be subject to the will of a small minority of educated or Europeanized Natives who had nothing in common with them and whose interests are often opposed to theirs". The British believed that through the chiefs, the local administration will be developed into an efficient organ of modern government. The NAs were to be the embryo of LG and through this a post-colonial system would eventually emerge. The British also thought that natural feelings would be raised through the NAs and chiefs and Councils were to learn from these institutions the techniques in the running and management of regional affairs. With this experience, products from these NAs would be able to serve in the executive and legislature. In order to make this dream a reality, the British worked hard to maintain the political organizations they met in centralized societies. In segmented societies, like those of Southern Nigeria and parts of the Cameroons Province, warrant chiefs were appointed to make sure that administrative organizations were in line with the Indirect Rule theory.³⁴⁹

Photo 7: E.M.L Endeley



Source: G. Smith, "Celebrating the life of Solomon T. Muna",³⁵⁰ Health Communication Inc. January 22nd, 2002, p.7.

³⁴⁹ V. J. Ngoh, *Cameroon 1884 – Present), History of a People, A Hundred Year*, Revised and Updated Edition, Design House, Limbe , 2018 , pp.145-146

³⁵⁰ Salomon Tandeng Muna (27 March 1912 – January 22, 2002) was a Cameroonian politician of the Cameroonian National Union. He served as the first Prime Minister of the federated state of West Cameroon from January 11, 1968, to June 2, 1972.

The British also wanted a situation where the powers of NAs would not conflict or overlap with the British officers. In this regard, they spelt out the functions of the NAs and made sure that the prestige of the natural rulers was not destroyed vis-à-vis their subjects. They wanted a situation whereby: The prestige and influence of the chiefs can best be upheld by letting the peasantry see that the Government itself treats them as an integral part of the machinery of the administration. That there were no two set of rulers - British - and Native - working either separately or in cooperation, but a single Government in which the Native chiefs have well defined duties and acknowledged status equally with the British officers. Their duties should never conflict and should overlap as little as possible; they should be complementary to each other and the chief must render his proper service to the state. It was obviously desirable that the Government should be called upon to intervene between the chiefs and people. If a native chief has lost prestige and influence to such a degree that he has to appeal to government to enforce his orders, he becomes not merely useless but a source of weakness. In this circumstance, the British thought that the policy will reach its end smoothly. However, equality between the British and natural rulers was farfetched.³⁵¹

Their duties and obligations were guided by three cardinal principles, the Native Authority, Court and Revenue Ordinances. The Native Courts were a component of the Native Administration. Such courts were directed by the 1914 Native Court Ordinance. This went operational in Nigeria in 1914 and was transferred to the Cameroons in 1916. The Native Court ordinance safeguarded the chiefs' positions as judges and by so doing Native law and customs were enhanced. These native tribunals had the powers of arrest and their duties extended to the maintenance of order. The 1914 Native Court Ordinance stipulated that the chiefs were to enforce Native Law and customs as well as law and order in Native tribunals. As such, they could arrest, imprison and impose fines on defaulters.³⁵²

In spite of this attempt at using indigenous chiefs and institutions to effectively administer the territory and ensure efficiency, problems still persisted. Though some effort had been made in addressing the administrative problems faced in the 1920s and 1930s through the creation of more Native Authorities (NA), much was still desired. Problems were further enraged by the outbreak of the Second World War and the quest of educated or Western Elite who were disregarded and excluded from the administration as chiefs remained

³⁵¹ V.G. Fanson, *Cameroon History for Secondary Schools and Colleges; From Prehistoric times to the Twenty first century*, Revised and Updated Combined Edition, Bamkika,ay –Kumbo Pressbook, Cameroon, 2017, pp. 236

³⁵² Ibid

the local administering authorities. Besides, the return of the soldiers from the war aggravated the situation as the demand for reforms intensified. Such agitations were also engendered by the poor performance of the NAs in the provision of the socio-economic needs of their people. All these grievances led to the initiation of reforms by the colonial authorities resulting to the administrative organization the territory.³⁵³

4.2. Traditional Authorities and the British Administration

The pre-colonial Southern Cameroons were an agglomeration of mini-states, most of which were constituted and enlarged through conquest. Some had a minimum population of about 300 and others, especially the major chiefdoms, had a population of over six thousand at the time of colonial penetration. The latter established themselves in their present sites most probably in the later part of the 18th Century. These include the major chiefdoms of Kom, Nso, Baful and Bali. In their own ways, consolidated them and increased their territorial limits through conquest and the incorporation of smaller groups. The Kingdom of Nso seemed not to have had many difficulties in affirming its authority over other minor groups. It defeated and controlled chiefdoms like that of Nkar and imposed its language and culture upon it. Bafut and Bali consolidated its authority by engulfing some smaller groups.³⁵⁴

In *The Dual Mandate*, Lord Fredrick Lugard set out to define the role and place of Traditional Chiefs and fons in the British colonial administration. Native chiefs retain their titular positions, and were allowed the exercise of restricted powers. Chiefs were administrative partners with some degree of autonomy in bringing the benefits of European progress to indigenous people. Chiefs were employed in organizing social services, implementing taxation, public work, and other exaction made by colonial authorities. They were not co-equal with the colonial administrators, but were conduits through whom the colonizers oversaw the daily lives of the people. Indirect rule, therefore gave legitimacy to the chiefs in the eyes of his people, but enslaved them in the eyes of the colonial authority. In this way, the chiefs in the colonial British system in Africa carried out the dual mandate required by the colonial authorities and the active political and spiritual roles expected of them by their subjects.³⁵⁵

³⁵³ Ibid pp.236

³⁵⁴ E.M. Chilver and P. Kawberry, *Traditional Bamenda: The Precolonial History and Ethnography of the Bamenda Grassfields*. Buea, Cameroon, Government Printer, 1967

³⁵⁵ L. F. Lugard, "The Dual Mandate in the British Tropical Africa", London, Rouledge, 2013

In terms of taxation there was no real departure from the German system: tax quotas were fixed at a percentage of the estimated gross income of villages. Detailed assessment reports were drawn up for this purpose. Like the Germans, the British adopted a policy of compulsory labour, though the British policy was far less severe than the German policy had been: every adult male was liable to conscription for one or two weeks a year, as near to home as possible, to work as a porter, in road construction, and so on. The area of Cameroon under British control was divided into four administrative divisions, Bamenda, Mamfe, Kumba, Victoria each under the direct control of a District Officer (D.O.), who was responsible to the Resident in Buea. These divisions were more or less continuations of administrative divisions established by the Germans. Some school of thought labeled the “Imperialists” school saw the roles of chiefs not in economic terms but in political and administrative terms. Chiefs were portrayed as partners in the civilizing mission of Europe in Africa.³⁵⁶

In the period preceding independence, Traditional Rulers were accorded various constitutional roles. During the colonial period, the system of Indirect Rule or Native Authority system introduced by Lord Lugard gave prominent role in various degrees to traditional rulers. In fact it could be said that the principal actors under the system were the traditional rulers. They were members of the colonial administrative apparatus because they were given wide powers over matters in their domain except the power to keep a regular army and to levy tax. It was the magnitude of the power accorded to traditional rulers under the native authority system that pitched them against the educated elite in the period preceding political independence. In the constitutional reforms that preceded independence traditional rulers retained their prominence in governance. The Richards Constitution of 1946 for example established Houses of Assembly in each of the three regions, and a House of Chiefs in the North. Moreover, the Houses of Assembly was composed of official members made up of these appointed by the Governor, and unofficial members selected by the Native Authorities from amongst themselves. Even under the McPherson constitution, traditional rulers had input in the selection of the members of the regional Houses of Assembly. This was in addition to the establishment of Regional Houses of Chiefs in Southern Cameroons. It was the Lyttelton constitutions of 1954 that somehow reduced the constitutional powers of the traditional rulers both at the federal and regional levels. There were still the Houses of Chiefs that performed legislative functions. The 1960 and 1963 constitutions also created a Council

³⁵⁶ Ibid p:190

of chiefs at the regional level and some of them were even regional governors.³⁵⁷

Indirect Rule in its pure form was a negotiated settlement with the traditional authorities. It was imposed without the active participation of leaders from the imperialists and native authorities for the delegation of power required formal agreement the Germans pacification with the fons as well as informal understanding while indirect rule was rest on coercion the Germans resistance, indirect rule was bargaining. To be sure, it was a bargaining situation in which the imperialist held most of the cards. Even so, the native authorities had often the option of refusing to sign agreements, refused to carry them out or simply decamping. As a general rule, institutions and the authorities of the grassfields of Bamenda province depended upon its institutions and take note that where these institutions were broken, power too evaporated. Further, political institutions were very delicate and therefore had especially vulnerable to overwhelming force which by definition the imperialists possessed. By contrast, in a the institutionalized system, there multiple low level leaders with limited authority south west region over small area chiefs who had less leadership per se. in this context low level chiefs were often difficult to identified, captured and punished. They had less to lose and in the end of the military incursion for example, this genre of political power were relatively easy to regenerate. It did not depend upon formal organizational structured central administrative offices and advanced logistics.³⁵⁸

Consequently, leadership was more strong and developed in politically native administration and it was easy to cooperate with leaders of these areas. The state-like polity of the Fons perceived the bureaucratic culture. This means, following a Weberian logic that they were accustomed to think of leadership in terms of well-defined roles each with a specific set of duties and of politics as a sphere of instrumental rationality. The chiefs in the less institutionalized communities evoke a charismatic mode of authority. It follows those leaders in a legal bureaucratic culture confronted by an adversary superior who were more inclined to negotiate than to fight. They knew that their authorities were institutionalized communities in nature and that if their institutions were destroyed they were also dissolved.

Unlike the French administration, schools were opened for the sons of chiefs and notables as a strategy to eliminate the traditional powers of tribal chiefs and their nobles. According to the French administration, the political power of tribal chiefs had “no principle of authority useful to a European administration... the exercise of such powers being

³⁵⁷ Ibid p.190

³⁵⁸ Ibid pp.193

incompatible with the principles of our civilization....”.³⁵⁹ The authority of the chiefs was to be tailored for the convenience of the French administration so that they would work in collaboration with the administration for the administration. Thus, the commissioner’s order of February 4, 1933, defined the status of chiefs in Cameroun to be appointed by the commissioner based on the recommendation of the administrative officers in the districts. The chiefs were to serve as intermediaries between their people and the administration but without any political autonomy. The chiefs’ authority was derived from the administration to whom they paid allegiance and to whom they were accountable.³⁶⁰

The chiefs collected taxes from their subjects for the administration and also maintained peace in their tribal areas. The commissioner’s order of December 27, 1933, addressed the organization of schools for the preparation of future chiefs. The order stipulated the creation of special facilities and conditions in village and regional schools for the training of these future chiefs. Candidates were boys of school age who were closely related by descent or birth to prominent regional chiefs throughout the territory; it was envisioned that these boys could function as chiefs in the future when requested by the administration. *Commissaire de la République Française au Cameroun, Arrêté portant organization au Cameroun d’écoles de preparation des futures chefs, Yaoundé, le 27 Décembre 1933, Article I.* Thus, the sons of existing village chiefs were disqualified in this process. The commissioner’s justification to the divisional officers for this policy was that the French administration was determined to respect the social hierarchical system in Cameroun whereby the sons of chiefs and notables were the first beneficiaries of the limited educational resources in the region.³⁶¹

The divisional officers made sure that in due course, some sons of village chiefs who were disqualified in the process had a First Level Primary Education in a very suitable regional or village school. Successful candidates proceeded to Second Level Primary Education based on the selection of the commissioner and the recommendation of the divisional officer. The Commissioner’s order also stipulated which regional schools the boys from the designated areas were to attend. These designated schools at regional and village levels had separate educational facilities and sections called “Section for Chiefs’ Children” or

³⁵⁹ France, Rapport Annuel sur Cameroun pour 1933, pp. 9

³⁶⁰ Rapport annuel adressé par le Gouvernement Français au Conseil de la Société des nations conformément à l'article 22 du Pacte sur l'administration sous mandat du territoire du Cameroun pour l'année, Imprimerie Générale Lahure, 1933

³⁶¹ Ibid

section des fils de chefs. The same order established schools for sons of chiefs, *écoles de fils de chefs* in Yaoundé, Dschang, Garoua, and Doumé; all were connected to regional schools. The sons of chiefs who attended Ebolowa, Edéa, and Yaoundé regional schools were moved to the Yaoundé School for chiefs' sons. Those attending Dschang, Doumé, and Garoua regional schools were moved to sons of chiefs schools that were attached to them. The Yaoundé school for the sons of chiefs could accommodate 50 pupils, Garoua 25, Dschang 20, and Bertoua boys moved from Doumé.³⁶²

The major admission requirement to any of the four schools was based on a successful examination. The examination was proctored by the central exam committee that included, the chair, the head of the Bureau for Political Affairs, the inspector of education, the Advanced School principal, two teachers, and one government official appointed by the Commissioner (Commissioner's Order, op. cit., Article 7). The exams were open to sons of chiefs with First School Leaving Certificates, but the commissioner was responsible for final admission selection. The school program was one year in duration with subjects such as practical French, specialized courses, and practical exercises in moral education and how to rule. By 1935, a total of 252 sons of chiefs attended the regional schools in Yaounde, Batouri, and Garoua in the Muslim northern region of the territory. The peculiar nature of Islamic society allowed these future chiefs to be housed by the lamido of Garoua and catered to by his representative.³⁶³

The 1960s saw the emergence of the new African states, particularly the Southern Cameroons, thanks to the efforts of the different nationalist movements. The Southern Cameroons was in a unique situation. It was caught up between two major national factions; one Kameroun National Congress/Kamerun Peoples' Party fighting for independence within the Federation of Nigeria, the other (Kamerun National Democratic Party) preaching the doctrine of secession from Nigeria and reunification with the French Cameroun. Source

Besides these major chiefdoms, there were others varying in size, population and authority. These were either completely autonomous or they were units within a federation. They enjoyed some measure of prestige in the eyes of the paramount chiefs. They maintained their autonomy and good relations with the more powerful chiefs. An attempt was made by the imperial government not only to accept this distinction but also to give it a further stratification. They were ranked as Grade one Chiefs and only the Fons of Kom, Nso, Bafut

³⁶² France, Rapport Annuel sur Cameroun , 1933, p. 156.

³⁶³ C. A.T. Loyola, *Three Instances of Western Colonial Governments and Christian Missions in Cameroon Education: 1884-1961*, Chicago, University Chicago Press, 2011

and Bali were qualified for this first place. The chiefs of Bum, Ndu, Fungom and Bali-Kumbat were classified as Grade Two Chiefs. The chiefs of Ndop with exception of Bali-Kumbat, the chiefs of Tang, Wum, Ngemba, Wiya and the rest of Fungom were considered 'Third Class Chiefs'. The fourth grade chiefs were those of Beba-Befang, Mbem, Mbaw, Meta, Mfumte, Misaje, Moghamo, Ngie and Ngonu.

4.3 Traditional Authorities and the British Indirect rule

This grading of chiefs was a new colonial idea, in the pre-colonial era the chiefs recognized the existence of ranking among them, though the stratification was not so elaborate. The four paramount chiefs of the Grassfields considered and treated each other as equals. The power structure among the Grassfields Chiefdoms was one of moderate centralization, especially among the major chiefdoms. The major chiefs had some specific individuals at all levels of the administrative system that were responsible for the execution of all instructions. The distribution of power was made at the execution of the capital where the regulatory societies controlled the entire administration. Such societies were the true expression of the chief's secular authority. Regional authorities enjoyed executive functions and were also the chief's territorial agents who saw to it that his orders were carried out within their areas of jurisdiction. The chief's dignitaries, councillors, sub-chiefs and retainers performed a majority of government duties. His ritual installation made him a sacred king and conferred on him certain attributes of immortality. As such he occupied an intermediary position in the monistic hierarchy at the apex of which was the Supreme Being.³⁶⁴

The colonial administration realized this relative absolutism and even in some cases concentrated powers in the hands of the chiefs, powers which they did not directly enjoyed in the pre-colonial period. They gave chiefs administrative responsibility. Prior to European arrival most powerful chiefs claimed extensive rights. These rights could only be effective through the effort of their agents. As a mark of legality, chiefs had undisputable rights to reserve girls for their households and in principle they could marry any of their female subjects. They had also trainers at will that they trained as envoys and executives. Through their agents they could also dispense justice and exercise a comprehensive jurisdiction in civil and criminal cases. The colonial administration restricted the use of some of these rights. At first the courts were left undisturbed to deal with pleas and less flagrant criminal matters

³⁶⁴ P. Kawberry and M. Phyllis "Retainers and Royal Households in the Cameroons Grassfields", Paris, Cahiers d'Etudes Africaines, N° 10, October 1962, pp. 282–298

except insofar as poison or deals, enslavement and brutal punishment were formally forbidden.³⁶⁵

Although they were granted some powers at first, they began to lose hold on some in later years. Chiefs could not recruit girls into their households since this was considered a violation of individual liberty. The Christian churches were preaching freedom of choice and upholding monogamy as the ideal form of marriage: obedience or allegiance to the chief was being questioned by their acculturated subjects. The power balance was tilting, the chief was no more absolute and unquestionable leader, he was sharing power with the colonial master. In the 1940s, the native authorities were democratized in order to permit some of the western educated subjects to participate in the local government, the chiefs were then subjects to the scrutiny of the new elite who considered the chiefs as agents or as a hindrance to the economic and social development of their own areas. The erosion of the traditional authority which began which began with European penetration and intensified in the 1940s saw a positive attempt at a re-evaluation in the 1950s. In the 1960s, the role of chiefs was redefined within the framework of an independent nation-state.³⁶⁶

The so-called direct and indirect rule policies often attributed to the different colonial powers. The French, the Belgians and the Portuguese are usually associated with the Direct rule policy. While Britain in particular, with conservation spirit adopted the indirect rule in most of her colonies. It has been said that all colonial powers were mistaken as to the nature and extent of the powers of the Grassfields chiefs. The German and the British authorities disregarded the major traditional checks of the chief's powers, namely, descent group heads, councils, ritual specialists and title holders. They sought for the most conspicuous aspects of the grassfields chieftdoms; the chiefs and masks organisations. They failed to understand that the balance of power lay between the chief and the traditional authorities descent group heads, quarter heads, councils, specialists, societies and the commoners. Under the Lugard doctrine, both British and the German governed through chiefs. They gave chiefs executive tasks they had never before enjoyed. In some areas the chiefs had to recruit labour, collect tax, try cases directly and carry out public works, for example, in Mankon, Angwafor II carried out these duties against the strong opposition of his subjects, who considered this an abuse of power. After 1920, Ndefru did the same with the strong backing of the British Administration. Those who stood up against Ndefru were punished severely by the British.³⁶⁷

³⁶⁵ E.M. Chilver, *Traditional Government in Bafut. The Nigerian Field*, Paideuma, 1963, pp. 4-30

³⁶⁶ Ibid

³⁶⁷ J. P. Warnier, *Cameroon Grassfields Civilization, Cameroon*, Langaa publishing , 2021

A similar abuse of power took place in the chiefdom of We with the help of the Germans. When the Germans left, the chief was killed by his own subjects. The chiefdoms came under British colonial administration whose distinctive features comprised the policy to rule justly, to enforce the law and to provide good living standards. The administration boosted the powers of the chiefs in their attempt to fulfill their mission and they did so against other pre-colonial structure. The administrator sought to maintain the unity of the ethnic groups over which their principal agents, the chiefs ruled. These ethnic groups were often combined into units of a quasi-federal nature. For example, four federations were created in the Grassfields in 1949 into which all chiefdoms except Bali were grouped. Recognized hereditary chiefs were appointed as Native Authorities to whom were assigned revenues for expenditure within their areas. In the Grassfields, the chiefs were not appointed by the British as they did in the East Africa to carry out administration functions. Their authority and position were simply recognized. The recognition of their position which was thought to inspire their subjects to submit in obedience and honour was meant to make chiefs real active agents. The chiefs remained Native Authorities under the watchful eye of the colonial administrators, transmitting government regulations and assisting in the maintenance of law and order. Their right to make war or to apply coercive force against their subjects was subject to colonial control.³⁶⁸

Moreover, Traditional rulers who already possessed too many powers given to them by the System of Indirect Rule and still wanted political or financial gains took it upon themselves to profit from the situation by providing unsolicited help to the colonial administration in the recruitment of business and making pledges way beyond expectation. One example was that of the Alaafin of Oyo who on the outbreak of war in August 1914, excitedly pledged to a British resident that he could raise 30,000 military workforces. And he insisted that the British should "not treat this as an idle boast" because he "said it from his heart and meant it." The entire wartime recruitment process was to put the Alaafin's pledge to a good test when he personally and enthusiastically supervised recruitment of soldiers in his Kingdom wishing to please the British in return to be empowered as the political center of Yorubaland. Amongst other leaders in line to willingly enlist their men and gain favor from the colonial authorities was the Oba of Benin in southern Nigeria, who, in October 1914 told the Resident that he would do everything possible to meet recruitment demands, including a

³⁶⁸ P. Kawberry, *Women of the Grassfields : A Study of the Economic Position of Women in Bamenda*, British Cameroons, London, Her Majesty's Stationery Office, 1952

willingness to enlist his sons and servants. Other cooperative traditional rulers like the Emir of Yola provided troops besieging Garoua in 1914 and 1915.³⁶⁹

Cameroon, power and wealth also played a fundamental role in how some Nigerian soldiers ended up in the British military formation. For, the chief motivating factor behind the Alaafin of Oyo, the Oba of Benin, and now the Emir of Yola to swell the British fighting unit with their subjects had much to do with strengthening their powers and obtaining political gains. Specifically, in the case of the Emir of Yola, he desired to regain control over the Islamic Adamawa, most of which was in the Cameroons. The British colonial administration and recruitment officers decided to furnish the Chiefs with talking points, as a way to not only getting the Chiefs on their side but most importantly getting new recruits. Some of these talking points were propaganda messages centering on slavery. It was declared at once that there was a risk of re-enslavement of Nigerians should they not join the war to fight for Britain and should Germany be allowed to take over Nigeria. Nigerians and their rulers were told by British recruitment officers that Germany intended to conquer and enslave the whole world; that if they did not assist the British against the Germans in neighboring Cameroon, the Germans would enter Nigeria, send away the British, then colonize and enslave Nigerians.³⁷⁰

Protesting against their unpopular Chief maintained in office by the British and collaborating in recruitment efforts, the warrior class of the people, the institution in charge of raising an army, ordered in 1914 against the recruitment of anyone for military service. This resulted in tensions between the Chief backed by the British, on the one hand, and his warrior class on the other that was to culminate in a terribly bloody incident later into the war. One of the Allied commanders in the Cameroons wrote that:

The attitude of the natives was friendly and the Chiefs of local tribes with many followers trekked in from the countryside bringing presents of food for the troops. One wizened white-haired old gentleman who came to pay his respects kept on muttering a curious jargon in melancholy tones ...the interpretation thereof being that he desired eternal friendship with the British and offered his tribe en masse as labourers and carriers.³⁷¹

4.4 The role of Traditional Authorities in Politics

The new elite that had emerged from the colonial formal educational process became very critical of the colonial administration. It attacked the whole basis of the Native Authorities, the Indirect Rule. The new elite accused Britain of using unprogressive and

³⁶⁹ R.N. Budi, *Southern Cameroonians in Nigerian Politics 1922-1961: Resistance to Political Domination*, Department of History and Archaeology. The University of Bamenda, Cameroon, 2018

³⁷⁰ Ibid pp.200

³⁷¹ Ibid

illiterate chiefs to retard the progress of the country. In a petition addressed to the United Nations visiting mission, the Kom Improvement Association, an association of the new elite, believed that there was lack of training for self-government whereby the people might hope to do these things for themselves. By the damnable Native Administration System, there was the role of thing remaining where they were. This was done by excluding the literate and the enlightened from the administration councils. Most council members are there by right of birth, no matter whether that can serve the people or not, whether the people supposed to be represented like it or not. When will these illiterate old men being trained for self-government rule? Britain had to take into account the views of these new elite.³⁷²

The creation of representative assemblies and the democratization of the Native authority in preparation for full autonomy became the primary objective of the British. They played a vital role in promoting discussion at all levels in order to prepare for an easy transfer into independence. The chiefs, councillors and the new elite were all invited to participate fully in this new struggle. The democratization of the Native Authorities had passed on to the new elite some political power. The relationship between the traditional and the new elite was a complex one. The new elite were eager to move into a new era of independence with or without the chiefs who had come to be regarded as retarding the political and the economic growth of the African people. The new elite were also keen in preserving those traditional institutions that gave them a sense of identity. This search for a past gave the politicians the feeling that independence could not be achieved without the active participation of the chiefs. The chiefs were the people who controlled the populations. The politicians knew that any political arrangement without the chiefs would be disastrous. Fifty-seven per cent of the population of the then Southern Cameroons was controlled by the Grassfields chiefs. Most of the chiefs were regarded as sacred persons whose ritual functions promoted the welfare of the tribe. Among their subjects were the new elite. To excite the people against their chiefs through political demagoguery and intrigue could be considered a sacrilege. These were the facts which no politicians could ignore without ending up in political bankruptcy.³⁷³

It must be acknowledged that many of the Grassfields chiefs were inadequately prepared for the functions of a modern twentieth century government. The colonial government had made it a policy to educate chiefs' sons or any persons who were likely to become chiefs. In a memorandum dated 26 May 1932, G.S. Browne Resident for the

³⁷² P. N.Nkwi, *Traditional Diplomacy: A Study of Inter-chiefdom Relations in the Western Grassfields*, London, Cambridge University Press, 1972

³⁷³ Ibid

Cameroon Province; outline the British stand on the education of chiefs. And the region to progress, they needed many people as possible to speak good English; all the chiefs should have been educated at government or native Administrative Schools. It is interesting to note that in 1932³⁷⁴ only Fon Mfomiyen of Meta who had received a full primary education. The Fon of Babungo had learned to read and write was employed before he became chief as Mission Catechist. There were sixty three potential rulers attending government and Native Authority schools in 1932. The Administration was taking steps to explain the importance of education to chiefs.³⁷⁵

The importance of such a policy became more sensitive towards the 1960s when chiefs were called upon to participate in the constitutional process. Only those chiefs who had received a minimum of an education were able to participate actively and more sensibly. Among the few chiefs who could dialogue with the colonial administration was the Fon of Bali, Galega II, whose demand for a salary was readily supported by the District Officer, Mr. Milne. He considered the Fon of Bali as more progressive and promising than the others. He was the only leading character among the Grassfields major chiefs who could communicate with the administration effectively and contribute positively during the transitional period to independence. The Fons of Kom and Nso were regarded as too old and unprogressive. They had changed very little under the colonial impact. Milne affirms that the Fon of Bali was being underpaid in view of his position and the promise he shows. Bikom was old and too addicted to alcohol to be of any great use to his people. Bansa is new, exceedingly active. The chiefs found themselves confronted with the new elite. Those chiefs who had received a basic primary education were able to join the new elite in the political struggle. As the years unfolded, most chiefs who had played an initial role at independence were gradually forced out of the political process, since they had not the adequate instruments to understand and play their role in the new nation-state.³⁷⁶

As a symbol of established order and guardians of traditions, the chiefs of the Grassfield could easily band together in order to protect the traditions and resist any moves by new politicians to downgrade them. In 1952, the Eastern Chiefs' Conference which was inaugurated at Nnewi (Onitsha) on the 10th of April began to collect facts and figures required

³⁷⁴ There were 19 chiefs' sons in Ndop N.A School, five at Bali N.A Schools, five at Kom N.A Schools (two from Kom and three from Bum). In the Bamenda Government school, there were 29 chiefs' sons among who were four from Kom. Some of these chiefs' sons had no title to the throne chiefs' sons in Kom have no right to succeed because of the matrilineal rule of succession

³⁷⁵ BA. File No 134/2

³⁷⁶ B C. Langh  , *"The Kamerun Plebiscite strategies and perspective"*, PhD Dissertation, University of British Columbia, 1976

for making necessary recommendations and arrangements on how an Eastern House of Chiefs should be created. When it was finally created, a few Cameroon Chiefs took their seats in it. Among them was the Fon of Bali. It was not long after the establishment of the Eastern House of Chiefs' Conference that a Southern Cameroons Chiefs' Conference was proposed.³⁷⁷

It is true that the political momentum gathered by the chiefs was due to the tactful manipulations of the politicians. The different nationalist movements were eager to see the chiefs playing an active role in the attainment of independence. The Nationalist parties; KNC, KNDP, KPP courted the support of the chiefs. The chiefs were being briefed on the major political issues such as 'secession from Nigeria and unification with the then French Cameroon and independence within the Nigerian Federation. Besides, these two major issues, the chiefs were also preoccupied with their status. Would the new constitution grant them any measure of power? Would they be completely eclipsed by the new emerging indigenous leaders? These were genuine questions which probably motivated the chiefs in uniting themselves together. The chiefs' Conference was formed in 1956 with the purpose of providing a vehicle for the chiefs of the Grassfields to put forward their views on matters particularly concerning their traditional status. This effort of the Grassfields chiefs was later enlarged to include heads of descent groups from Mamfe and Victoria Divisions. The Chiefs of the Grassfields had organized themselves into Divisional Conferences. Wum, Nkambe and Bamenda Divisional Conferences. The Fon of Bali toured the Grassfields chieftdoms addressing the chiefs on their obligations as natural rulers. Since he had attended the constitutional talks in Lagos and London on the future of the Southern Cameroons, he was in a position to enlighten them on the basic issues.³⁷⁸

On 26th August 1957, an ad hoc meeting of chiefs was held at Kumba to prepare for a full scale conference. It was presided over by Chief Manga Williams³⁷⁹ in which he advised the chiefs to stay out of politics but the Fon of Bali who purported to be presenting a report on the London Conference. The Fon of Bafut made attempts to defend Endeley. The attitude of these two chiefs rightly showed how chiefs were already divided on party lines. After the

³⁷⁷ Ibid pp.202

³⁷⁸ Ibid pp.203

³⁷⁹ Chief John Nambeke Manga Williams played key roles in the evolution of Victoria (now Limbe) to become the booming city it is today. Between 1908 and 1914, he signed several trade treaties with Germans who installed many plantations within his jurisdiction. Under British Administration, he was President of the Court of Victoria. In May 1951, he laid the foundation stone of the Cameroon Development Corporation (CDC) after its creation in 1947 and became the original member of the corporation. He poured the libation during the laying of the foundation stone for the construction of the Victoria Centenary Stadium in 1958 as part of the celebration marking 100th anniversary of Victoria in the presence of Sir James Robertson and Sir Abubakar Tafawa Balewa. He died in 1959

Kumba conference, which was attended by over 20 chiefs, the Fon of Bali toured again the Grassfields telling the chiefs and the population how “he had saved the destiny of Southern Cameroons from being signed away” by Dr Endeley and Mr Mbile during the London Conference, it was becoming clear that he was working for another nationalist movement; the KNDP. Speaking in the name of the Wum Chiefs’ Conference, its president said we the natural rulers have the interest of the people and the country more at heart than the politicians. We have a natural and more lasting right to speak for the people and the secession from an independent Nigeria and have an autonomous Southern Cameroons region. They were growing also in militancy and developing a new political conscience under the wise leadership of the educated chiefs, especially the Fon of Bali who acted on several occasions as their spokesman.³⁸⁰

Photo 8: Chief John Nambeke Manga Williams



Source: www.flickr.com/photos/nationalarchives/5418817588/in/album

The different nationalist parties were pressing forward their objectives and trying to win the support of chiefs. Some chiefs were known to be dramatically opposed to certain nationalist movements. In an emergency meeting of the National Executive Committee of the Kamerun National Congress, the party reviewed the Trusteeship agreement and called for independence within Nigeria. The KNC party pressed for the immediate introduction of ministerial system of government. It asked for full regional status for the territory, it

³⁸⁰ Ibid

demanding the continuance of its association with Nigeria as an autonomous state within the Federation and agreed to ally with the KPP for any future political changes. Meeting at Bamenda on January, 28, 1958, the *fons* of the Grassfields themselves from the views of Endeley's Party. They asked for the implementation of the decision affecting the state of Southern Cameroons to be postponed until after the elections of 1959. The role of chiefs in politics at this time led to Endeley's removal of the chiefs' representatives from the ad hoc meeting of the Federal Electoral Laws and Marketing Board. This action infuriated the chiefs. In a letter sent to the Governor General in Lagos through the High Commissioner in Buea, the *fons* and chiefs stated that they had lost confidence in Endeley's government. They told the Governor that they could not respect any decision on behalf of the territory of that government; that the composition of the Southern Cameroons Government then had no regards to accept democratic principles as indicated in the strength of the KNC elected members in the legislation. They noted that there were five elected KNC members as against the six of the KNDP, they recommended that the latter should take over the government. The chiefs claimed that the ruling party had betrayed the people's trust and could be disastrous to increase its powers without a new mandate through general elections.³⁸¹

Again the chiefs opted for session. The conference was attended by only three *fons* of the Grassfields (Kom, Bali and Bafut). The Fon of Nso was notably absent along with pro KNC chiefs. The various Grassfields Division Chiefs' Conferences were certainly becoming pro KNDP. The pro KNC chiefs began to be located for harassment. The Fon of Nso was being given particular attention. He controlled one of the largest chiefdoms of the Grassfields. According to a report, the fon of Nso was located for any future victimization for his unflinching support of the KNC party. His actions were watched and detailed. He was in an extremely difficult position with regards to his authority over his subjects and was fine, since the KNDP was out to discredit him. The KNDP used this as an excellent propaganda to discredit him because he supported the KNC. "it was felt that should the fon be deposed or lose all his authority, the entire Nso clan would be thrown into confusion and be extremely difficult to govern". The KNDP leaders were bent on making things increasingly difficult to those chiefs who did not support them. The fon of Kom was unable to rule his kingdom through 1958 and into the 1960s. The women with the assistance of Kom KNDP leaders utilized a traditional *anlu* to disrupt the social life of the chiefdom.³⁸²

³⁸¹ B. C. Langh  , "Southern Cameroons Traditional Authorities and Nationalist Movement 1953 – 1961" International Journal of African Historical Studies: 16 April 1983

³⁸² Ibid pp.206

When the chiefs' Conference opened in Bamenda on the 3rd March 1958, there were leading politicians there to help mould their ideas. The resolutions reached manifested how partisan most of the Grassfields chiefs had become. From the general discussions, it was decided that the chiefs should campaign against KNC/KPP alliance and that during the forthcoming elections, should KNC/KPP candidates succeed in being elected in a chief's area, that chief would forfeit his right to be a member of the new house of chiefs when it is created. Would the members of the house of chiefs be political stooges? The answer to this question was certainly affirmative. In fact, the KNDP was manipulating the chiefs and telling them that the KNC/KPP alliance was opposed to traditional institutions and was out to sell Cameroons to the Ibos. The colonial administrations were doing everything possible to make the proposed House of Chiefs a real representative body of the traditional rules. It seem both the administrators and politicians wanted the House of Chiefs to stay out of politics and to function like the British House of Lords.³⁸³

Evidently, most politicians co-opted and pulled those chiefs into politics. They were asked to rally their people behind them by promising position in the House of Chiefs. In December 1957, the Resident at Bamenda organised a meeting of the chiefs of South Western Federation. On his arrival he found a number of politicians in attendance. The resident requested to leave the meeting. They refused saying that they had been invited by the chiefs to attend and advise. The resident call off the meeting and left insisting that he had only invited the chiefs since the politicians were not prepared to quit. The opposing party feared the colonial administrator might influence the chiefs to support the ruling party KNC. Another meeting of the chiefs of the Southern Western Federation had been held early in October 1957 at Mbengwi. It was attended by 30 chiefs and politicians of the two major parties, KNC/KNDP. The conference was presided over by Chief Ndefru of Mankon. He called on the chiefs to stay out of politics. Despite Ndefru's appeal, the "Conference became the platform for the criticism and abuse of Dr Endeley" he was heavily criticized by politicians who had deserted him.³⁸⁴

The Fon of Bali also joined the chorus by telling the chiefs how he and Foncha had fought for the establishment of the House of Chiefs during the London Constitutional Talks.

³⁸³ The House of Lords developed from the "Great Council" (Magnum Concilium) that advised the King during medieval times. This royal council came to be composed of ecclesiastics, noblemen, and representatives of the counties of England and Wales (afterwards, representatives of the boroughs as well). The first English Parliament is often considered to be the "Model Parliament" (held in 1295), which included archbishops, bishops, abbots, earls, barons, and representatives of the shires and boroughs.

³⁸⁴ Ibid

He asserted that only Foncha and his party had respect for the traditional leadership. Adhirimbi, the Fon of Bafut also endorsed the views of Galega II, adding that the chiefs should form a platform for the overthrow of Dr Endeley. The chiefs finally passed a vote of no confidence in Endeley's government. Most chiefs were showing their support for the KNDP, the party which was porporting to be upholding traditional institutions. The party was being portrayed as a party that upholds traditional mores and symbols. Moreover, it was the first party to be formed by Grassfields politicians. The Grassfield chiefs, whose support was vital to any party, could not work in isolation. They had to see beyond their local spheres and to co-opt the southern chiefs. A conference of Southern Cameroons chiefs was organized and it took place in Kumba from 31 March to 1 April 1958. Again the conference was used for political ends. During the conference, the Fon of Bali told the chiefs how he had been told not to travel on the Cameroon delegation to the Lagos constitutional talks. He had been excluded because of his partisan role.³⁸⁵

4.4.1 Creation of Administrative Units and Native Authority

These included the creation of new administrative Divisions that became local government (LG) units eventually. For this purpose, the Bamenda Division was upgraded into a Province and subdivided into the Bamenda, Wum and Nkambe Divisions that became (LG) districts in their own right. In the Southern part of the territory, Mamfe Division was created and with Kumba and Victoria became the Cameroons Province. These LG units were mergers of NAs that had existed as independent political units. With these developments in 1949, they became federations of the newly created LG units. The amalgamation of the NAs into LGs led to the development of a two-tier system of administration, that is, the Divisional LG units on the one hand and the Subordinate NAs or Village Councils on the other. While Divisional LG Assemblies deliberated and legislated for their Divisions, the authorities of Subordinate NAs were limited to the clan. Though they had legislative and deliberative powers, resolutions and decisions arrived at were subject to the approval of the Divisional LG Assemblies before they could take effect. They formed electoral colleges to the Divisional LGs as their representatives that were elected by universal suffrage in turn chose members who represented the Clan in the Divisional Assembly. In spite of the merging of these NAs into

³⁸⁵ Ibid

LGs, they were still granted autonomy in deliberating and taking decisions on local matters concerning their areas.³⁸⁶

The first act of the British administration in the Bamenda Grassfields was to secure the “confidence, loyalty and support of the most influential and powerful chiefs namely those of Bali, Bikom (Kom), Bagam, Bafut, Bansa, Babungo and Bameta (Meta)” and construct the system of Indirect Rule around them. The rationale for this system was provided by the ethnographic studies of colonial administrators or staff of colonial office on assignment which did not present an impassionate, objective analysis of social data for their scientific value, but an exploration of institutions to adapt to the strategy of Indirect Rule. On the basis of assessments and intelligence reports relations of domination between prominent and less prominent groups were sought. Very often, more prominent groups were elevated to positions of paramount chiefs over less prominent ones, depending on whatever historical ties had been reconstructed from the ethnographic and administrative reports. The functions of presidency over Native Authority councils and courts often devolved on the prominent chiefs. This succeeded in some cases but the constant experimentation in various forms of self-government by the British points to the difficulties encountered in the implementation of this policy as there was resistance from groups which had enjoyed high levels of autonomy during the precolonial period.³⁸⁷

A better understanding of the British colonial policy in the area would be to contrast it with the German policy of Direct Rule, which used intermediaries but in a more violent and repressive manner. Chilver examined the role of Bali Nyonga as an intermediary chief in the, German colonial regime and showed the incompatibility of the roles that the Mfon (king) of Bali Nyonga was expected to play. He was both expected to administer the whole of the region in the name of the German crown and act as recruitment agent for the WAPV plantation (a private firm) established at the coast. Layered upon the customary rules and procedure, traditional justice was sustained by beliefs in the supernatural.³⁸⁸

Such beliefs were, and still are, a key factor in the observance of traditional rules. The laws were and still are obeyed partly because of the fear that some evil consequences will befall you or a member of your family if you fail to obey the law. This mix of customary rules and beliefs remains today. Colonialism did not abolish pre-colonial laws but merely

³⁸⁶ E.M. “Chilver, *Native administration in the West Central Cameroons 1902-1954 in Essays in Imperial Government* ed. k. Robinson and F. Madden, Basil Blackwell Oxford, 1963

³⁸⁷ Ibid

³⁸⁸ P.N. Nkwi, *Traditional Government and Social Change*, Fribourg Switzerland, The University Press, 1976, p p.99-105.

introduced two systems of courts: one to apply pre-colonial laws known as customary law to the local people and another to apply the laws brought to Cameroon by the colonial administrators for the whites and Cameroonians of modern status. This decision to build upon pre-colonial laws explains the enduring influence of pre-colonial practice and the continued importance of customary law in Cameroon. I will now examine how justice was administered during the colonial period. Source

The reorganized Native Administration had many elements to it. The four divisions were retained, but several villages and chiefdoms were transferred from one division to the other and, in some cases, from one NGA to the other in the same division for the purpose of grouping together people of the same clan or ethnic group. To be sure, a few villages and chiefdoms which could not fit adequately into the pattern were parts of their nearest neighbors. But the new administrative sub-units were established mainly on a clan and ethnic basis. The majority of the clans and ethnic groups within each division became Native Authority Areas (NAAs) as NCAs were now renamed. Some of the clans and ethnic groups, particularly those which were large and had not traditionally recognized heads were constituted into two or more NAAs. Except in the Nso and Kom NCAs where the initial arrangements remained virtually unchanged, each of the new NAAs had a lower and a higher court. Each of the precolonial political entities within any NAA had a lower court presided over by the village head, chief or Fon, as the case may be. These lower courts were officially called village courts. The higher courts, designated clan Courts, comprised the traditional leaders of the precolonial political and administrative entities within the jurisdiction of the particular NAA. Although some of the members of the clan Courts were made permanent presidents, the presidency of the clan Courts generally rotated among their members. The lower and higher courts tried specified cases according to native laws and customs, with the former acting as courts of first instance and the latter performing the duties of appeal courts.³⁸⁹

Similar, each of the new NAAs had a clan and several village councils. The members of the clan council which, like the clan court, hardly ever functioned effectively included the same member as the clan court and the presidential situation of the Clan Council was a replica of that of the Clan Court in the same NAA. Membership in the village Councils, which were both active and lively, included the *a-Fon*, chiefs, and village and some family heads, with the traditionally recognized leader of the group as president. The clans Councils were designed to

³⁸⁹ Ibid

formulate general policy of such subjects as agriculture and animal husbandry, forestry, roads, sanitation, and Native Authority School, while village Councils were charged with the execution of that policy. Since the Clan Councils were inactive for the most part, the village Councils formulated and executed policy regarding these issues in their own within their jurisdictions. And, when the British realized the potentialities of the village councils, they concentrated their efforts on them and accepted them as the *facto* executive and legislative arm of native administration. This new pattern of Native Administration, just as they had done in the Gold Coast and elsewhere before the 1949 administrative changes were made, however events within Nigeria with which southern Cameroons was administered had contributed their own share to the continuum of events that combined to produce the southern Cameroon House of Chief. These events were connected with Richards's constitution which, though proposed in March 1945, came in to effect on 1 January 1947.³⁹⁰

The constitution provided for the representation of chief in the central legislature. Four of these chiefs were to be nominated by the Northern House of Chief, two of them nominated from those who were already members of the western house, and one was to come from the colony of Lagos. Thus, only the Chiefs of the Eastern region of which southern Cameroons was an integral part were not to be represented in the central legislature, probably because the chiefs of Iboland, the core of the region, were warrant chief that is, persons appointed and recognized as chief, that is person appointed and recognized as *cagdifs* by colonial administrators, with little or no traditional authority although this constitution Cameroon, for among other things, the fact that it was prepared without consultation with the people and traditional leader and because one of its bills gave the government the powers to appoint and depose chief the very existence of the northern house of the chief it recognized could not be lost to the Southern Cameroons traditional leaders; sooner or later they would demand the SCHC.³⁹¹

During this period, 1945-1947, the British called the attention of the modern leaders to the problem of native administration, until then they had paid little or no attention to native administration but instead concentrated mainly on large political issues and who had been excluded from office in native administration. In 1946, the Bamenda Division was too large and communication in it very difficult and it was carved up into four administrative sub-units, after that they began negotiations with the NAs for the federation of the NAAS in order to put the proposal into effect. Brayen-Baker requested the higher authorities to give it

³⁹⁰ Ibid.

³⁹¹ Ibid.

serious consideration. In response to Bayne-Baker's request, resident bridges organized the first all-southern Cameroon chiefs 'conference at Buea in 1946 to sound out the opinion of the traditional leaders on the proposal and as could expected, the majority of them were opposed to the idea of federation. Thus the majority of village heads, chief, and a-Fon were brought together to discuss a problem of common concern and to take a decision as a group. In early 1947, The colonial, office itself indicated that it was moving away from the policy of Native Administration to one of elective conciliar local government.³⁹²

These ideas received more serious considerations in 1948. In that year, F, R, Kay Mayne's successor, strongly supported Mayne's ideas but suggested that Bamenda division be made a province with three Divisions. That same year, M. H. N. Milne, Assistant District Officer (ADO) for Bamenda Division pressed for the approval of the Mayne- Kay proposals. He argued that under the existing condition, the burden of administration fell too heavily on the native administration who themselves lack proper administrative guidance and had not even the benefit of well trained staff. In order to have the support of the traditional leaders for their proposals, some of these British local administrators' organized divisional meetings of the NAs and, by the end of 1948, there was a general consensus among the British authorities that the native administration in southern Cameroon and elsewhere needed drastic reforms.³⁹³

However, it was in early 1949 that the first recorded reactions of the western education elites to native administration in Southern Cameroons were heard. Although the Richard constitution was expected to last for nine years the new governor of Nigeria, Sir John Macpherson, announced in 1948 that a new constitution would be considered. To that effect, he invited all the regions and provinces of Nigeria to meet discuss and provide proposals for the envisaged constitution, in respond to the invitation, the British authorities in Southern Cameroon's organized a meeting of the new Cameroon provincial council in Vitoria early 1949, the provincial council met under the chairmanship of chief Manga Williams, a semi-western educated chief adopted a resolution in favour of a separate Southern Cameroon region; the council comprised "twenty seven chiefs, six administrative officer and thirty-seven observers, "thus, the British still gave the traditional leaders to understand that they were the decision makers of southern Cameroons in a fast changing world and aiently informed the new leaders that at best they could hope to play only second fiddle in the government of their territory. As could be expected, some of the modern leaders immediately charged that the British were using "unprogressive and illiterate chief to retard the progress of

³⁹²ibid

³⁹³ Ibid.

the country. Their general feeling towards native administration was expressed, in some times ungrammatical language, by the Kom Improvement Association in a petition addressed to the United Nations Organization.³⁹⁴

The worst neglect of all in Southern Cameroons was the absence of training for self-government whereby the absence of training for self-government where by the people might hope to do these things for themselves .Instead, by the damnable native administrations system, there is the role of things remaining where they were. This was done by excluding the literature (literate) and enlightened from the administration council. Most council members are there by right of birth, no matter whether they can serve the people or not, whether the people supposed to be represented like it or note. When will these illiterate old men being trained for self-government rule, in their graves? Of course it does not matter with the government; the longer chiefs are unable to rule the better for British government. The British policy of strengthening the authority of traditional leaders in a changing world has thus, as was the case in the Gold Coast, set the modern leaders not only against the Traditional Leaders but also against the whole system of native administration in Southern Cameroons.³⁹⁵

It was, therefore, not surprising that the new leaders included administrative reforms in the list of contradictory demands they made to the united national visiting mission in November 1949. They requested that the UN should develop southern Cameroon economically, socially and educationally, all aspects which, they charged, the British had grossly neglected. Politically they charge the British had grossly neglected. Politically, they demanded separation or autonomy, the idea that Southern Cameroons be separated from the eastern region of Nigeria and be constituted into an autonomous region with Nigeria; secession, the idea that Southern Cameroons or all of “British Cameroons” separate from Nigeria and develop in to an independent state in own right; unification, the idea that northern and southern Cameroon be unified to form a single administrative and political entity whether or not within the Nigerian framework; and the reunification, the idea that the sections of the former German Kamerun protectorate be reunified to form a separate , distinct and independent political, entity . Far from being confused these new leader merely served notice of the division with in their ranks although they made these contradictory demands under the

³⁹⁴ Ibid.

³⁹⁵ C. Mfombong, “*Bamenda Division under British Administration 1916-1961: From Administration to Local Government*”, M.A Dissertation University of Yaounde I, 1980.

banner of a single political organization individually stressed different aspects of the nationalist demand in any event.³⁹⁶

Essentially, the western, education elite either wanted the illiterate traditional authorities hand off native administration or they demand the total abolition of that system of administration. Yet the British met their demand than half- way when they introduced administrative reforms in 1949 Bamenda Division became Bamenda Province comprising Bamenda, Wum, and Nkambe Division Victoria, Kumba and Mamfe division because Southern Cameroons province, a name formerly applied to all of Southern Cameroons .the NAAS, particularly if they were in the same vicinity and their people delivered to have some thnological in to largr administrative sub-units in form of federation for example the new Bamenda Province now had only five such sub-unit: the North-western Federation (Wum division), the northern federation (Nkamde Division); the southern federation (Widekum) the South-Eastern Federation (Tikari) and Bali Nyonga clan area all of them is Bamenda division. There would have been two of these Sub-units in Bamenda division but because of the tremendous aid the Bali Nyonga gave the German during the German conquest and annexation of the grass fields the traditional leaders of the areas with which the Bali Nyonga area could be associated the southwestern and southern Federation resolutions refused to have Bali Nyonga area included in their respective federation in spite of British pleas and extravagant promises in any case by 1959 there were only seventeen such administrative sub-unit in all of southern Cameroons.³⁹⁷

Moreover, each of them had a central court the appeal court and a central councils and court had no officially recongnized place in the new set up because they were replace by the central organs. But the previous village courts and councils were retained to deal with local issues and to implement the policies laid down by the central body in Wum for instance the form coucillors elected six traditional leaders four united literate person and two woman as member of the central administrative organ in other area such as the southern federation the former councilors elected twenty five traditional authorities two Fulani people one house man, one woman, and a representative of business for the central administrative bodies. As these new reforms were significant in many respects, the federation, like the Cameroon provincial council meeting in Victoria paved the way for national consciousness among the illiterate traditional leaders by providing them with an opportunity to make decisions involving large administrative sub units. The democratization of the central administrative organs of the

³⁹⁶ The 1959 United Nations visiting mission to Southern Cameroons Report

³⁹⁷ Ibid.

federation not only paved the way for local government but also sounded the death knell of native administration as originally conceived and threatened the limitation imposed on the elective principal (only the traditional authorities elected the members of the central administrative bodies) denied the comers the right to choose their leaders and demonstrated British reluctance to abandon the traditional leaders who had loyally cooperated with them in the development of native administration and had rejected the idea of local government 1949.³⁹⁸

The new arrangement made the majority of the traditional leaders mere executors of general policy, while only a few of them remained to make policy in the central administrative organs. Even those who were still involved in the decision making process had to share authority with the elected commoners in the central administrative bodies of the federation, although they still enjoyed a comfortable majority in those organs. In spite of the fact that the whole basis of native administration had been weakened and an attempt had been made to involve the modern leaders in local administration the interests of the western educated elite remained centered on larger political issues such as autonomy or separation, secession, unification, and reunification. On the other hand the traditional leaders and their illiterate followers had little to do with those larger political question, for “the horizon of the ordinary man was still limited by his village or clan boundaries his circle of influence and outside this he no particular link with the other”. Yet, during the 1951 general election to the eastern Nigerian house of assembly, the traditional leaders and their followers cooperated in selecting the Southern Cameroons representatives, although the turn out at the polls was disappointingly poor. And .it must be stressed that candidates who won the elections were nominated by the federal council dominated by the traditional authorities.³⁹⁹

This was not suggesting that most of them who were selected came from chiefly families or they were relatives of chiefs. The reverse was more the case of the thirteen selected in the 1951 general elections J. N. Foncha, S. C. Ndi, E. M. L. Endeley, J. C. Kangsen M.N. Forju, R. N. Charley V. T. Lainjo, J. T. Ndze S. T. Muna, A. J. Ngals S. A. Gelorge, N. N. Mbile and P. N. Motomby Woleta —only the first six came from chiefly families indeed, the majority of those selected in later elections (such as B. T.Saka, J.N. Lafon, A.N. Jua, P.M.Kemcha Sam Mofor, and Ajebe Sone had on connections with chiefly families. Their popularity derived from the fact that many were primary school teachers and

³⁹⁸ P. Geschiere, “Chiefs and Colonial Rule in Cameroon: Inventing Chieftaincy, French and British style” *Journal of the International African Institute*, vol.63, No.2pp. Edinburg University Press p, 1993, pp.151-175

³⁹⁹ Ibid.

were important personalities with the various religious denominations, while still others were already member of religious denominators while still others were already members of the federal councils where they were able to elicit the support of the traditional leaders. Whatever the case, having become representative of the territory by the grace of the traditional authorities, the new leaders approached their task cautiously for the first few years. The more advance area of eastern Nigeria had Insisted that the Macpherson constitution which was to be introduced in 1951 should go hand in hand with the government.⁴⁰⁰

As already state as of the Southern Cameroons had reject the idea of local government in 1949. In 1950, a bill on local government was introduced in the eastern regional house of assembly. The bill called for the immediate introduction of a three tier local government of the immediate introduction of a three-tier local government of country councils as it was on elective and democratic principles it made no provision for the special interest of the traditional leaders during the discussions the majority of the southern Cameroon representative were of the position of the traditional authorities towards local government and opposite it, along with some representative from the other parts of eastern Nigeria. The bill was adopted, however, and became the local government ordinance of 1950. As a concession to those opposed to the Bill, the ordinance stated the NAS of province must be consulted before the introduction of that system of local government in that particular province.⁴⁰¹

With that concession, the Acting resident for Bamenda province, J. Brayne Baker, on October 7, 1952, organized a conference to sound out the opinion of the province's local authorities regarding the implementation of the 1950 local government ordinance. The conference was attended by department heads, the SDO for Bamenda, the SDO for Bamenda, the Divisional officers of Wum and Nkambe Divisions, the province's elected representatives to the eastern Nigeria hose of assembly, and the representatives of the native authorities in the province. In his opening speech, the acting resident expressed the view that the king of local government envisaged in the 1950 local government ordinance. The federations, he argued, had just been formed; their functional committees were still being experience before fuurther changes could be introduced. Moreover, few of the councilors could speak English a prerequisite for any person hoping to be a member of any council of the local government stipulated by the ordinance.⁴⁰²

⁴⁰⁰ F.S.D. Effuetnkeng, *"The Southern Cameroon House of Chiefs, 1960-1972"*, Maîtrise Dissertation, University of Yaounde, 1979

⁴⁰¹ B.C.Langhëë, *The Origin of the Southern Cameroons House of Chiefs*, The International Journal of African Studies, Vol.16, Boston University African Studies Center, 1983

⁴⁰² Ibid.

These views were shared by many people at the conference. Tamin, the Fon of pinyin, and Dock, the representative of the Fon of Bali fully supported the views of the acting resident, adding that the Native Authorities had rejected local government in 1949 and still did so. Speaking for the Northeastern federation (Nkambe Division), Mformi, the Fon of Ndu, enquired what offense or crime Bamenda Province had committed to be 'threatened with local government.' John Ngu Foncha, one of the elected representatives, suggested that a modified system of local government which could safeguard the position of the traditional leaders be introduced in Bamenda Division, because the ordinance did not make any provision for them to sit as ex-officio members of the local government councils. Another elected representative, V.T Lainjo; proposed that, because it was only the Western educated persons who desired the implementation of the local government ordinance of 1950, the western-educated should be absorbed into that native authority councils and their demands would cease. Modern leaders had thus cooperated with the traditional leaders to prevent the introduction of the local government system that threatened the local authority of the latter in southern Cameroons.

But there was more to it than that. According to Paul N.Nkwi, they had an interest in 'preserving those traditional institutions that gave them a sense of identity.' This nostalgia for the past gave 'the feeling that independence could not be achieved without the active participation of the chiefs.' They knew that any political arrangement without the chiefs, many of whom 'were regarded as sacred persons' with ritual functions that promoted the welfare of the chiefdoms, would be disastrous. They had also decided that it was about time to involve the traditional leaders in larger political issues and to seek their cooperation in their struggle with the British over those issues if only because they were fully aware that the traditional leaders had the ear and support of both the British and the populace. However, before they had time to involve the traditional leaders in larger political issues another event occurred in Nigeria proper which contributed to the emergence of the southern Cameroon House of Chiefs during the all Nigerian Constitutional Conference held in late 1949 at Ibadan to discuss provision for Macpherson Constitution.⁴⁰³

The issue of House of Chief was raised and professor Eyong Eta, Vice-president of the National Council of Nigeria and the Cameroons (NCNC) and Nigerian Political Party, and Mazi Mbonu Ojike, an eminent Nigerian Politician at the time, presented a minority report which among others things opposed the creation of House of Chief. The major issues raised by minority reports were, however, ignored. When the Macpherson Constitution was

⁴⁰³ Ibid.

introduced in 1950, the chiefs of the Eastern Region of Nigeria held their first Conference at Nwewi on April 10, 1952, and began to collect facts concerning the creation of an Eastern Region House of Chiefs. When the house of chiefs was finally created, two of the Southern Cameroons traditional leaders, the Fon of Abli, Galega II, and chief Manga Williams of Victoria, both of them semi-Western-educated, became its members. From that time, it became difficult for the Southern Cameroons Traditional Leaders, especially Fon Galega II and Chief Manga Williams, to conceive of a Southern House of Assembly without a SCHC.⁴⁰⁴

Whatever the case, when the modern leaders failed to achieve their goals during the 1953 Nigerian constitutional crisis, they invited the Traditional Leaders and their followers to join them in their nationalist movement. 'all Native Authorities, tribal organizations, chiefs and the people of every village and town were asked to send two representatives each to a conference to be held in May 1953' at Mamfe. At the conference, it was agreed that the two major political organization in the territory be merged to form the first political party of Southern Cameroons, the Kamerun National Congress (KNC), with Dr E. M. L Endeley, an elected representative from Victoria Division, as its leader, and that a petition be addressed to the secretary of state for the colonies demanding a separate region for Southern Cameroons.⁴⁰⁵

Soon after that, Paul M.Kale and N.N. Mbile formed and led another political party, the Kamerun people's Party (KPP), in opposition to the KNC. The secretary of state replied to the petition, stating that Southern Cameroons would become a separate region provided the KNC won the 1953 general elections to the House of Assembly on that issue. When the elections were held, the KNC, won all but one of the seats with the support of the traditional leaders. The Littleton Constitution, which came into force in October 1954, accorded Southern Cameroons the status of a quasi-Federal territory, a status which notably ensured separation. The traditional leaders had thus cooperated with one group of the new leaders to give them their first victory over the British. Even when Federal and Native Authority council's elections were held in 1954, the traditional leaders and their followers voted in all the KNC candidates. Thus the KNC enjoyed the support of the traditional leaders to the detriment of the KPP.⁴⁰⁶

But Endeley's personal inclination, the secretary of state for the colonies, and the KPP leaders soon created conditions which strained the relations between the KNC delegations,

⁴⁰⁴ Ibid.

⁴⁰⁵ V.J.Ngoh., *Cameroon 1884-1985 A Hundred years of History*, Yaounde Navi Group Publication, 1987

⁴⁰⁶ Ibid

which represented Southern Cameroons at the 1954 resumed Lagos Constitutional Conference, to demand a House of Chiefs for Southern Cameroons. During the discussions, Endeley insisted instead that the establishment of the Southern Cameroons House of Assembly (SCHA) should go hand in hand with that of the Southern Cameroon Senate, whose members would be the Western traditional leaders. This request did not only discriminate against the majority and the most powerful of the traditional authorities, but also indicated that Endeley saw the traditional leaders as playing a secondary role in decision making in the future). When the idea of a Senate was turned down, the KNC delegation requested a House of Chiefs in its place. When that too was turned down, the delegation suggested that each of the six Divisions should be allowed to have a native authority representative in the House of Assembly, a request which was granted and the Southern Cameroons House of Assembly was established without the House of Chiefs.⁴⁰⁷

Although the decision to grant Southern Cameroons neither a Senate of Western-educated chiefs nor a House of chiefs was in accord with British determination not to grant Southern Cameroons anything beyond a quasi-Regional status, the KPP leaders seized upon themselves, the opportunity and charges that it was the KNC that had rejected the idea of the House of chiefs out in spite for the traditional authorities, the traditional leaders then became suspicious of KNC designs.⁴⁰⁸

The KPP charges and anticipated the unity of the traditional leaders in response to these developments appear to have affected most of the local authorities. When the SCHA met for the first time on October 26, 1954, John Ngu Foncha, and elected representative from the South Eastern Federation, came out strongly in favour of the SCHC. According to him, the house of chiefs would enable the traditional leaders, the long-established authorities in their territory, “to take their rightful place in the Government to which they had long contributed to order, peace, and good Government”.⁴⁰⁹ These long-established authorities were the nearest leaders «to the people over whom most of them exercised absolute authority » and, therefore, the instrument through which the government would have to reach the people. A house of assembly without a house of chiefs would be interpreted by these leaders as an attempt by the commoners to reject their authority and dictate to them. Such an

⁴⁰⁷ B. C. Langh  , “*The Origin of the Southern Cameroons House of Chiefs*”, The International Journal of African Studies, Boston University, African Studies Center, 1983

⁴⁰⁸ Ibid.

⁴⁰⁹ B. C. Langh  , “*The Origin of the Southern Cameroons House of Chiefs*”, The International Journal of African Studies, Boston University, African Studies Center, 1983

interpretation would alienate the traditional authorities and force them to unite to fight for their rights.⁴¹⁰

Moreover, the role they played in the system of Native Administration, the experience gained, and the training they received from it had adequately prepared the traditional leaders for the role they would play in the House of Chiefs in a bicameral setup. Furthermore, the economic development of the territory was invariably interwoven with the authority of the traditional leaders: “of their own volition, they can cause a road hundreds of miles to be built; they had already caused the building of maternity homes and had contributed to the building of new schools and new bridges. Contrary to the fears *nursed in* some quarters, the traditional leaders were progressive and would not « hinder the House of Assembly from promulgating policies and legislation for the good government of the southern Cameroon”. finally, the house of chiefs would not only promote the prosperity and peace of the territory but would also act as a symbol of its unity. These views were elaborated and supported by some of the politicians J. T Ndeze, M.T.Monju, chief J. Manga Williams, J.N.Nkwain, V.T Lainjo, S.T.Muna, and Dr Endeley, all member of the KNC, and by S.E Ncha, member of the KPP, and deputy commissioner for the Cameroons. Indeed, there was not as much as one single voice in the house of assembly against the establishment of the SCHC and, for that reason; the house of Assembly unanimously adopted a resolution requesting the secretary of state to provide the territory with a House of Chiefs.⁴¹¹

Foncha’s prediction that the Traditional Leaders would interpret the absence of the House of Chiefs as an attempt by the commoners to seize their power was proved correct. As the assembly was meeting, the Fon of Bali Nyonga toured the Grassfields Fondoms and chiefdoms, explained the situation to the a-Fon and Chiefs, and organized a conference of the traditional leaders. The conference took place at Bali Nyonga on November 10, 1954 and was attended mainly by the traditional leaders of the grassfield. In his opening speech, the Fon of Bafut, Achirimbi II, who was the chairman of the conference, expressed unalloyed dissatisfaction with the situation and urged his colleagues not to give up the struggle for the House of chiefs. While Achirimbi’s views were unanimously supported by all present, the representative of the Fon of Nso went further and declared:

It is and unfortunate affair and this special item has gone into kill our traditional custom and is very unpopular as we have explained to the people of Nsaw. We at Bansa are not ready to obey anyone there apart from the Fon, as it has been constituted that were representatives who have been elected through one way or

⁴¹⁰ Ibid

⁴¹¹ V.J.Ngoh., *Cameroon 1884-1985 A Hundred years of History*, Yaounde, Navi Group Publication, 1987

the other, are now the authority and the Fon is nothing. It evidently shows that as there is no House of Chiefs the voice of our Fon is not heard in fact, the chiefs have not any hand in Government of their country. It should have been wise if it is considered that we join Adamawa where.....chiefs have the same customs as ours and have got a House of Chiefs.

This Adamawa solution to the problem was supported by all the delegates. What bothered the traditional leaders most was the shaping the conclusion of their deliberations at the conference, was stated by the Fon of Kom and the Fon of Bali respectively. Without mincing words, the Fon of Kom declared:

If it is true that we have no House of Chiefs which is the only right channel whereby the government of our country depends or whereby we can sit together like this and discuss the affairs of our country, it is unfair the assembly men have determined to kill our traditional customs and govern us. They have already started.....the want to divide us and rule. We have to get House of chiefs to enable us to meet together and to discuss the affairs of our country. We are not far from Adamawa where chiefs are considered. Mr. Chairman ; who are the house of Assembly to govern Bikom Laikom. This is our house of chiefs.⁴¹²

In his closing remarks, the Fon of Bali Nyonga blamed the unfortunate situation on the KNC government, declared that the government was unpopular for ignoring the request of the traditional leaders, whom it had to come to power, called on that government to reconsider its position, and urged his colleagues to make one more appeal during the next Constitutional Conference. On December 2-3, 1954, the Traditional Leaders held another Conference in Mankon town to consider the issue further. Their position remained unchanged. As their chairman put, “the House of Assembly whom we elected to use have now gone out of power and we have no voice in the Government of our country, hence we thought that the only way out is to have a House of Chiefs, where our voice can be heard, we are after peace and good government of our country. By this time, Foncha was on his way out of the KNC to form another political party. With the grant of the Quasi-Regional status, Endeley began to perceive southern Cameroon developing in to a self-governing region within the Nigerian political personality and to accept as inevitable the final merger of northern Nigeria.⁴¹³

At the same time, the traditional leaders either became indifferent to the ideas of the total fusion of northern Cameroon with northern Nigeria, unification, and reunification or they accepted them with their own special definitions Furthermore as already seen the KNC had become suspect to the traditional leaders over the issue of the house of Chiefs. Because of all this Foncha accused Endeley of arrogance, of interfering in Nigerian politics, and of

⁴¹² Ibid

⁴¹³ Ibid.

abandoning the principle of reunification, and then severed links with the KNC. With the collaboration of like-minded modern leaders in early 1955, Foncha and the Kamerun National Democratic Party (KNDP), based on the principles of Secession and Reunification. One more burden had thus been added to the problems of both the KNC and the KPP. Like Foncha and his group, the traditional authorities also put pressure on the KNC and the KPP in 1955. When the third United Nations Visiting mission was earmarked for Southern, the Southern Cameroon Government, stressing need for House of Chiefs and requested that they be addressed by the United Nation visiting mission to the territory.

We want to stress that the question of a House of Chiefs for the Southern Cameroon be now considered seriously as we feel that without it the revised constitution would not work well in the Cameroons. We want that in the review of the constitution in 1956. The chief's conference should be represented by nominees of their own. We desire to have the forthcoming UNO visiting mission to meet and address the chiefs' conference in the community hall Abakpa Bamenda on the 19th.november, 1955 at 10 am. When the memorandum was introduced in the House of Assembly, Endeley and other representatives suggested that the traditional leaders be given permanent representation in the House of Assembly thus indicating that they were not longer unwavering supporters of the House of Chiefs. However, the traditional leaders declined the offer with the argument that they were above politics and could not share the same house with politicians, even though some of them-such as chief J. Manga- Williams, Chief J. Mokambe, and Chief W. Mformi-were already sitting in the House of Assembly as representatives of Native Authorities.⁴¹⁴

In march 1957, general election, Endeley and his group joined the others in supporting the ideas of a House of Chiefs in one of his campaign speeches, Endeley declared that "the KNC believes in maintaining the long established institution of chief, and will continue to work hand in hand with them in carrying out modern democratic responsibility of law making..... we shall therefore press for the establishment of the House of Chiefs. The KPP and the KNDP also offered the electorate and the traditional leaders the House of Chiefs. During the 1957 Constitutional Conference held in London, the Fon of Bali Nyonga, supported by all the political parties of Southern Cameroons, demanded a Southern Cameroons House of Chiefs. Britain had accepted the fact that Southern Cameroons would gain the status of a fully self-governing region, Thus, the 1957 constitutional proposals for Nigeria, which were still to be confirmed by the resumed Constitutional Conference of 1958,

⁴¹⁴ Ibid

made allowance for both a full region and House Chiefs for Southern Cameroons. 'There shall be for Southern Cameroons, a House of chiefs which shall be styled a House of Chiefs of the Southern Cameroons (SCHC).'⁴¹⁵

4.5 Events leading to the creation of the Southern Cameroons House of Chiefs (SCHC)

In order to brief the chiefs on the importance of the House of Chiefs, the High Commissioner, J.O Field, toured the Grassfields. He had been empowered by the constitutional Conference in 1957 to determine the number and method of selection of the members of the House. On May 1st 1958, he addressed the chiefs of the South Western, and South Eastern Federated Native Authorities at Ndop. He explained the decisions of the London Constitutional Conference regarding the future of Southern Cameroons and the establishment of the House of Chiefs. He visited Wum on May 6th 1958 and presented the same issues to the chiefs of the Northwestern Federation. The chiefs of this Federation unanimously accepted the paramountcy of the Fon of Kom and his status as the ex-officio member of the new House of Chiefs. The Fon of Bum, Fon John Yai⁴¹⁶, who was proposed for the same post was rejected by a number of chiefs. After the commissioner's tour, District officers were then instructed to constitute the different electoral colleges that would choose the chiefs' representatives. The District officers were empowered to determine the method of selection suitable to their areas. When the Southern Cameroons House of Chiefs Regulations' were drawn and finally signed by the commissioner on May 4th 1960, all the District officers and the Chief Electoral Officer were notified that elections into the House of Chiefs would take place on July 11th 1960.⁴¹⁷

A number of conditions for the selection of the members of the House of Chiefs were laid down. Chiefs who were tax-defaulters, were to be excluded; those who had been to prison for more than six months were equally excluded; chiefs who did not possess moral and physical qualities could not stand for elections; chiefs who were members of any of the national or state legislatures were equally excluded. Later, any chief who wished to stand for elections into the West Cameroon House of Chiefs had to submit his application through the

⁴¹⁵ Ibid.

⁴¹⁶ John Yai adopted as policy to fight for the liberation of his people and the entire Southern Cameroon from the shackles of colonial rule. In this regard he became one of the principal actors in the nationalist struggle. His role in the struggle also elevated the status and institution of Fondom to one of the important factors in that struggle from the 1950s.

⁴¹⁷ B.C. Langhee, *The Origin of the Southern Cameroons House of Chiefs*, Boston University African Studies Center, vol. 16, 1983, pp. 653-673

Divisional Officer who transmitted it through the Minister of Local Government to the Prime Minister. The applications were then screened by a special committee which presented the final list for approval. This list was published before the election. Over 311 chiefs registered for elections in 1967: 48 from Wum, 14 from Nso, 94 from Nkambe, 123 in Gwofon. Of the 23 seats opened to chiefs, four were reserved to the 4 Grassfield Fons Kom, Nso, Bafut, Bali. Of the 18 remaining seats, over 300 Grassfields chiefs had to compete for only 9 seats. Nkambe had to constitute 3 electoral colleges for the selection of three chiefs. The Northwestern Federation had to choose two other chiefs to join the Fon of Kom. Bamenda Division was constituted into three electoral colleges for the selection of chiefs' representatives. The election finally took place in July 1960 and the following chiefs were chosen to represent the Grassfields chiefdoms: Chief Meh-Boh of Isu (Wum), Chief Wallang of Aghem (Wum), the Fon of Kom, Fon of Bafut, Fon of Nso, Chief Ghogomo of Bambalang, Chief Ngwo, Chief of Mfe (Nkambe), chief of Ndu, chief Kembongsi (Nkambe). By the election of these chiefs, they were given the authority by other chiefs and their people to speak for them. It was the hope of the people that these chiefs would pay attention to the service of Southern Cameroons.⁴¹⁸

Photo 9: Meeting with Chiefs of Southern Cameroons and the British Officials



Source: National Archives Bamenda

⁴¹⁸ P. M. Kale, Title, Political Evolution in the Cameroons; Government Printer, 1967 ; pp,1-92

Several chiefs were dissatisfied, either with the candidates or with the methods or modes of selection. More petitions came from the Northern Federation of Nkambe. The Chief of Mbot protested against the nomination of the Chief of Ndu.⁴¹⁹ The chief of Ntem-Mbaw refused to stand elections with chiefs, he considered his subordinates. Chief W. Nformi of Ntem claimed his equals were only the Fons of Nso and Kom, Bali and Bafut. Claiming to be nominated on the basis of paramountcy, he said his performances warranted him as ex-officio member of the House of Chiefs. Some chiefs appealed to the High Commissioner to select the chief of Bambalang should be selected to represent the Ndop area. He had worked at divisional and provincial levels, and was better prepared than most chiefs in the Ndop area to play a meaningful role in the new House of Chiefs. Several reasons motivated many chiefs to seek elections into the House of Chiefs. All members of the House of Chiefs drew some financial benefits, besides their salaries; they were granted sitting allowances, transport and lodging expenses were also subsidized by the government. Secondly, on the protocol list, the elected chiefs enjoyed positions of pre-eminence over the non-elected ones. They were given the same protocol treatment as that given to elected parliamentarians.

On September 5th 1960, the House of Chiefs sat for the first time at Buea. Addressing the House, the High Commissioner stressed its historical importance. He said:

at no time in your history has there been greater need for wise statesmanship than in the months that lie immediately ahead. You come here not as elected politicians to express the views of this or that political party but as the traditional leaders and spokesmen of your communities who are expected to rise above all party factions and in the light of your experience of men and affairs at large to give considered and disinterested advice on the many weighty problems that confront the government and people of the Southern Cameroons today.⁴²⁰

4.5.1 The Southern Cameroons House of Chiefs (SCHC)

During this time of turmoil in French Cameroun, the area of Cameroon governed by British trusteeship, termed the British Cameroons, was engaging in a similar independence struggle. While the French administered their mandate as a separate entity from other colonial holdings, the British attached their piece of the former German Kamerun to the Eastern Provinces of Nigeria. The independence struggle in the British Cameroons took on a new

⁴¹⁹ BA: FN 1063/64

⁴²⁰ On September 5th 1960 in Buea, Addressing the House, the High Commissioner for British Southern Cameroons stressed the historical importance of the House of Chiefs

dimension. As in the Bamiléké Grassfields, the chiefs in the British-governed Grassfields of the Southern Cameroons took on a new role with the independence movement. As powerful customary authorities even if marginalized by the colonial state, Anglophone Grassfield chiefs were elemental in garnering support for the nationalist movement. This highlights another example of the mobilization of customary institutions in modern state building projects, contradicting the false dichotomy between the modern and the traditional.

Photo 10: *Southern Cameroons parliament in the late 1950s*



Source: National Archives Bamenda

In the British Cameroons, Cameroonian politicians involved in nationalist debates felt that independence could not be achieved without the active participation of chiefs. Piet Konings in, “The Anglophone Struggle for Federalism in Cameroon,” in *Federalism and Decentralization in Africa: The Multicultural Challenge* (Fribourg: Institut du Fédéralisme, 1999). The British Cameroons were divided administratively into the Northern Cameroons today part of Nigeria and the Southern Cameroons (today part of Cameroon). Politicians saw chiefs as the people who controlled the populations, due to their customary authority and the organization of community life in villages around chieftaincies. Such a view was particularly true in the Grassfields region of the British Southern Cameroons: in 1957, fifty seven percent of the total population was under the rule of Grassfields chiefs. Furthermore, the Grassfield region held strong political sway in the colonial state as a whole, as at this time fifty five percent of electoral seats were assigned to constituencies in the Grassfields, which in 1961 increased to sixty percent. The success of nationalist politicians in their independence movement thus depended on the support of chiefs, especially the paramount *fons*, because

they could garner the support of the people and thus put pressure on the colonial administration. As a result, the Grassfield chiefs played a large role during the British Southern Cameroons independence struggle, both reasserting their precolonial power and newly integrating their customary authority into modern state processes.⁴²¹

As a result, the various nationalist political movements in the Southern Cameroons, such as the Kamerun National Congress (KNC), the Kamerun National Democratic Party (KNDP), and Kamerun People's Party (KPP) pushed for the active role of chiefs in independence. These political parties briefed chiefs on the major political issues of the day, such as secession from Nigeria and unification with then French Cameroun, or independence within the Nigeria Federation. The KNDP in particular became the greatest avenue for the participation of chiefs in the independence struggle. The KNDP was the first party to be formed by Grassfield politicians, and it was perhaps due to this primacy that it promoted itself as a party upholding. Such a promotional campaign highlights the importance of customs and traditions in the modern nationalist political project. The focus of the KNDP on customary structures caused most chiefs to support this party, and these leaders then became the party's mainstay. As a result, KNDP politicians concentrated on the demands of the chiefs. The relationship between the KNDP and the chiefs constituted the beginning of a deep history of political cooperation between the customary authority of chiefs and the modern political nationalist movement in the Southern Cameroons. Anthropologist Peter Geschiere writes, "*One of the first measures of the KNDP regime was to set up a House of Chiefs in order to satisfy the traditional chiefs, the backbone of KNDP support.*"⁴²²

With this institution, the role of the Grassfield chiefs thus shifted from mere support of nationalist political parties to a separate political counseling body to the state. Such an enhanced role marks a clear difference between the integration of chiefs in the independence era in French Cameroun and the British Cameroons: French Cameroun chiefs were never granted their own political body within the government. The Chiefs' Conference, formed in 1956, acted as a vehicle for the chiefs to communicate their views on the independence struggle, particularly concerning their traditional status. This body deliberated the central questions of independence: Should the Southern Cameroons join with Nigeria? Should they form their own independent state? Should they reunify with French Cameroun for independence? The creation of the Chiefs' Conference as a political counseling body to the

⁴²¹ P.J.J.Konings, *The Anglophone struggle for federalism in Cameroon*, Leiden University, Institut of Federalism, (1999)

⁴²² B. C.Langhee, "*The Origin of Southern Cameroons House of Chiefs*", *International Journal of African Historical Studies*, 1983

state thus shows the role this customary institution played in modern political nationalist debates. In addition to deliberating the questions of independence, chiefs were preoccupied with the integration of customary authority into the modern state. As Nkwi writes, these questions included the following: “Would the new constitution grant them any measure of power? Would they be completely eclipsed by the new emerging indigenous leaders nationalist politicians”.⁴²³

Several conferences of the Grassfield chiefs took place in March, April and December 1958, within which the chiefs called for the creation of a more powerful House of Chiefs with more legislative powers. The High Commissioner signed these “Southern Cameroons House of Chiefs Regulations” on May 4, 1960. Elections for the House of Chiefs took place in July 1960, and on September 5 of that year, the House of Chiefs sat for the first time in the city of Buea. The creation of the House of Chiefs demonstrates chiefs’ mobilization of modern political institutions in order to preserve their customary institution and ensure their continuing role in the changing state. In addition to the elections, a number of conditions were created for the selection of members of the House of Chiefs, which excluded the following individuals: tax-defaulters, those who had been in prison for more than six months, those who did not possess specified moral and physical qualities, and those already parts of state legislatures. All members of the House of Chiefs were salaried in addition to receiving financial benefits, including sitting allowances and subsidized travel and lodging; they were given the same protocol treatment as elected parliamentarians. These protocols demonstrate the integration of customary institutions into a modern political system. Chiefs retained their ability to ascend to the chieftaincy through customary processes. Yet among these customarily decided chiefs, a modern-day electoral process occurred to select those to participate in the state political body of the House of Chiefs. Additionally, once in the House of Chiefs, these customary leaders were treated in the same manner as elected parliamentarians. Furthermore, the chiefs of the House of Chiefs were conceptualized as the true political representatives of their people.⁴²⁴

In popular and political discourse, the chief’s role was changing to the “peoples’ representative.” Paralleling the way that French Cameroun chiefs came to be viewed as more effective and legitimate than French administrators, chiefs in the British Cameroons became community political spokespersons, understood as more effective popular representatives than elected partisan politicians. In this example, the customary institution of chieftaincy becomes

⁴²³ Ibid

⁴²⁴ Ibid

more effective than “modern” political institutions of the colonial state. To conclude, Grassfields chiefs in both French Cameroun and the British Southern Cameroons wielded significant power over their people through customary authority. Chiefs were thus instrumental in the independence struggle. In the Bamiléké area, chiefs themselves participated in societies such as Kumzse, the nationalist party the UPC, and organized acts of disobedience. In the Bamenda Grassfields, in addition to supporting nationalist political parties like the KNDP, chiefs were uniquely integrated into the modern nationalist process through the creation of their own advisory body in the House of Chiefs.⁴²⁵

In both areas, not only were chiefs themselves active in politics, but the institution of chieftaincy as a whole was mobilized to articulate a new “political repertoire” by which Cameroonians conveyed their beliefs about independence, the role of the state and the changing political situation. In both of these areas, the independence struggle mobilized the customary institution of chieftaincy to suit its modern nationalist aims, and in turn reinvigorated the institution from its colonial prescriptions and proscriptions. The new role for chiefs in Cameroon reflected in a modern context the pre-colonial roles of chiefs, that of sovereign representatives of their people and powerful actors in governance. For both the Bamiléké and Anglophone Grassfields, the independence era was the right time for chiefs to be involved in political activity. Collaborationists and nationalists alike wanted to preserve chieftaincy, although, according to Terretta, “they differed slightly on how to position the ‘traditional’ institution vis-à-vis the state.” On both sides of the independence struggle, customary institutions were viewed as compatible with the process of modern state building.⁴²⁶

In regards to the Bamiléké nationalists in particular, Terretta writes: The contrast between traditional and modern in the Cameroonian political imaginary was not as pronounced as in the minds of French administrators. For nationalists, inclusion in modernity was not contingent upon mimicry of the French, nor did it necessitate collaboration with the French Union. Tradition whether in dress or in chieftaincy politics was not incompatible with modernity in the minds of nationalists, although an accommodation of French rule was. Terretta highlights the political imaginary regarding ideas of tradition and modernity that supported both British and French Cameroonian nationalism. The customary institution of chieftaincy remained at the heart of the modern nationalist project, and, with the evolving idea

⁴²⁵ Ibid

⁴²⁶ Ibid

of chiefs as the “peoples’ representative,” the customary institution of chieftaincy became an important site for a new representative democratic political modernity.⁴²⁷

This new role of chiefs formulated in the independence era set the stage for their integration into the newly independent and reunified state of Cameroon, as ideas about chieftaincy conceptualized during this time shaped the actions of the new state in its incorporation of this customary institution into modern state processes. In the 1960s, the role of chiefs in Cameroon was redefined once again within the framework of an independent nation-state. The former British Southern Cameroons and the Republic of Cameroon were united on October 1, 1961 as one federal state, under the title of the Federal Republic of Cameroon. The former Francophone Republic of Cameroun was called the federated state of East Cameroon, and the former Anglophone Southern Cameroons was termed the federated state of West Cameroon. As examples from the new Federal Republic will demonstrate, chiefs in Cameroon, and particularly the West Cameroon Grassfield region, were incorporated into the modern political evolution of the newly independent state.⁴²⁸

In 1964, the President of the new Federal Republic, Ahmadou Ahidjo, observed that “independently of their sentimental value, they [the chiefs] still constitute today and surely will tomorrow, by reason of the leadership which they give to the people, an instrument of action which the state cannot afford to do without at present.” Due to their instrumental involvement in both independence movements, as well as their power as representatives of the people, chiefs remained essential to a newly independent and reunified nation state. As this state grew and its gains became established, chiefs were given place in the constitution and the selection of chiefs was folded into state processes, such as elections. However, during this time tensions began to grow between this customary authority and that of the state. Some key actions taken by the new Federal Republic of Cameroon highlight the ways in which the new state grappled with the integration of a customary authority into a modern state system.⁴²⁹

Several factors conspired to produce the Southern Cameroons House of chiefs (SCHC), which lasted from 1960 to 1972. These factors included the precolonial political and administrative organization of Southern Cameroons (that is, the southern portion of the “British Cameroons”), the German approach to the administration of that territory, the British

⁴²⁷ M. Terretta et al, “*God of Independence, God of Peace’: Village Politics and Nationalism in the Maquis of Cameroon, 1957-71*”, *The Journal of African History*, Vol 46, Published By: Cambridge University Press, pp.75-101

⁴²⁸ *ibid*

⁴²⁹ *ibid*

policy of the native administration, events in Nigeria, the desire of the western education elite to harness the support of the traditional leaders in their struggle with the British over larger political issues, and the determination of the traditional authorities to the final indigenous decision makers of Southern Cameroons.⁴³⁰

The practical function of such an institution was to be a non-partisan body, giving advice and assisting the government in exercising its legislative authority. It was to consider and by resolution to advice on any question or matter introduced by a member. The House would consider proposed legislation and other important matters of policy and its resolution would be laid on the table of the House of Assembly where it would be open to the Government or any member of that House to take them up. Members of the executive council would be entitled to attend sessions of the House of Chiefs but not to vote. The life of the House of Chiefs would be coterminous with that of the House of Assembly, and at least initially the Commissioner would preside. It was to function like the British House of Lords.⁴³¹

By the creation of the House of Chiefs, the chiefs of Southern Cameroons were given a unique place in the political structure of the Federal Republic of Cameroon. It had been established to enable traditional rulers to participate in the task of governing the state. As an advisory body, it could not initiate legislation nor could it deal with finance bills. It could postpone but could not prevent the adoption of a bill. It also considered the merits of the miscellaneous bills before they were approve by the legislative Assembly which transformed them into law. As an Upper House it performed a useful and an essential duty towards the people of Southern Cameroons. At its initial stages, the House was always presided over by non-traditional rulers, first by the British High Commissioner, and later by politicians.⁴³²

The functions of the House would be to consider and by resolution to advice on any matter referred to by the commissioner or on any question or matter introduced by a member. The House of Chief would consider proposed (legislation) and important matters of policy and its resolution would be laid on the table of the House of Assembly when it would be opened to the government or any member to take them up. The powers of the house of chiefs were therefore, very limited. The House of Assembly, controlled by the new leaders, and not the House of Chiefs, controlled by the new leaders, was to be the final authority in Southern

⁴³⁰ B. C. Langh  , *"The Origin of Southern Cameroons House of Chiefs"*, International Journal of African Historical Studies, 1983

⁴³¹ Ibid pp. 232

⁴³² Ibid pp. 232

Cameroons, the House of Chief was to function only in an advisory capacity and its advice, in the form of resolutions still had to be debated by House of Assembly. Only the limitation imposed on the House of Chiefs had but also the delay in establishing it once more force the traditional leaders in to action. In a memorandum addressed to the 1958 resumed conference, they said:

We regret that the House of Chief has not yet been set up to function. We therefore crave for early dissolution of the present House of Assembly and the hastening of general election to the new House of Assembly in order to facilitate the inauguration of the Southern Cameroon House of Chief. In the interest of peace and humanity we have patiently waited for a year and cannot continue to wait indefinitely.⁴³³

And when the resumed Constitutional Conference ended without modifying the nature of House of Chief as defined by the 1957 conference, the traditional leaders held another meeting in December 1958 to consider the issue at the end of their deliberation they called for a power full House of Chiefs with more legislative power. This request met with one success and the Southern Cameroon house of chief, which emerged in 1960, had almost the same function and power as those prescribed by the 1957 London Constitution Conference. The Traditional Leader had therefore received the House of Chiefs they demanded. But it was a house of chief whose power and function fell far short of their expectations; it was not the source of authority in Southern Cameroon nevertheless, it must be submitted that they understood the implications or the demoralization of native administration of local government on the British model, and of the establishment of House of Assembly without the House of Chiefs for their authority and positioning Southern Cameroons and put up a strong fight against the accurately preceded threat. Yet it must also be submitted that the Traditional Leaders were fighting a losing battle. When the house of chief was finally established in 1960, its first president was the commissioner for Southern Cameroon.⁴³⁴

4.5.2 Composition and functions of the House of Chiefs

According to the Southern Cameroons Constitution Order in Council, 1960, the Chiefs had the following functions in article 89 of the Constitution:

- 1) There shall be a House of Chief for the Southern Cameroons.
- (2) The members of the House of Chiefs shall be
 - (a) The Commissioner, who shall be the President of the House;

⁴³³ Memorandum of the Chiefs, 1958

⁴³⁴ Ibid

(b) Not less than eighteen members selected for membership of the House in accordance with regulations made under subsection (4) of this section; and (c) the members of the Executive Council.

(3) The number of members of the House of Chiefs to be selected under paragraph (b) of subsection (1) of this section shall, subject to the provisions of that paragraph, be such as the Commissioner, acting in his discretion, may from time to time prescribe.

(4) Subject to the provisions of this section, the Commissioner, acting in his discretion, may be regulation

(a) make provision for the selection of persons to be members of the House of Chiefs in accordance with the foregoing provisions of this section;

(b) Prescribe qualifications for selection as afore said;

(c) Prescribe conditions on which any person selected as aforesaid shall hold his seat in the House;

(e) Make provision for the regulation and orderly conduct of the proceedings of the House.

(5) The House of Chiefs may consider and discuss any bill introduced in the House of Assembly, not being a bill that the commissioner acting in his discretion, certifies in writing to be a money bill, or the draft of any such bill proposed for introduction in that House, or any other matter that may be referred to the House for consideration by the Commissioner, acting in his discretion, or by any other member, and may submit resolutions on any such bill or draft bill or other matter to the Commissioner for his consideration, which the Commissioner shall cause to be laid before the House of Assembly.⁴³⁵

In this section “a money bill” means a bill that, in the opinion of the Commissioner, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those matters or any of them. Any question proposed for determination in the House of Chiefs shall be determined by a majority of the votes of the members present and voting; Provided that the President shall cast a vote

⁴³⁵ Statutory Instruments of Southern Cameroons 1960 No. 1654

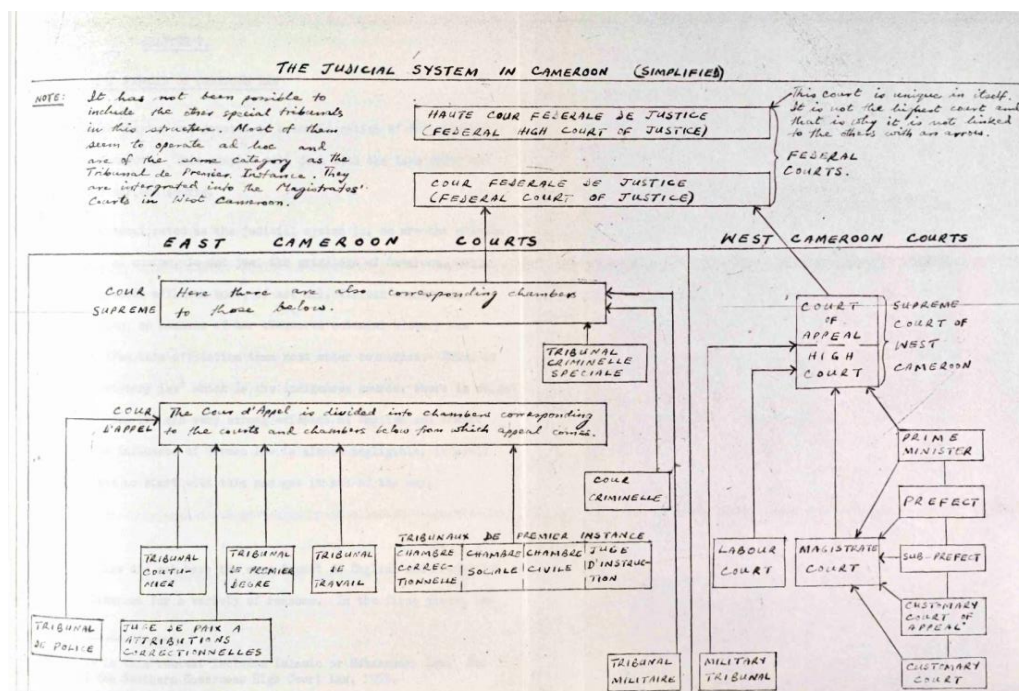
whenever necessary to avoid an equality of votes but shall not vote in any other case and the members of the Executive Council shall not be entitled to vote.⁴³⁶

4.6 The Native Courts in Southern Cameroons

The native authorities in Southern Cameroons provided the means for the daily management of Africans by their chiefs and it was through them that the district officer regulated the development of the rural areas. Using local institutions for the development and advancement of the African people by themselves and for themselves seems to have been the best method for both the English and Africans. It was a realistic system given the English scarce finances. It also suited the Africans who could thus genuinely express themselves. As Morris and Read put it,

‘The ideal was now a traditional chief or elder who dispensed fair but firm justice to his people, whose interests were his primary consideration and who, for their part, felt for him both affection and respect’.⁴³⁷

Figure 2 : The Native Court



Source: National Archives Bamenda

⁴³⁶ *ibid*

⁴³⁷ H F Morris and J S Read, *Indirect Rule and the Search for Justice; Essays in East African Legal History*, Clarendon Press, Oxford 1972, pp.15.

The use of local chiefs by the French was for the benefit of the administration. Thus, the local chiefs were easily replaced if they failed to serve the interest of the administration. The English knew that the mandate system only permitted them to guide the mandated territory until the people could stand by themselves. It was sensible for them to have used the traditional institutions and allowed the people to administer their own affairs. The customs of the people were thus not greatly affected in Anglophone Cameroon as they were in Francophone Cameroon.⁴³⁸

When England and France took over Cameroon under the mandatory and later the trusteeship system, they did not discard the customary laws that existed. They established two systems of courts in Cameroon: native courts for the local people, and non-native courts for the whites and 'assimilated' Cameroonians where the imported laws were applicable. Thus, the plurality of courts and laws commenced by the Germans were strengthened by the English and the French. Unlike the French however, the English never encouraged the concept of the *assimilé* in their colonial administration. The local people were left to administer themselves and the English acted only as umpires. No French court was presided over by Cameroonians except for the *Tribunal de Conciliation* whose jurisdiction was limited to reconciling the parties. Meanwhile, the Customary Courts in Southern Cameroons were presided over by local persons. The main difference in the systems of courts introduced by the French and the English respectively is that, 'the former was based on a vertical segregation while the latter was based on a horizontalsegregation'.⁴³⁹

The Customary Courts were governed by the native courts ordinance, cap 142 of the 1948 revised laws of Nigeria. Customary Courts applied and still do apply native law and custom. These courts had full jurisdiction in all Matrimonial Causes (including divorce) other than those arising from or connected with a Christian marriage. Customary Courts were composed of natives within the locality of the courts. They had no professional legal training and followed a procedure which was less highly formalised than the procedure before the Magistrates' and High Courts. Lawyers were not and still are not allowed to appear before Customary Courts. District Officers had access to Customary Courts which they supervised.

⁴³⁸ T. Eyongetah and R Brain, *A History of Cameroon*, Longman Group Ltd, 1974

⁴³⁹ C.E.W. Anyangwe, *The Cameroon Judicial System*, 1979, p82. The vertical intergration introduced by the French was based on a system whereby whites and assimilated Cameroonians were given preferences over unassimilated Cameroonians. Other than the tribunal de conciliation whose jurisdiction was limited to reconciling the parties, no French court was preided over by local persons. Cameroonians could not be judges in any of the courts even in the Customary Courts where local or native laws were applicable. The horizontal segregation introduced by the English had clear division of the court system. The local courts were managed by Cameroonians with the English having only supervisory roles.

In cases where there was an apparent miscarriage of justice, or an error which required correction, the District Officer ordered the matter to be transferred to the appropriate Court of Appeal.⁴⁴⁰

There were disparities in the way native court area (NCAs) were organized and administered. Each NCA was administered by a native authority (Na). In the NC as of Nso, Kom, Bali Nyonga and bum (the first two corresponding to the precolonial fondoms), the four *a-fon* were the sole native authorities (NAs) of their individual NCAs. Without question, each of them was aided by an advisory council, composed of the *a-fon* and some village or family heads and chiefs within his jurisdiction, but the council acted only in an advisory capacity. Elsewhere in Bamenda Division, except the Kaka –Ntem area, and the Fontem (Bangwa) NGA in Mamfe Division, each NCA had for its Native Administration a court composed of the *a-Fon* and chiefs of the particular NCA. One of the *a-fon* or chiefs was recognized as the rest were simply members. In Victoria, Kumba, and the rest of Mamfe and Bamenda Divisions, the Court made up of village heads, was the NA of each NCA and operated like the Courts in Bamenda Division that were recognized and NAs performed the executive and judicial functions of Native Administration.⁴⁴¹

These British arrangements were even more significant than those of the Germans. In the NCAs of Nso, Kom, Bali Nyonga and Bum, the British did not only gave their blessing to the precolonial and German established systems but also to the *a-Fon* of those areas that they were the recognized traditional leaders of their subjects. Elsewhere in Bamenda Division, except the kaka-Ntem arean and in the Fontem NGA of Mamfe Division, the creation of larger political entities seriously compromised the independence of the fondoms forming each of the entities and, while forcing the *a-fon* within each entity to work in concert it put the authority of many of the *a-Fon* under that of the Court president. Likewise, the creation of larger administrative units in Victoria, Kumba, and the rest of Mamfe and Bamenda Divisions curbed the independence of the various villages and gave the village heads who were presidents of the courts greater influences than they previously had. Consequently, These British arrangements left local power fully in the hands of the traditional leaders and gave them the opportunity to act in concert in the various NCAs also paved the way for future developments that eventually produce Southern Cameroons house of chiefs.⁴⁴²

⁴⁴⁰ UN document A, C 4/SR. 1959, *Report of the Native Courts for Cameroons and Bamenda Provinces 1950*, File 1453, BA, 12 and Report for Bamenda Division for the Year 1959. File cb, 1958. File cb/1958/1. BA, 4 *Report of the United Nations Visiting mission to the Cameroons under United Kingdom Trusteeship*

⁴⁴¹ Ibid

⁴⁴² Ibid

Despite their significance, and because of the inherent problems connected with them, these arrangements underwent some modifications between 1923 and 1927. For instance, in 1927, the British named one of *the a-fon* or chiefs in each of the NCAs of Nsungli, Meta, Wum, Fungom, Bafut, and Mbembe, all in Bamenda Division, as the sole Native Authority in the particular NCA aided, to a very large extent, by an advisory council, and when the problem connected with the Native Administration became acute, the British undertook more serious investigations not only into the nature and sources of the problems but also into the traditional societies, for the purpose of rectifying the situation between 1927-1936. This time, the focus was more on the various clans and ethnic groups and less on the villages and fondoms in each of the divisions. As soon as the investigation of each area was completed, its reorganization began instantly. The High Court had appellate jurisdiction to hear and determine appeals against the decisions of magistrates' Courts. The High Court was also bound to:

observe, and enforce the observance of every native law and custom which was not repugnant to natural justice, equity and good conscience, nor incompatible with any law for the time being enforced and nothing in this law shall deprive any person of the benefits of any such native law or custom. Such laws and customs shall be deemed applicable in causes and matters where the parties thereto are natives and also in causes and matters between natives and non-natives where it may appear to the court that substantial injustice would be done to either party by a strict adherence to the rules of English law.⁴⁴³

In the French Justice *de droit indigène* was applicable to the rest of the Cameroonian masses who were regarded as *indigènes* or *administrés* and a different system of court set up in 1921 and modified in 1927 was established for them. A separate legal regime known as *indigénat* applied to them. They were not given the benefit of the rights that existed under the French legal system. Customary law was applicable to them. The 1921 Decree put in place local courts. These local courts applied indigenous laws to the extent that they were not incompatible with French civilisation or French public policy. These local courts were: Grade I courts *tribunaux de premier degré*, Racial courts *tribunaux de races*, Grade II courts (*tribunaux de second degré*) and an organ of control, *Chambre d'homologation*. These courts were presided over by Frenchmen with the help of native assessors nominated by the High Commissioner.

The 1927 decree abolished the Tribunal de race but maintained the other courts established by the 1921 decree. The decree established four courts namely : *chambre spéciale*

⁴⁴³ Section 50, Southern Cameroons High Court Law, 1955

d'homologation, tribunaux de second degré, tribunaux de premier degré and the tribunaux de conciliation. Apart from the tribunaux de conciliation which were presided over by a local chief, all the other courts were presided over by Frenchmen. It was mandatory to first submit a marital problem for conciliation either to the village chief or the tribunaux de conciliation before the commencement of any divorce action. Where conciliation was not successful litigants went to the Grade 1 Court, (Tribunal de premier degré). The Grade I Court had exclusive original jurisdiction over cases dealing with personal status, marriage, divorce and affiliation.⁴⁴⁴ The Grade I court still exists today but has concurrent jurisdiction with the High Court in divorce matters. Appeals on divorce cases from the Grade I court went to the Grade II Court (Tribunal de second degré) and a further appeal to the Special Appeal Chamber *Chambre spéciale d'homologation*. The special Appeal Chamber (a division of the Court of Appeal) was the highest court for Cameroonians and was exclusively in charge of appeals from the courts for natives. It was the overriding duty of this chamber to ensure that courts for Cameroonians applied only those customs which were compatible with 'les principes de notre civilisation'.⁴⁴⁵

The 1916 Ordinance defines the Native Tribunal as "...a judicial Council or Native Courts established under the Native Court Ordinance, 1914". Section V of the 1916 law stated clearly that all NAs were to maintain order in their respective areas of appointments and each had to exercise the powers of this Ordinance on their areas of jurisdiction. In centralized communities, it provided for judicial Councils where the paramount chief was president and could be vested or delegated with large powers by the Governor. Less centralized societies saw the local chief assisted by village heads and he acted as president. The NAs could appoint and dismiss subordinate chiefs and officials but such moves could only be sanctioned by the Governor. They could appoint a native police force to help in the executions of their orders. Though the British interfered in the activities of the courts, effort was made at preventing administrators from taking over the roles of traditional rulers as judges. For example, Assistant Secretary for Native Affairs, Mr. Grier, in the Eastern Province of the Nigerian Protectorate, called on the DOs to take over the running of the courts in 1923 in order to bring efficiency in the functioning of these tribunals.⁴⁴⁶

⁴⁴⁴ Customary Court was created in 1944. It stood in a coordinate position with the *Tribunal de premier degré*. Conciliation was obligatory in this court although it was not obligatory in the *Tribunal de premier degré*. Customary Courts were presided over by local chiefs.

⁴⁴⁵ John Nkengong Monie, *The Development of the Laws and Constitution of Cameroon*, University of London, Published by ProQuest LLC(2018), July 1970

⁴⁴⁶ Ibid

This was categorically rejected by the Governor General of Nigeria when he stated that he:... do not consider the proposal that the District Officers should sit as Court members of Native Courts should be approved, but, on the other hand political officers, whenever, the opportunity offers, would do well to sit in Native Courts to observe their members concerning the methods which they should adopt. The work of scrutinizing the decision of the Native Courts appears already to be regularly and carefully performed and it is perhaps hardly necessary to emphasize the great importance which I attach to this part of a District Officer's duty. These courts were graded into four categories, A, B, C, and D. NAs obligations also extended to the collection of taxes as per the Native Revenue Ordinance. This recognized the chiefs as the principal tax collectors. Part of this money was put in the Divisional Treasury and the rest went into local projects.

Though the chiefs seemed to have been vested with so much power, their actions were subject to the control of the colonial administrators. Wherever a decision taken by an NA was judged not necessary, the British administrator in the area simply annulled. In this way, the colonial officials could easily interfere with the day to day activities of the NAs and a refusal to abide to the administrator's orders was not welcome. Such insubordination was punishable by a fine of twenty pounds or imprisonment for two months. Whatever limited resources, communication difficulties necessitated the adoption of the IR system, African political institutions were transformed. The NAs were supervised by the British officials who advised African chiefs especially in matters of finance and legal procedures. The chieftaincy institution was retained and continued to be a legitimate means of governance and served as a link between Africans and the British. After instituting the policy in 1914 (Lord Lugard) and continued by his successor Sir Hugh Clifford, the structure and practice of IR which had evolved in Northern Nigeria was also exported to the Yoruba Chieftainships of South Eastern Nigeria and the cephalous village communities of South Eastern Nigeria by the establishment of Native Courts that had to carry out judicial work, and minor NA administrative functions over their areas of jurisdictions that was made up of a number of villages.⁴⁴⁷

When the British took over the administration of the Southern Cameroons, the same arrangements were also introduced and it became part and parcel of the Nigerian protectorate. It therefore implied that the British policy of IR was officially introduced into the territory and chiefs were used in the administrative set up and acted as local authorities. They thus became NAs in themselves or chiefs in council. Where a paramount chief was found and ruled over a

⁴⁴⁷ Ibid

larger area, he was appointed an NA. This was more practicable in centralized polities like those of the Western Grass fields where the Fons of Kom, Bum and Nso wielded much power over their subjects. Where centralized polities did not exist, composite NAs that were made up of chiefs wielding power together as court judges and councillors, were appointed and one of the chiefs acted as president. But in segmented societies like those of the Forest Zone, chiefs were appointed to exercise authority over these units. However, they were granted limited autonomy in the management of affairs and the educated elite were excluded from these arrangements which were reserved only for the chiefs. That notwithstanding, they became embryos of LG units that were created and went functional in 1949. Though much change was witnessed in the territory between 1916 and 1949, very little effort was made to change the composition and organization of these units and this resulted to administrative inefficiency.⁴⁴⁸

The Traditional Council is an informal court which is found in all the different customary areas but which is not officially recognized by the State. While the Customary Court is a formal court set up by the State to apply customary law, the Traditional Council was set up by the community and one of its functions is to settle disputes in its community in light of the customs of that community. The primary role of the Traditional Council in disputes between husband and wife is to reconcile the parties and not to grant a divorce. The Traditional Council however, will reluctantly accept divorce if one or both parties refused the reconciliation and insist on divorce. Although decisions to pronounce divorce lies with the Customary Courts, decisions taken by the Traditional council are important in the eyes of the community and will be respected even though they are not legally binding. Moreover, when a Customary Court is faced with a case, it will usually enquire if the Traditional Council has examined the problem and has tried to reconcile the parties. Sometimes the matter might even be dismissed by the Customary Court to enable the parties to first seek reconciliatory measures by the Traditional Council. The Customary Court will consider efforts at reconciliation made by the Traditional Council before granting the divorce.

Although not a formal state court, decisions from the Traditional Council have persuasive force and are respected by the parties, their communities and Customary Courts which, while not bound to accept decisions from the Traditional Council, usually do. There are also practical reasons for the success of Traditional Councils. Some villagers take their matter to the Traditional Council because Customary Courts do not exist in all the villages.

⁴⁴⁸ Ibid

Customary Courts are mostly found in sub divisional headquarters. The poor state of the roads in most of the villages and the fact that some of the villagers can understand and speak only their local language make access to the Customary Court difficult. Furthermore, some married couples in the villages do not have marriage certificates. In the absence of a marriage certificate proving that the parties are married, the Customary Court will be reluctant to entertain matters from them as married persons. The parties will not face such obstacles before the Traditional Council. At local level, everyone will know who is married to whom and common knowledge will suffice before the Traditional Council.⁴⁴⁹

Once it was confirmed by fellow villagers that the marriage symbol was given, the Traditional Council will proceed with the case. Nevertheless, because of the discriminatory nature of the rules applied by both the Traditional Councils and Customary Courts, a unified system of court would in my view be welcome. The role of Traditional Councils in reconciliatory matters could however be maintained. As a body familiar to the parties, Traditional Councils could play a valuable part in supporting the institution of marriage and helping parties to reach an agreement. When reconciliation fails, parties must be able to access the courts. More state courts should be opened for easy access. The problem of language could be solved by the State employing an interpreter. In the long run, compulsory primary education should improve linguistic skills throughout Cameroon. While it is currently accepted that in Anglophone Cameroon, Customary Courts have jurisdiction over customary marriages and only the High Courts have jurisdiction over both customary and statutory marriages, it is not always easy to determine whether a marriage is customary or statutory especially where the marriage is polygamous.⁴⁵⁰

4.7 Challenges faced by Traditional Authorities during the British Administration

Initial tensions and conflicts started with the new educated elite who had emerged from the colonial formal education process that became very critical of the colonial administration's use of "unprogressive and illiterate chiefs" to retard the progress of the country. They accused the British of excluding the literate and enlightened from the administration councils, which were dominated by chiefs. Cooperation and alliance: However, as the independence struggle intensified, the modern leaders realized they needed the support

⁴⁴⁹ C.C. Ngam & N. S. Kaze Tindo, "*Chieftaincy and Decentralization in Cameroon: Unmasking the Opportunities and Challenges in Context*", *Journal of Politics & Governance* Vol. 8 No. 2, February 2020, pp. 4-21

⁴⁵⁰ Ibid

of the traditional leaders to mobilize the population. The politicians knew that any political arrangement without the chiefs, who controlled a large portion of the population, would be disastrous. So they invited the traditional leaders to join them in the nationalist movement.⁴⁵¹

1. Negotiated relationship: The traditional leaders and the modern leaders formed an alliance, but it was a complex and negotiated one. The traditional leaders wanted to preserve their authority and institution of chieftaincy, while the modern leaders wanted to harness the support of the chiefs for their larger political goals of autonomy, secession, unification, and reunification.⁴⁵²
2. Competing visions: There were tensions as the modern leaders pushed for administrative reforms and democratization that threatened the traditional authority of the chiefs. The chiefs resisted attempts to undermine their power, while the modern leaders saw the chiefs as impediments to progress.⁴⁵³
3. Compromise and accommodation: Ultimately, both sides had to compromise and accommodate each other's interests. The British facilitated this by creating institutions like the House of Chiefs that gave the traditional leaders a formal role in the political system, while also democratizing the Native Authorities to involve the educated elite. So in summary, the relationship evolved from initial conflict to a negotiated alliance, with both sides trying to preserve their interests and authority in the changing political landscape of pre-independence Cameroon.

⁴⁵¹ V.J.Ngoh, "The Political Evolution of Cameroon, 1884-61", Portland State University, Portland State University, 1961

⁴⁵² Ibid pp 409

⁴⁵³ Ibid pp409

Conclusion

This chapter has examined the role of Traditional Authorities under British Indirect Rule in the Southern Cameroons. It dealt with Traditional Authorities in courts, economic development and Traditional authorities in educational development.

From the above analysis, it is clear that the British collaborated with the chiefs in the implantation of colonial rule and had little opposition to them right up to the end of their rule. They believed that maximum benefits could only be derived from support to traditional rulers. In this direction, traditional institutions became very vital in the day to day running of local affairs. Such zealous use of traditional authorities caused them to contemplate, in 1913, applying the indirect rule system that was practiced also in Northern Nigeria by the British. Before then, everything was done to use local authorities and not to force a system on the people that was at variance with their customs and traditions. More success in the colonial empire could only come with increased authority of chiefs over their subjects while they remained inferior to Europeans though they had to be treated at least with respect. Governor Seitz also called on Africans to respect chiefs and warned administrators against the disrespect for natural rulers and the weakening of their authority. He signed a decree in 1913 insisting that no chief could be dismissed or appointed by colonial administrators except with the Governor's approval. This was to curtail arbitrary acts orchestrated by administrators on chiefs and their traditional governments and instil respect for their authorities. Though the privileges enjoyed by the chiefs may sound glorifying, this only worked well when they remained submissive to the colonial administration and any of them that faulted was heavily punished. As such they had to collaborate or better still pretended to be friends than enemies.

CHAPTER FIVE

TRADITIONAL AUTHORITIES AT POST INDEPENDENCE

Introduction

This chapter examines the role played by Traditional Authorities in politics and development of British Southern Cameroons at post independence. These include the role contributed by the Traditional Authorities on a common political future of the territory at the various constitutional conferences, post-colonial chieftaincy, socio-economic development and ramifications.

When French Cameroun became the independent Cameroun Republic, British Southern Cameroons was in the process of negotiating its autonomy from the Nigerian Federation which became autonomous on 1 October 1960. After the independence of Nigeria, British Southern Cameroons reverted to the status of a U.N. Trust Territory under Her Majesty's government until 1 October 1961 when the territory became independent through reunification with the Cameroun Republic. Before and during the one year of trusteeship, the governing party in the territory, the Kamerun National Democratic Party (KNDP) and the opposition Cameroon Peoples National Convention (CPNC) were preoccupied with persuading British Southern Cameroonians to choose between either reunification with the Cameroun Republic or integration with the Federation of Nigeria. Following the January 1959 election victory of John NguFoncha, leader of the KNDP over Dr. E.M.L. Endeley, leader of the opposition CPNC, events towards reunification unfolded in very quick succession. The new Premier of the British Southern Cameroons, John NguFoncha, exploited every available opportunity to press home the message of reunification of the two spheres of Cameroon that had been separated for over some years had been ruled first as Mandates and secondly as UN Trust territories.

The chiefs were also in one way or the other engaged in the debate for a united Cameroon after the 11 February 1961 plebiscite. While some questioned the way the British Southern Cameroons government went about it, others who opposed it did not seem to bother. The Fon of Mankon, S.A.N. Angwafor, called on the government to make public its proposals for the constitution of a united Cameroon so that the people would be able to decide their future by contributing their own ideas. During one of the sessions in the House of Chiefs, members from the Victoria Division were conspicuously absent. This was the keen observation of Chief Okumo from Mamfe.

He stated categorically that there were two irreconcilable points of view regarding the political future of the British Southern Cameroons among the chiefs namely, those who believed in a better future for their communities within the Federation of Nigeria and those who saw it through reunification with the Cameroun Republic.⁴⁵⁴

The chiefs from Victoria Division who wanted integration with Nigeria were probably disappointed and frustrated by the several meetings that were taking place between Foncha's and Ahidjo's governments. These meetings reflected the influence of the independence of French Cameroon on the search for independence and reunification of British Southern Cameroons. History proved them right because after reunification and following the so called 'peaceful revolution' of 1972, the West Cameroon House of Chiefs was dissolved, and today chiefs are still crying foul for a House of Chiefs to enable them regain lost glory. They wanted a separate house with defined functions. This notwithstanding, different parties and other forces also variously contributed to reunification.⁴⁵⁵

5.1 Organisation of Traditional Authorities after Independence

In the beginning, the British were not very sure of the way they would administer Southern Cameroons. Initially, they retained the four German administrative units of Victoria kumba, Ossidinge, (Mamfe) and Bamenda Divisions and administered them directly, without making use of traditional institutions in their administration. Each Division was in charge of a district officer (DO) who was responsible to the resident at Buea. The DO was empowered to apply the German law which existed in his district or in the absence of such law could applied the native law and customs of the people, provided such law and customs did not contradict European standard. When faced with such a contradiction, the DO was at ready to apply Nigerian law or to administer the district in the way he had previously administered in other parts of British colony. The British had later abandoned the policy of direct administration in principle. Indirect rule was therefore indicated. In early 1917, the governor general of Nigeria advised that southern Cameroon would have to be ruled indirectly like in the Northern Province of Nigerian (The muslim held territory), this part of British controlled area was broadly ruled mostly by traditional rulers.

The general perception of traditional structures was a picture of societies whose norms, values and internal organization date back hundreds of years. While this might be true in some cases, traditional societies, as all societies inevitably change over time. Historic

⁴⁵⁴ Press Release No. 967, *Southern Cameroons House of Chiefs*, 8 September 1960

⁴⁵⁵ Ibid

records of these societies were often not available, especially when written documents do not exist. The lack of historic records and the transformation due to internal and external pressures therefore makes it difficult to determine what exactly was “modern” and what was “traditional.” Ranger, Vaughan, and Kirk-Greene highlight that what counts as a tradition may change over time. They state, “Customary law and ethnicity, religion and language were imagined, by many different people and over a long time. These multiple imaginations were in tension with each other and in constant contestation to define the meaning of what had been imagined. Due to the many uncertainties regarding the origins of traditions, it may not be useful to only limit the legitimacy of traditional leadership when it has pre-colonial roots. “Traditional” by definition means that a form of leadership has its roots some place in the past. Acknowledging that many rules and habits have changed over time during the colonial and post colonial time, there should be room for a broader understanding of traditional authorities as legitimate leadership. Beyond basic historic references, other criteria need to be considered as well, and useful questions to ask would be: Do many people accept traditional authorities as legitimate? was the leadership accountable and responsive to local demands and needs?

The new system of administration which was introduced when Southern Cameroons was already officially an integrate part of the Southern Province of Nigeria (later, of the Eastern region of Nigeria) several years after the decision was taken, was named native administration. After some preliminary investigations in to the traditional societies, aimed at discovering the local authorities and institution on which native administration could be based, the British cared up each of the four division in to several administrative sub-units, represented in general by native court areas .Vitoria Division received three Kumba Division nineteen, Mamfe Division eight and Bamenda Division of the native court areas, while the Kaka-Ntem area of Bamenda Division was to be administered directly because, in the eye of British administrator ,the people of the area were too primitive to govern themselves.⁴⁵⁶

During the transition to independence, some chiefs dared to oppose the politicians in power because for the time being, the colonial masters were still around as referees. But when independence came and the politicians had absolute power, the chiefs had to readjust their audacity. The Fon of Bum who was promoted to first class chief in 1958, in preparation for the London conference was immediately demoted in 1959 when Foncha replaced Endeley as Premier of the Southern Cameroons. Chiefs now learned how to play the political game in

⁴⁵⁶ V. Le Vine, *The Cameroon from Mandate to Independence*, Berkeley and los Angeles: University of California Press, 1964,

order to survive. Chiefs were very comfortable under one party system because they now had only one master to serve and one political song to sing. Chiefs played leading roles in the lone party without fearing to step on another's toes or face a frown from the authorities.⁴⁵⁷

The functions of traditional authorities have been constantly adapted to accommodate new circumstances, as the economic and social organizations of societies have changed particularly over the last century. Traditional authorities in many parts of the world have managed to respond to various external political changes and pressures and maintained their position within society. There were numerous examples where traditional authorities have adapted new functions. In some cases, they have become involved in the activities attributed to the modern state, such as modern education, basic service delivery, or infrastructure provision. More recently it was evident that traditional authorities have regained relevance, not only because development agencies were looking for possible partners at the local level, but also because many central governments were recognizing their important role in local governance.⁴⁵⁸

When looking at the role of Traditional Authorities in development and change during the post colonial period, there were many forms of social organisation, which were in continuous transformation and development from the pre-colonial, colonial to post colonial period. In fact, Post-colonial Traditional Authorities derived their authority from a variety of sources: rights of conquests control over land, direct descent from great ruling ancestors, or membership in a particular ruling family. Pre-colonial states and other polities were then integrated into various components of the colonial state. In many cases the colonial rulers denied or ignored existing structures and tried, more or less successfully, to establish new ones. Often the traditional communities and indigenous peoples had their political leadership turned into instruments of colonial rule for the benefit of the empires and used to implement their policies of colonial rulers. They relied on village chiefs and disproportionally shifted power to them. The benefit for the chiefs in turn would be, for example, that they could keep a portion of the revenues that they collected for the colonial rulers. Overall, using traditional structures was an ideal way for the colonialists to gain control over the local population. Although they were partially transformed, colonial rulers usually did not manage to fully eliminate traditional pre-colonial structures despite their efforts.⁴⁵⁹

⁴⁵⁷ V. B. Amaazee, *Traditional Rulers (Chiefs) and Politics in Cameroon*, Press Universitaire de Yaounde 1, 2002 pp.78

⁴⁵⁸ Ibid

⁴⁵⁹ Ibid

Also, there still remain many variations in the level of acceptance and recognition of traditional authority in modern states. Most often the new government did not recognise traditional authorities after independence. In Latin America, indigenous communities were not given rights and were exploited by the new regimes. In Africa, new governments consisted mainly of modern urban ruling elites educated in the western world who placed little importance on local traditions and removed traditional leaders from formal political structures. Where traditional leaders had served the colonial rulers, they were regarded as corrupted by the previous regimes. But “where traditional authorities or chiefs thus survived into the period of the colonial state and into the post-colonial state, they retained sources of political legitimacy rooted in the pre-colonial period”⁴⁶⁰

The post-colonial political and administrative organization of the Grassfields of Southern Cameroons differed from one part of the area to the other. In some part of Bamenda, wum, and Nkambe Divisions, the people were organized in small traditional states (fondoms), many of which comprised several villages of many extended families. At the head of each fondom was a hereditary traditional ruler (Fon) who commanded the loyalty, support, and a hereditary village head that was at the same time head of his extended family. He was directly responsible to the Fon in matters involving the village or the fondom as a whole. Each family head was responsible to the village head in matters involving the village and to the Fon in matters involving his family. In the other parts of wum and Bamenda Divisions, for instance, Nso, Kom, Bafut, and Bali Nyonga the people were organized in the larger fondoms. Here, the more powerful fondom had annexed some of its weaker neighbours by brute force, while others had joined it voluntarily for protection. Such a fondom was, therefore, composed of the villages of the founding fondom and those of the new members of the enlarged fondom. The Fon of the founding fondom was at the head of the enlarged state and every person within his realm owed allegiance to him. However, the village heads within the state were directly responsible to their immediate a-fon plural of Fon while the a-fon within the real were responsible to the Fon of the founding fondom.⁴⁶¹

Both the larger fondoms and the smaller ones, which were still independent, were highly jealous and protective of their independence. The *edicts* of the a-fon thought the majority of their subjects mainly through the village heads and leaders of war societies. In preparing these edicts the Fon usually sought the advice of his councillors, important nobles,

⁴⁶⁰ D.I. Ray, “Rural Local Governance and Traditional Leadership in Africa and the Afro-Caribbean: Policy and Research Implications from Africa to the Americas and Australasia, In D. I. Ray and P. S. Reddy, eds, 2003

⁴⁶¹ P. Geschiere, “*Chiefs and colonial rule in Cameroon: inventing chieftaincy, French and English style.*” Africa 1993, pp.151-175.

and villages and family heads. He could afford to ignore this advice in matters concerning his personal interests but he could not do so in matters involving the interests of the whole state. His authority was further limited by some secret societies such as the *nwerong society* or its equivalent, which most often acted as both the legislative and executive arm of the government and as the disciplinarian of the Fon.⁴⁶²

The Grassfields tribes were an agglomeration of mini-states, most of which were constituted and enlarged through conquest. Some had a minimum population of about 300 and others, especially the major chiefdoms, has a population of over six hundred at the time of colonial penetration. The latter established themselves in their present sites most probably in the part of the 18th century. These include the major chiefdoms of Kom, Nso, Bafut and Bali. These, in their own ways, consolidated themselves and increased their territorial limits through conquest and the incorporation of smaller groups.⁴⁶³

The Kingdom of Kom whose dynastic lineages reached their present site by the middle of the 18th century, succeeded in the years following its establishment in subduing some smaller group and made its military hegemony a force to reckon with. The kingdom of Nso seemed not to have had many difficulties in affirming its authority over other minor groups; it destroyed completely the chiefdom of Nkar and imposed its language and culture upon it (Kaberry 1995; 366 – 367). Bafut consolidated its authority by engulfing some smaller groups. Bali, as the strongest state in the south western sector of the Grassfields established its hegemony over a number of villages both before and during the period of German administration.⁴⁶⁴

Besides these major chiefdoms, there were others varying in size, population and authority. These were either completely autonomous or they were units within a federation. They enjoyed some measure of prestige in the eyes of the paramount chiefs. They maintained their autonomy and good relations with the powerful chiefs. An attempt was made by the imperial government not only to accept this distinction but to give it a further stratification. All chiefs who had a high degree of prestige, social integration and large areas of influence, were ranked as Grade One Chiefs. Only the fons of Kom, Nso, Bafut and Bali qualified for this first place. Here, the basic criterion was the personality of the incumbent plus his prestige. The chiefs of Ndop with, the exception of Bali-Kumbat, the chiefs of Tang, Wum, Ngemba, Wiya and the rest of Funfon were considered, 'Third Class Chiefs'. The fourth grade chiefs

⁴⁶² Ibid.

⁴⁶³ Ibid.

⁴⁶⁴ V.G. Fanson, *Cameroon history for secondary schools and colleges*, Limbe: Macmillan. 1989

were those of Beba Befang, Mbem, Mbaw, Meta, Mfunte, Misaje, Moghamow, Ngie and Ngomu.⁴⁶⁵

The colonial administration concentrated powers in the hands of chiefs, powers which they did not directly enjoyed in the pre-colonial period. They gave chiefs administrative responsibility. Prior to European arrival most powerful chiefs claimed extensive rights. These could be effective through the effort of their agents. As a mark of regality, chiefs had undisputable rights to reserve girls for their households and in principle they could marry any of their female subjects. They had also a monopoly over certain scarce commodities like ivory. They could recruit pages and retainers at will who they trained as envoys and executives. Through their agents they could also dispense justice and exercise a comprehensive jurisdiction in civil and criminal cases. The colonial administration restricted the use of some of these rights. At first the “courts were left undisturbed to deal with pleas and less flagrant criminal matters, except insofar as poison-or deals, enslavement and brutal punishment were formally forbidden”⁴⁶⁶

Although they were granted some powers at first, they began to loose hold on some in later years. Chiefs could not recruit girls into their households, since this was considered a violation of individual liberty. The Christian churches were preaching freedom of choice and upholding monogamy as the ideal form of marriage; obedience or allegiance to the chief was being questioned by their acculturated subjects. Under the Lugard Doctrine, both the British and the German governed through the chiefs. They gave to most chiefs executive tasks they had never before enjoyed. In some areas the chiefs had to recruit labour, collect tax, try cases directly and carry out public works. It must be acknowledged that many of the Grassfields chiefs were inadequately prepared for the functions of a modern twentieth century government. The colonial government had made it a policy to educate chiefs’ sons or any person who were likely to become chiefs.⁴⁶⁷

May 1932, G.S Browne, Resident for the Cameroon Province, outlined the British stand on education of chiefs. The chief of Babungo who had learned to read and write had been employed before he became chief as a Basel Mission Catechist. There were sixty three potential rulers attending government and Native Authority schools in 1932.⁴⁶⁸

⁴⁶⁵ File NN.A 160/66, July 1944. Buea Archives

⁴⁶⁶ P. N. Nkwi, *Cameroon Grassfield Chiefs and Modern Politics*, Paideuma, 1979, pp. 99-115

⁴⁶⁷ Ibid

⁴⁶⁸ There were 19 chiefs’ sons in Ndop N.A. School. Five at Bali N.A. School, five in Kom (Fujua N.A. School). In the Bamenda Government Schools, there were 29 chiefs’ sons among whom were four from Kom. Some of these chiefs’ sons had no title to the throne. Chief’s sons in Kom have no right to succeed because of the matrilineal rule of succession

The importance of such a policy became more sensitive towards the sixties when chiefs were called upon to participate in the constitutional process. Only those chiefs who had received a minimum of an education were able to participate actively and more sensibly. Among the few chiefs who could dialogue with the colonial administration was the Fon of Bali, Galega II, whose demand for a salary increase was readily supported by the District Officer. Mr Milne. He considered the Fon of Bali as more progressive and promising than the others. He was the only leading character among the Grassfield major chiefs who could communicate with the Administration effectively and contribute positively during the transitional period to independence. The Fons of Kom and Nso were regarded as too old and unprogressive. They had changed very little under the colonial impact. The educational background of the Fon of Bali gave him an advantage over his counterparts, and his role in the political evolution of Southern Cameroons. He was able to mobilize his illiterate colleagues into a cohesive body that had a say in the political charge in 1952, the Eastern Chiefs' Conference which was inaugurated at Nnewi (Onitsha) on the 10th of April began to collect facts and figures required for making necessary recommendations and arrangements on how an Eastern House of Chiefs should be created.⁴⁶⁹

When it was finally created a few Cameroon chiefs took seats in it and among them was the Fon of Bali. The chiefs were bound to disappear from the political scene, since the colonial administrators who were their strongest political allies in the pre-colonial period were on their way out. The chiefs found themselves confronted with the new elite. As symbols of established order and guardians of traditions, the chiefs of the Grassfield could easily band together in order to protect the traditions and resist any moves by new politicians to downgrade them. According to the official report of the West Cameroon House of Chiefs, 1962, the following bills were placed before the House for proper examination: appropriation Law 1962. Customary Courts Law 1962, Control of farming and Grazing Law 1962, the West Cameroon Electricity Corporation, Constitutional Law (Amendment and the supplementary Appropriation Bill. From the report it is clear that only western oriented chiefs took an active part in the debates. The importance of chiefs' education was felt more when elected chiefs were being called upon to deal with national issues, most of which were far beyond their parochial thinking.⁴⁷⁰

⁴⁶⁹ B. C. Langh  , "The Origin of the Southern Cameroons House of Chiefs", The International Journal of African Historical Studies Published, Boston University African Studies Center, Vol. 16, pp. 653-673

⁴⁷⁰ Ibid

The House of Chiefs which was created to give a new meaning to the Indirect Rule policy, integrated the traditional rulers into the new political structure. The Constitution of October 1961, conferred on the new House of Chiefs powers of a legislative body. The Federal Constitution stated that they could exercise certain powers in matters of legislation (art. 40). For the most powerful chiefs of the Grassfields whose powers had been drastically reduced under the colonial regime, they were temporarily reassured a role within the framework of the new constitutional arrangement. The politicians wanted the House of Chiefs to perform its functions in the true spirit of its colonial counterpart. Addressing the House of Chiefs in 1960, Mr August N. Jua, “appealed to the Chiefs to act as a check on the activities of the Government and to support no political party. The House should give advice to government proposals and it was this advice that they were looking forward to which help to run the services of the Southern Cameroons.”⁴⁷¹

The House of chiefs did not only supervise the activities of Government but it also protected the interest of the chiefs. In 1962, recognition of chiefs Law carefully prepared and formally approved by the chiefs. The law laid down ways by which chiefs could be formally recognized by the Government after they had been chosen and installed by traditional “king makers”. Given the material benefits a chief derived from his office, many potential heirs were often found disputing over succession. There were quite a number of these disputes registered in 1960. The recognition of chiefs’ Law provided some guidelines for the resolution of such disputes. It spelled the procedure to be taken.⁴⁷²

Whenever a report was made to the Divisional officer that a dispute exists as to the person entitled to be a chief or persons claiming the right to be a chief or to be appointed a chief either to withdraw their claim or deposit in the nearest government treasury the sum of thirty thousand six hundred francs CFA. In 1967, the permanent Secretary in the Ministry of Local Government sent a circular letter to all Division Officers indicating the procedure to be taken for the proper recognition of the chiefs. According to this new circular, no chiefs was to be recognized by the government unless the ‘King makers’ had formally shown the government their approval of the candidate. It reads “in order to regularize the procedure for recognizing chiefs and to minimise the petitions and complaints against such recognition. It will now be necessary to have a declaration from the recognized ‘King Makers’ of a village before forwarding the name of any chief for recognition. Such declarations should for record purpose, be in writing and signed by the village.” After the submission of the necessary

⁴⁷¹ Ibid

⁴⁷² Ibid.

documents and evidence, the new chief was to be issued a certificate of official recognition by the Government. As early as 1969, President Ahidjo had it clear that chiefs were to keep abreast with the modern political evolution of Cameroon. It was in the interest of the chiefs and their people that the traditional rulers had to remain artisans of the evolution. In the then West Cameroon, chiefs had emerged as a political force and as a legislative body. When the National Union Party was formed in 1966, all the chiefs of West Cameroon were called to join this national front, the One Party System. They could not afford to remain indifferent but had to identify themselves with the new party.⁴⁷³

It is apparent that the independent nation-state did little or nothing to back up the chiefs in their traditional context. As traditional rulers were not well accounted with the new political game, most of them were unable to understand the modern political process. The Federal Constitution of 1960, had given the West Cameroon chiefs a legislative status. The House of Chiefs could exercise certain powers in matters of legislation. The suppression of the House of Chiefs in West Cameroon and other governmental actions were steps taken to reduce the chiefs to a position of European aristocracies of today. Some chiefs especially the educated ones must have silently accepted the suppression of this legislation organ for fear of actions taken against them by the new political elite. As the European aristocracies lost all power based on their former positions, today they can retain some power only insofar as they are able to enter the ranks of the new elite and appropriate official positions in the nation-state. This view can be supported by abundant evidence drawn from concrete life situation in the Grassfields. Many chiefs have come to realise that they can only function adequately within the new political framework.⁴⁷⁴

Towards the end of the colonial period, many chiefs took advantage of favourable circumstances. They began to shift their basis of wealth and power. Some went into business and politics and others joined the new administration. For instance, the Fon of Batibo was elected by the chiefs of his area into the West Cameroon House of Chiefs. After the dissolution of the House of Chiefs, he became Section President of the Cameroon National Union (CNU) Party and later elected into the National Assembly. Fon Nsom Ngwe of Kom became the president of the Sub Section of the CNU. The *fon* of Mankon, who left the administration also served as member of Parliament in West Cameroon and after the creation of the unitary state, he was elected again into the National Assembly. The Fon of

⁴⁷³ Ibid

⁴⁷⁴ E.M. Chilver, *Meta village chiefdoms of the Borne Valley in the Bamenda Prefecture of West Cameroon*, in *The Nigerian Field*, vol. XXX, no 1-2, 1964, pp. 4-59

Weh (Wum) was also a parliamentarian. And in the Grassfields area, the chief played a dual role; one in the new nation-state structure and the other in the traditional set-up. The chief of Bambalang, once a police officer, became the Governor of the South West province. The Fon of Bali-Kumbat was the General Administrator of the National Producing Marketing Board. Most chiefs who are civil servants leave some of their traditional duties to be performed by their traditional councils. The chief of Njah Etu in Meta was a police officer.

Many chiefs in the Municipal elections of September 1972 were elected in the North West Province. Many chiefs are coming to understand that for chiefs to have any measure of power, it is absolutely necessary for them to integrate themselves with the new elite group and to keep abreast with the modern evolution of the nation-state. They are aware of the importance of a sound education. It is only through it that traditional chiefs today and tomorrow shall be able to function within the new political framework. Attempts made by colonial administration to educate potential traditional rulers seem not to have received a warm reception among the Grassfields chiefs. In the 1960s and right to 1970s, a majority of the Grassfields chiefs were illiterate. Education for a very long time was looked upon by any potential chief as an affair of the commoner, not one of the royalty. Why go to school, if the same material benefits offered by western education could also be acquired as a traditional chief? Fon Jinabo II of Kom honestly revealed that he was incapable of functioning within the framework of nation-state because he was not educationally equipped to understand the riddle of modern politics rather than himself. Most Grassfields chiefs like most chiefs in Cameroon, are fully aware of their role within the new political structure. They must adapt themselves to it. They must help in the shaping or moulding of the society into a cohesive entity. Ahidjo affirmed in the 1960s that the chiefs “independently of their sentimental value, they still constitute today and surely will tomorrow, by reason of the leadership which they give to the people, an instrument and action which the state cannot afford to do without at present.”⁴⁷⁵

5.2 Traditional Authorities during the Plebiscite

The rigid nature of the political differences in the Southern Cameroons evoked the need for elections in the Southern Cameroons House of Assembly with the view of defining the political direction and future of the territory. Unfortunately for Southern Cameroonians, the 1959 elections did not provide a clear answer to this question as the CPNC that campaigned for integration with Nigeria obtained twelve seats while the KNDP that

⁴⁷⁵ M.T. Aletum, *The One-Party System and the African Traditional Institutions*, Yaoundé, Sopecam, 1980

campaigned for reunification with French Cameroon obtained fourteen seats in the Southern Cameroons House of Assembly. The lack of an outright majority on the question was an indication of the tension and uncertainty on the future of the territory.

Things were made worse when in 1960 a reunificationist in the person of A.N. Boja crossed carpet and joined the integrationists leaving the Southern Cameroons House of Assembly divided into two equal camps of thirteen politicians in favour of reunification and thirteen for integration. At the end of a series of meetings amongst the various stakeholders and political opinion leaders in British Cameroon aimed at reconciling the varying opinions, the UN in 1959 endorsed the notion of a plebiscite as the best way for British Cameroonians to determine their political future. The plebiscite, which was to be held on 11 February 1961 as a prelude to granting independence to British Cameroons, British Southern and Northern Cameroons had two questions for the electorate as contained in the UN General Assembly Resolution 1352 XIV of October 1959:

(I) Do you wish to achieve independence by joining the Independent Federation of Nigeria?

OR

(II) Do you wish to achieve independence by joining the Independent Republic of Cameroon? The popular option also referred to as the third option of independence as an autonomous state (meaning without integration or reunification) was not included in the plebiscite under the guise that the Anglophone state would not be economically viable to stand as an independent nation and due to fears by the anti-colonial powers in the UN of a further balkanisation of Africa. Evidence of the popularity of the third option that was ignored by the UN can be found in an expression made by the influential Fon (traditional ruler) of Bafut during a political and traditional leadership opinion conference organised in Mamfe. He said: “We rejected Dr. Enderley because he wanted to take us to Nigeria. If Mr. Foncha tries to take us to French Cameroon we shall also run away from him. French Cameroon is fire and Nigeria is water. I support secession without unification”.⁴⁷⁶

British Southern Cameroons, elite individuals such as Dr. E.M.L. Endeley, John Ngu Foncha, and Nerijs Namaso Mbile, as well as chiefs formed parties or otherwise acted militantly to advance the cause of independence. Southern Cameroons politicians and their traditional rulers failed to arrive at a compromise in Mamfe in August 1959 and during the 9 September 1959 debates in SCHA, the political option of territory’s secession from Nigeria

⁴⁷⁶ Fanso, 1999; Nfi, 2012

and its attainment of independence as a separate political entity gathered steam as the Southern Cameroons prepared to travel to the United Nations Assembly's 82 nation trusteeship council.

In the Bamenda All-party constitutional Conference, 26-28 June 1961, was attended by the representatives of the KNDP, the CPNC, the OK, The House of Chiefs and the Native authorities, Dr E.M.L Endeley, the leader of the CPNC was absent but his representatives were present. The House of Chiefs was represented by eight chiefs including the fon of Bali, Chief Dipoko and Chief Oben and the Native Authorities were represented by the nineteen members including L. Bongmoyong, CC. Bamboye, F.N.M Kome and J.L. Molombe. The aim of the conference was to enable the government of Southern Cameroons to be aware of as many aspects as possible of responsible opinions before it embarks on final consultation with the government of the Republic of Cameroon.

The Fourth UN visiting mission, November 1958 received petitions and requests from the various political pressure groups on the future of the territory. The OK party requested the UN Unilaterally reunify the British and French Cameroons, The KNDP asked for the secession of the territory from Nigeria and its ultimate reunification with French Cameroon on mutually acceptable terms and KNC/KPP alliance demanded a fully self-governing region in association with the Federation of Nigeria. The Traditional Rulers "honestly and relentlessly demanded secession from Nigeria which they felt would ultimately lead to independence as a separate political entity within the Commonwealth. They were not the fons and chiefs insisted prepare to "achieve independence within the Federation of Nigeria".⁴⁷⁷

It should be recalled that at the 1957, London constitutional Conference, Fon Galega II of Bali who attended as a member of the KNC delegation embarrassed Dr E.M.L Endeley and the KNC, while in London he telegraphed Fon Achirimbi I of Bafut asking him 'to contact all the chiefs and Fons to support Foncha and reunification in advance of his return home with such conflicting requests, it was obvious would be won by party which best tailored its platform to suit the wishes of the electorate. To the traditional rulers and the illiterate masses, the KNDP, OK coalition offered secession from Nigeria which would ultimately lead to Independence.⁴⁷⁸

Subsequently, however, the Premier and the Leader of the Opposition issued an agreed statement to the effect that, subject to the agreement of the General Assembly, no plebiscite should be held in the Southern Cameroons in 1960 and that, pending settlement of its future,

⁴⁷⁷ B. C. Langhee, *Southern Cameroons traditional authorities and the nationalist movement 1953-1961*, Leiden University, 1984, pp. 147-163

⁴⁷⁸ Ibid

the Southern Cameroons should continue to be administered under the Trusteeship Agreement, but should be separated from the Federation of Nigeria not later than 1 October 1960, when the Federation would become independent. The wishes of the people as to their future should be ascertained in 1962, and the Trusteeship Agreement should be terminated not later than 26 October 1962. During the ensuing discussions, it was pointed out that implementation of that statement would give rise to many difficulties. Under the terms of the Trusteeship Agreement, the Territory constituted a single entity; to decide the future of one part while leaving that of the other to a much later date might set a dangerous precedent. Legal difficulties might also arise since, if one part of the Territory ceased to be under Trusteeship, then either the Trusteeship Agreement which applied to the whole of the Territory would have to be amended, or it would have to be terminated and a new separation of the administration of the Southern Cameroons from that of the Federation of Nigeria not later than 1 October 1960. Agreement drawn up for the Southern Cameroons. Furthermore, the General Assembly had already decided at its thirteenth session that a plebiscite was to take place in the Southern Cameroons and that the questions to be put and the qualifications for voting were to be decided at the current session. Postponement of the plebiscite would therefore involve revision of a General Assembly decision.⁴⁷⁹

Subsequently, the Fourth Committee approved by a roll-call vote of 74 to none, with 2 abstentions, a draft resolution 68 which the Premier and the Leader of the Opposition of the Southern Cameroons said they would accept as a compromise. It was later adopted by the General Assembly as resolution 1352 (XIV). By that resolution the Assembly decided that the arrangements for the plebiscite referred to in its resolution 1350 (XIII) should begin on 30 September 1960, and that the plebiscite should be concluded not later than March 1961. It recommended that the two questions to be put at the plebiscite should be: "(a) Do you wish to achieve independence by joining the independent Federation of Nigeria?" or "(6) Do you wish to achieve independence by joining the independent Republic of the Cameroons?" It also recommended that "only persons born in the Southern Cameroons or one of whose parents were born in the Southern Cameroons should vote in the plebiscite". Finally, the Assembly recommended that the Administering Authority, in consultation with the Government of the Southern Cameroons, should take steps to implement

⁴⁷⁹ Ibid

5.3 Traditional Authorities and Socio Political Development in West Cameroon

The management of local affairs in West Cameroon was entrusted into the hands of the Traditional Authorities on the understanding that these authorities were to be gradually developed on democratic lines into bodies comprising of educated and progressive elements of the society. In the forest Zone comprising of the divisions of Victoria, Kumba and 76 Mamfe which were peopled by acephalous societies, the British Administration was faced with the difficult problem of grouping its populations into different Native Authorities because the traditional political unit scarcely extended beyond the confines of the village. This was overcome by grouping various villages into Native Authority Units. The grasslands on the other hand were made up of centralised and chiefly societies whose traditional authorities extended beyond the confines of the village. Indeed, there was no infrequent interchange of royal visits between chiefs does emphasize the fact that the chiefs, and through them, the villagers of the various divisions in Bamenda have more in common than their counterparts in the forest area.⁴⁸⁰

Moreover there was, for instance, more in common between the man in Bali and the man in Nkambe than there was between the Rail in Ekona and the man in Muyuka although the two former places were separated by 170 miles while the latter are separated by about 10 miles. It follows from this that the practice of local government is bound to be more successful in the grassfield areas where there were greater and more centralized traditional institutions which were ideal as local government units. The functions of local government in each division were exercised by a popularly elected divisional council. The council's function under the guidance and advice of the Divisional Officer who was called the Prefect or Sub Prefect. The local authorities are responsible for the smooth running of the Customary Courts. They also supervise the running of their own treasuries - a function which is sometimes carried out jointly with neighbouring local authorities. They also maintain numerous establishments and institutions and undertake public works such as the building of roads, cement-lined wells, dams, schools, dispensaries, court houses and agricultural stations.⁴⁸¹ All these activities help to create a sense of duty and civic responsibility among the ordinary citizens who in this way takes his rightful part in the politics of his immediate environment

⁴⁸⁰ These changes also affected the division in the grassfield areas. The structural reorganisation resulted in Bamenda being split into three divisions namely, Bamenda, Nsaw and Gwofon. These divisions have also been renamed as follows: Bamenda is now Mezam, Nsaw is Bui, Gwofon is momo. The two other grassfield divisions Wum and Nkambe have been renamed Metchum and Donga & Mantung respectively* The old names remain as chief towns.

⁴⁸¹ Report of the 1992 United Nations Visiting Mission to the British Cameroons (U.N. Doc. T/L109) p* 10.

and of his country at large. There were, in addition to the area based local authorities, a number of townships like Victoria, Kumba and Mankon which have municipal governments composed of elected municipal councils. This process will increase as more towns grow in size and importance.⁴⁸²

West Cameroon, while being an administrative region was also a Federated State. This peculiar position was bound to present difficulties. Indeed there have been conflicts due partly to the initial difficulties of adaptation and partly to the ambivalence in the functions of the Federal Inspector vis-a-vis the Federal and the Federated State governments. One of the areas of conflict has been in local government in West Cameroon. Hitherto, the Federal Inspectors in West Cameroon have been East Cameroonians who because of their French upbringing have quite a different attitude towards local administration. To them local administration was subject to detailed scrutiny by Prefects and Sub-Prefects who were agents of the central government. To the West Cameroonian the Native Authorities and the local councils form the basis of central government. This situation places the Federal Inspectors and Prefects in a difficult position. In the first instance, they were Federal officers and therefore exercise their functions in respect of local administration on behalf of the Federal Government. Local government, however, was one of these functions which come within the competence of the West Cameroon Government.

In fact, there is a Secretary of State for Interior whose responsibilities include local government. This means that the Federal Inspector or at least the Prefects and Sub-Prefects who deal directly with the Native Authorities owe some allegiance to the West Cameroon Secretary of State for Interior. These officers who find themselves in the rather difficult position of exercising their local government functions on behalf of both the regional and central authorities were very often faced with questions of allegiance. In such situations, the tendency has always been to settle in favour of the central authorities whose servants they were. This was only one example of the type of conflicts which can arise between the Federal and Federated Governments.

5.3.1 West Cameroon House of Chiefs (1961–1972)

This was then former British Southern Cameroons that became West Cameroon as one of the two Federated States of the Federal Republic of Cameroon. West Cameroon became a political reality on 1 October 1961. It ceased to exist following the referendum that gave birth

⁴⁸² Ibid

to the United Republic of Cameroon on 20 May 1972. West Cameroon was headed by a government led by the prime minister, a House of Assembly, and the West Cameroon House of Chiefs. West Cameroon prime ministers included John Ngu Foncha, A. N. Jua, and S. T. Muna. West Cameroon should not be confused with West Region, a francophone entity.

According to Article 38(2) of the Federal Constitution stated: “the House of Chiefs of the Southern Cameroons shall be maintained but reserved the right to determine its power and functions to West Cameroon State. As follow up to Section 5 of the West Cameroon Constitution gave a statutory recognition to the House and its role. With effect from 1st October 1961 therefore the SCHC became the WCHC with the same functions as the SCHC. The WCHC was created and went operation in April 1962, when it held its first session. It became one of the Chambers (Upper Chamber) of the West Cameroon State, which gave it a bicameral character. With this statutory recognition, an opportunity was therefore given to Chiefs of WC. To assert themselves and contribute to the edifice of nation building by participating in governance and in the decision making process of emerging state. Though the WCHC had parallels in other countries like Ghana and Nigeria, it was not the case in East Cameroon. Here, the government opted for a unicameral system. This deprived them of their meaningful role in the national affairs.⁴⁸³

The WCHC had a unique place in the political structure of the Federal Republic of Cameroon. It was set to enable the traditional rulers to participate in the task of governing state with powers similar to those of the House of Lords in Britain. In 1957 when the House was granted, it was stated that its functions would be: to consider and resolve, advice on any question or matters introduced by a member. The house would consider proposed legislation and other important matters of policy and its resolution would be laid on the table of the House of Assembly when it would be opened to government or any member of that House to take up. According to Commissioner J.O Field, one of the reasons for the establishment of the House of Chiefs was for the chiefs to guide and advise the elite politicians in matters of legislature as well as to participate in the law and decision making process of West Cameroon. In essence, the HC was an advisory body. It considered the merits of various bills before their adoption by the legislative Assembly (see NA) which passed them into law though the House had the right to examine and criticize bills submitted to it by the assembly or government, it could not initiate legislation. In addition t this limitation, it did not deal with finance bills or bills related to taxation, loan, grants, revenue and state fund, which were the

⁴⁸³ West Cameroon Constitution

exclusively preserved for the Assembly. In principle, all bills had to be read and passed by both houses before onward transmission to the President for promulgation. But a bill introduced to the House by the assembly could not be blocked indefinitely or vetoed by the House of Chiefs, but could be delayed for a maximum period of six months. Source

This was a political institution in the bicameral West Cameroon legislature. Democracy in the House of Chiefs was limited by the nonelective nature of seats. Membership was open only to leaders of the most important chiefdoms, and these were usually paramount chiefs. Their number varied over time but remained around 22 to 26. Although the House of Chiefs had paid members and regular sessions, it was not a powerful institution. It could only advice, deliberate, and handles limited issues of local administration. Because its consent was necessary for certain measures, the House of Chiefs could paralyze the process on some quasi-legislative issues. This and other federal institutions ended at the formation of the United Republic of Cameroon in 1972.⁴⁸⁴

The West Cameroon House of Chiefs was comprised of the president, a Clerk and 20 members. The president was appointed by the premier of West Cameroon. It was the duty of the president to summon sittings and drawing up of the agenda. The role of the Clerk (Alfred W. Daiga) was to keep minutes and to record all House proceedings, inform members of the dates and venues meetings as well as distributing copies of invitation letters at the end of every sitting. The Clerk was also incharge of the custody of the votes, records, bills and all other documents laid down by the House. It should be noted that the Attorney General was given a seat in the House but did not enjoy any voting. The House had an organ known as the chieftaincy Advisory Committee. This was made up of a chairman (judge) appointed by the premier and 12 members were designated by the House and were drawn from all the administrative divisions of the West Cameroon.

In fact, its responsibilities were to make inquiries into matters regarding chieftaincy such as legitimacy succession and boundary disputes and prepare reports that were to be presented to the Prime Minister. In making its findings, it was supposed to take into account native law and customs of the people. The rationale in creating the Chieftaincy Advisory Committee was because it was believed that only chiefs could listen to and solve problems regarding their peers. The quorum was eleven. Selection of the members was opened only to recognized traditional rulers or chiefs. According to recognition of the chiefs laws of 1960 a chief of was a leader of a tribe installed by traditional elders in accordance with the native

⁴⁸⁴ M.D.Delancey and R. N. Mbuh, *The Historical Dictionary of the Republic of Cameroon*, Inc. Lanham, Maryland • Toronto • Plymouth, The Scarecrow Press, UK 2010

laws and customs. The WCC regulations recognized four permanent and hereditary members that were accorded to the Fons of Nso, Kom and Bafut. According to Lainjo, this privilege was granted them because they ruled over extensive territorial jurisdiction.

5.3.2 Traditional Authorities and The Native Courts

The origin of the Native Courts was none other than the traditional tribunals which existed before the advent of the Europeans. For a very long time during the colonial period they remained undisturbed. This was due as much to their traditional role in the settlement of disputes as to the inaccessibility of the villages from the main central areas and the lack of trained legal personnel to take them over. But while they existed in their traditional form, they constituted a target for attack by the European administrators as well as missionaries. The chiefs argued that, the traditional notions of justice did not always tally with European ideas of natural morality and humanity. This situation led in 1900 to the Native Courts Proclamation No 9 which was applicable only to the Southern Provinces of Nigeria and which established two classes of Native Courts. These were the Minor Courts presided over by Native Authorities and Native Councils presided over by a European officer. The Minor Courts applied native law and customs and had jurisdiction over natives as well as non-natives who had consented to the court's jurisdiction. They exercised limited civil and criminal jurisdiction. The only main difference between the Minor Courts and the Native Councils was that the latter was presided over by a European officer and enjoyed slightly higher status than the former. Proclamation No.9 was superseded by the Native Courts Proclamations No. 25 of 1901 and No. 7 of 1906, both of which made some slight modifications in the existing structure of Native Courts. The development of Native Courts in the Northern Provinces follows very much the same pattern as in the south. There was a long history of Moslem dominated native tribunals which was broken only by the Native Courts Proclamation No. 5 of 1900. This proclamation provided for the better regulation and control of the native tribunals. It also laid down the procedure for establishing the native courts, their jurisdiction and the law to be applied. A later proclamation of 1906 established various categories of courts similar to those which were created by Proclamation No. 9 in the south. In addition, a unique tribunal known as the *Alkali Court* was also set up. Its main function was to administer Islamic law.⁴⁸⁵

⁴⁸⁵ J.M.Nkengong, *The Development of the Laws and Constitution of Cameroon*, University of London, July 1970

In effect, operating side by side with the Customary Courts are the Alkali Courts which deal with matters affecting Moslems. Appeal follows very much the same channel as for the Customary Courts. Both the Alkali and Customary Courts come within the competence of the West Cameroon Ministry of Interior. In the exercise of his function in connection with the Courts, the Secretary of State for Interior was assisted by a Customary Courts Commission. This group of customary laws has received legislative recognition in Section 27 of the Southern Cameroons High Court Law 1955. It was therein provided that: The High Court shall observe, and enforce the observance of every native law and custom which was not repugnant to natural justice, equity and good conscience, nor incompatible with any law for the time being in force, and nothing in this law shall deprive any person of the benefit of any such native law or custom.⁴⁸⁶

Equally, Native Courts derived their inspiration from what existed by way of courts before the advent of the European colonisation. This ranged from the secret societies of the acephalous villages of the coastal areas which were inhabited by Bantu speaking people to the chiefly courts of the centralized societies of the grassfield areas and the Moslem North. It was important here to make a few general comments about the characteristics of these courts. In the segmentary societies such as the pygmies, there were hardly any organised institutions which one can refer to as courts. The settlement of disputes in these societies depended largely on the reliance placed on the supernatural. What comes nearest to an institutionalized form of trial was the co-operative thrashing of wrong-doers. In the acephalous societies on the other hand the various village heads were primarily responsible for keeping peace and order, although a great deal of the court work was done by secret societies such as the Dchala Ngondo which was barred by the Germans. This society, in addition to its responsibility for settling inter-personal disputes, was also responsible for settling disputes between the component chiefdoms of the tribe. The Bakweri elephant society performed similar functions. Although these secret societies enforce the legal norms of the group, they are distinguishable from tribal associations in that membership of such societies is either hereditary or dependent on the fulfilment of the financial and other requirements of the society.

Secret societies were also an important feature of the centralized societies, but here, they very often enjoy the confidence of the chief who sometimes presides over their meetings. Societies like the "*Kwifon*" or "*Ngumba*" to which we will return in a later chapter when

⁴⁸⁶ E.N. Ngwafor, *Cameroon: "The Law across the Bridge: Twenty Years (1972-1992) of Confusion"*, Volume 26, numéro 1, mars 1995

dealing with procedure and evidence, carry out police and judicial duties in certain categories of crimes. These judicial functions are quite different from those performed by the chief and his councilors. It will have emerged from what has been said that the personnel in these courts comprise either the chief and his councillors or members of the secret societies. While the natives remained undisturbed, these forums constituted a satisfactory means of settling disputes, but, with the advent of the colonizers, this could no longer be so new courts had to be found to cater for the new situation. The natives, as observed above, were at first left to their systems of customary law but towards the close of German rule there were noticeable developments in which both native and European litigants were tried in the same courts, and sometimes German and customary law were administered in the same litigation. This applied to both criminal and civil cases. Natives were sometimes prosecuted under the German Penal Code for offences such as rape, and if convicted, they were usually subjected to more savage penalties than their German counterparts.

The Southern Cameroons High Court Law of 1955 provides by Section 27 that native law and custom shall be enforced provided such law and custom is not repugnant to natural justice, equity and good conscience. It further provides that where there is no express rule applicable to the matter in controversy, the court shall be governed by justice, equity and good conscience. Provisions like this, though not uncommon in most colonial legislation, particularly those dealing with the establishment of High Courts, are not without their problems. They raised just as many, if not more, problems as were raised by the legislation with regard to the reception of English law. The problems raised by this provision were, however, of a different nature. One such problem which easily comes to mind was the question of determining by what name to call the type of law which was to be thus enforced. Various names have been suggested. These include names such as primitive law, early tribal law, pre-law, folk-law and customary law, to name just a few. Most of these names are either inappropriate or highly objectionable for one reason or another: so one is almost irresistibly drawn to the conclusion that we need not bother about a name because the question of christening native law and custom, like any other system, was bound to be tied up with problems of semantics.⁴⁸⁷

This, however, will not do because if one was going to talk intelligently about a particular system, one must be able to refer to it as a genus. In this respect, it seems that the name "customary law" was, on balance, the most acceptable for it was the least objectionable

⁴⁸⁷ K. E. Mikano, *Customary Law in Anglophone Cameroon and the Repugnancy Doctrine: An Insufficient Complement to Human Rights*, 2021, *Ufahamu: A Journal of African Studies*,

of the various names used and it describes quite satisfactorily the particular law we are talking about, namely, law which is basically customary, although one might remark here that this customary nature might not remain forever. Work on the problem of "recording", "restating" and "codification" of customary law is being carried on in most African countries with varying degrees of enthusiasm. In this connection one might mention the splendid work which Mr. 32 Cotran has done for the Kenya Government. Indeed, the name "customary law 11 was inappropriate where there is already some form of legislation on the subject.⁴⁸⁸

Having decided to settle on the words "customary law", we are then faced with the further and more important question of the content of such law. Here again, opinion is very varied. Bentham, representing the extreme view, had this to say:

Written law is the law for civilized nations: traditionary law, for barbarians: customary law for brutes ••• , the customary law is a fiction from beginning to end.

There were others like Sir Henry Maine who saw customary law or "primitive 33 law", as they called it, only in its historical perspective, while Driberg, adopting a functional approach to customary law, regarded it as a means of restoring the social equilibrium. Others tended to set customary law up against the mirror of Western written law and to set customary law up against the mirror of Western written law and to argue that because there were no courts or law enforcement officers one could not sensibly refer to customary law as law strictu sensu.⁴⁸⁹ Most of these arguments seem to miss the central issue about customary law for they were interested in peripheral matters rather than the real content of customary law which was the existence of normative rules of behaviour and machinery for settling any breach of such norms. In talking about norms, one was not unmindful of the further problem of differentiating between legal and social norms. Be that as it may, it would seem that most of the arguments about customary law are today basically academic for as Professor Allott points out: "the study of law especially that of Africa, is increasingly recognised today as a central portion of the general comparative study of legal institutions."⁴⁹⁰

Despite these arguments, the British colonial administration and the Germans and French, recognised the existence of customary law which was to be enforced in Cameroon with the proviso that it was not repugnant to natural justice, equity and good conscience nor incompatible with any law for the time being in force. This raises the question

⁴⁸⁸ J. M. Nkengong, *The Development of the Laws and Constitution of Cameroon*, University of London, July 1970.

⁴⁸⁹ E.A. Hoebel, *The Law of Primitive Man*. Harvard University Press, Cambridge, Massachusetts, 1968, p.28.

⁴⁹⁰ *Ibid.*

of determining the criteria by which individual rules of customary law can be caught by this provisor. The courts which were charged with the responsibility of pronouncing on the repugnant rules of customary law were obviously the superior courts which were initially manned almost entirely by colonial judges. It was therefore little wonder that they used British ideas of justice, equity and good conscience. The land tenure in West Cameroon was similar in the sense that the land belongs to the society, but there were certain basic differences which depend on whether the society we were considering was centralized or acephalous. In most of the grassfield area, particularly in the highly centralized areas, the land belongs to the chief or village head only in the sense that he exercises certain functions over the land on behalf of his subjects. As part of these functions, he must be consulted before any grant of land was made to any one. He takes part in the adjudication of all disputes concerning land. His responsibilities also extend to safeguarding the interests of the community in lands which were owned communally. These lands include the market place, the dancing fields, sacred shrines, public ways, hunting reserves, and sources of drinking water. It was also his responsibility to re-allocate any land which was left by a Bextin lineage. These functions have been described as titular and residuary.⁴⁹¹

Beneath the protection offered by the chief, the several lineages exercise de facto control over lineage lands. This control enables the lineages to do almost anything with the land short of expropriation. This connection, the chief himself was in de facto control of which he can exercise all rights short of sale without the necessity of consulting the people. Although the characteristics which we have described above may be true of all the centralized societies in the Grassfields highlands, the grip of the chief or the lineage head in the smaller chiefdoms over the land was not nearly as firm as that of the chiefs in the big centralized groups.

There were, for instance, groups like the Ngwos and Ngies in Momo Division where the authority of the clan head over his subjects was negligible, according to Dr, Kaberry, the men receive, building, farm, and palm plots from their fathers on marriage. Thereafter, they were free to exercise absolute freedom over such land. Although Dr, Kaberry says that they can even sell land, it was doubtful whether they can do so without the consent of the lineage head. In any case, sales to outsiders who were not members of the tribe was prohibited. Another instance where the grip of the chief or lineage head over land was not very firm is in the matrilineal societies. There were very few of these societies in the grassfield area, the

⁴⁹¹ Kawberry, P.M, *Women of the Grassfield si A Study of the Eoonomic position of women in Bamenda, British Cameroons*. London Colonial Office Beseaarch studies Ho. 14 H.M.S.O. 1952.

most important being the Bikom, the Aghem and the 8 Fungom people, all of which was in Menchum Division, In these places, the head of the matrilineage has titular control over lineage, land while the individual, instead of looking up to his lineage for any claims to land :, directs them to his matrilineage.⁴⁹²

In the forest areas, the general notion that the community owns the land also exists, but because the societies are acephalous, the controlling hand of the chief was not as rigid as in the grassfield highlands. The result was that the tenure tends to be much less feudal in nature. The lineage head, therefore, has a freer hand to deal with the land. It would indeed seem wrong to have a chief interfering with land which has been cleared from virgin forests and kept in a cultivatable state against the ever encroaching forest. Despite the fact that an individual can deal with land acquired in this way freely, he cannot expropriate any such land to a stranger without the approval of the head of the community or the community at large. Indeed, Chief Endeley in the case of *Wokoko v Molyko* to which we will return later said that “if a stranger desires to build in a village, he must apply to the village head and present a pig to him.”⁴⁹³

The customary land law described above obtained in most of West Cameroon before the arrival of the Germans in 1884. In concluding the treaty of annexation with the Germans, the natives insisted on including provisions to the effect that "our cultivated ground should not be taken from us for we were not able to buy and sell as other country. In another treaty between the Douala people and Nachtigal, it was stipulated that "the land and towns and villages should remain the private property of the natives". These treaties were probably completed with knowledge of the fact that the provisions with regard to land were not going to be respected. The Land and Native Rights Ordinance, of course, replaced the 36 Native Lands Acquisition Ordinance which applied in the British Cameroons prior to 1927. The Native Acquisition Ordinance permitted aliens with the approval of the Governor-General to acquire documentary titles to leases from natives. These leases were, however, not very popular because of certain inherent weaknesses such as the lack of security of tenure, lack of good maps of the areas and the fact that it was often difficult to find any single individual who could dispose of the land in the name of the community. No less difficult was the fact that it

⁴⁹² Ibid

⁴⁹³ Ibid

was often difficult to identify the recipient of rent and the problem of the ultimate distribution of such rent⁴⁹⁴.

Therefore, the chief manages the land for the benefit of everybody. Individual families are allocated land for the purpose of farming. This was done in most cases on the basis of need. Unallocated land remains the Joint property of everyone. Joint property also includes the hunting grounds, the sacred shrines, the rivers, public places such as race tracks and market places, open grassfields as well as the shaded patches of forest areas. Next door to the Bamilike and having a similar system of customary land tenure are the Fonmban people of the Tikar group. In North Cameroon, there were two types of people. In the first place there were those living in the mountainous Mandara area. Most of them fled to these areas during the Fulani invasions and have remained there ever since. Theoretically the land belongs to the people collectively; although in practice individual families have specific tracks of land which have descended from generation to generation. Such tracks were first acquired by clearing part of the land of the collectivity and putting it into cultivation. Secondly, there were Fulanis who not only introduced the religion of Islam in North Cameroon, but was also responsible for the introduction of the feudal system of tenure, by means of which the absolute ownership of land passed into the hands of the Lamidos who were the leaders and feudal superiors of the people. The people were, however, allowed the use of the land in consideration of certain services to the feudal overlords. This has continued to dominate land tenure in the north.⁴⁹⁵

Like in the British Mandate for Cameroons, "in framing the laws relating to the holding and transfer of land the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population. No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent. The Mandatory will promulgate strict regulations against usury."⁴⁹⁶ Cameroon's colonial past has manifested itself in contrasting laws, administrative policies and court systems some of which differ from the customary practices of the people. Cameroon was colonized by the Germans and then the English and the French took over Cameroon from the Germans simultaneously as a mandated and later trust-territory under the League of Nations and later the United Nations. When the Germans colonized Cameroon,

⁴⁹⁴ Ibid

⁴⁹⁵ Ibid

⁴⁹⁶ Ibid

they established two types of courts; one for the whites and another for Cameroonians.⁴⁹⁷ When England and France took over Cameroon under the mandatory and later the trusteeship system, they did not discard the customary laws that existed. Like the Germans, they also set up two types of courts and had two different laws applicable in these courts; one for the natives and the other for Europeans (and in the case of French Cameroon for those Cameroonians who have been assimilated and were thus treated as Frenchmen).⁴⁹⁸

During Germans period, a system of government was introduced which slightly altered the traditional set-up in Cameroon by either incorporating or subordinating Traditional Rulers (local chiefs) to German authority. The head of the German administration in Cameroon was the governor. The governor was empowered to legislate for Cameroon and to administer the courts.⁴⁹⁹ Two sets of courts were established: one for the whites (which applied German civil and criminal law and procedure) and another for Cameroonians, which applied customary law. This marked the beginning of the plurality of courts and laws in Cameroon. The court for whites, the *Bezirksgericht*, was presided over by a judge aided by two or four lay assistants.⁵⁰⁰

In the early days, the courts for blacks were adjudicated by German officials assisted by interpreters so that native customs could be considered and native languages could be used. But the small number of officials and their concern with regular administrative duties necessitated a change. A system of courts was subsequently provided in Douala. The court for blacks was put in the hands of native chiefs who were to render judgement according to native customs in civil cases. Appeal laid to the governor or to the *Oberrichter* appointed by the governor.³⁶ However, if an issue arose between a Cameroonian and a European, jurisdiction depended on the race of the defendant. If the defendant was a Cameroonian, the court for Cameroonians had jurisdiction, but if the defendant was a European, then the court for Europeans had jurisdiction. This method solved problems relating to conflicts of jurisdiction. In any case, such problems could not arise in divorce cases because marriages between Europeans and Cameroonians were not allowed. The First World War brought an abrupt end to German rule in Cameroon and Cameroon was handed over to England and France.⁵⁰¹

⁴⁹⁷ N. Rubin, *Cameroon: An African Federation* (Pall Mall Press London, 1st edition 1971) p33-34.

⁴⁹⁸ Ibid

⁴⁹⁹ H. N. Rudin, *Germans in the Cameroons (1884-1914) A Case Study in Modern Imperialism*, Jonathan Cape, Thirty Bedford Square-London, 1931, p180-181

⁵⁰⁰ N Rubin, *Cameroon: An African Federation* (n29) p33.

⁵⁰¹ Ibid

5.3.2 Dissolution of the House of Chiefs

After abolishing the House of Chiefs in 1972, Ahidjo issued a presidential decree in 1977, which sought to define the role of chiefs in the ‘nation-building’ project. Many critics have observed that the decree not only was controversial but also seeks to co-opt chiefs as clients into a largely patrimonial system (cf. Jua, 1995; Fisiy 1995). It should be pointed out that this decree is the principal official document that defines the role of chiefs in Cameroon up to the present. Article 20 of Presidential Decree No. 77/245 of 15 July 1977 stipulated that recognized ‘chiefs were to act as auxiliaries of the administration.’ Their job, among other things, consisted of serving as ‘intermediaries between the administration and the people, helping the administrative authorities in the execution of government directives and recovering state taxes within their domains’ (Jua, 1995:43). Article 2 of the decree went further to classify chiefdoms in terms of their relative power and influence. To this effect, three types of chiefdoms were outlined. First degree chiefs were those with two Second Degree chiefs under their jurisdiction, which extended over a so-called divisional unit. Second Degree Chiefs were expected to have the allegiance of two Third Degree chiefs and their jurisdiction could be no larger than a Sub-division.

The jurisdiction of Third Degree Chiefs was limited to a village or a ‘quarter’ in a rural or urban area (Jua 1995:43). In accordance with colonial policy, they were also paid a monthly salary in addition to a small commission of tax collection, which has dwindled over the years after some of the basic taxes were abolished. In Cameroon, Decree *No. 77/245 of 1977* turned all traditional leaders into auxiliaries of the government. The chiefs’ installation has to be ratified by an express note of administrative recognition before he can officially exercise any active role. He is now accountable to the senior Divisional Officer of his area and might suffer disciplinary sanction from low level bureaucrats. In return, the chiefs receive a small monthly salary from the state in addition to a small commission from tax collections. This bureaucratization of chieftaincy has demystified the sacred nature of royalty and seriously curtailed the powers of the chiefs.⁵⁰²

5.3.3 Challenges faced by the Traditional Authorities during Post Independence

Traditional authorities in Cameroon have faced numerous challenges in politics and development since 1922. Here are some key points:

⁵⁰² Ibid

During the colonial period, Traditional Authorities were often co-opted by colonial powers to help administer local populations. This relationship was complex, as it both empowered and constrained traditional leaders. After independence, the role of traditional authorities became more ambiguous. The central government sought to modernize and centralize power, often at the expense of traditional structures.

Politically, the process of decentralization in Cameroon became slow and fraught with difficulties. Traditional authorities have had to navigate a complex landscape where their roles and powers are not always clearly defined. Traditional leaders often struggle with maintaining their legitimacy and authority in the face of modern political structures. This is compounded by the fact that some traditional leaders are appointed by the government, which undermined their credibility. Integrating traditional governance systems with modern administrative structures became a significant challenge. This included issues related to land rights, local governance, and conflict resolution

Development Challenges, resource allocation: Traditional authorities often have limited access to resources, which hampers their ability to contribute to local development. The centralization of power means that resources are often controlled by the central government.

5.3.4 Socio-Cultural Challenges

Ethno-Political Tensions: Southern Cameroons diversified with many ethnic groups, traditional authorities often found themselves at the center of ethno-political tensions. Balancing the interests of different groups while maintaining peace and stability became a delicate task. The push for modernization and development often clashes with traditional practices and values. Traditional authorities therefore had to find ways to adapt to changing social and economic conditions without losing their cultural identity.

These challenges highlight the complex and evolving role of traditional authorities in Southern Cameroons. They continue to play a crucial role in local governance and development, but their effectiveness is often hindered by political, economic, and social factors.

Conclusion

This chapter has examined the contribution of Fons and chiefs to the autonomy of the Southern Cameroons, in the West Cameroon House of chiefs, their contributions in Socio-political development, customary courts and the subsequent dissolution of the West Cameroon House of chiefs in the former Southern Cameroons.

This new political dispensation has till date put a serious dent on the efficacy in the process of managing their people as tradition requires and at the same time being part of government structures as the suppression of the house of chiefs was a savvy ill-intentioned decision to either reduce the powers of chiefs to maintain some little relevance in the system or have to join the little group of aristocrats or “elites” in order to be taken somewhat seriously by the political situation of the day. Hence as Chem-Langhee rightly says, some chiefs especially the educated ones must have silently accepted their suppression for fear of actions taken against them by the new political system. This system still abounds as some chiefs continue to be coerced to take active part in political partisan affairs, a system that renders them some privileges in business and other spheres in the present structure sometimes causing a conflict of interest between some Chief or Fons who in the quest to secure their personal political gains are in direct conflict with their subjects. It's quite a deplorable state of affairs reigning since the abolition of the West CameroonH of chiefs even through a similar structure now put in place what is actually a shadow of what once existed.

of The independence of British Southern Cameroons and French Cameroun saw the emergence of a federal system of administration where much was done by the federal authorities (dominated by French Cameroonians) to terminate traditional rulers' membership in local government legislatures. Between 1961 and 1967, the ex-officio membership role enjoyed by traditional rulers in local government legislatures was inherited by the post-colonial government of West Cameroon. Little or no amendments were made with regard to the place of traditional rulers in the set up. The West Cameroon Government worked so hard to maintain them in the governing divisional councils. The unification of all political parties in Cameroon in 1966 signalled the beginning of problems for traditional rulers. In order to reorganise the country politically, all local governments assemblies were dissolved and caretaker councils instituted all over West Cameroon.

Though, traditional rulers were not forgotten as they were also appointed into these institutions by the Secretary of State for Local Government in West Cameroon, the complete reorganisation of the various branches and cells of the Cameroon National Union (CNU) Party by March 1967 did not favour them. The successful political reorganisation of the

territory and dissolution of caretaker councils and institution of reforms with regard to membership in local governments ignored them. On the 2nd of March 1968, the law appointing caretaker councils was revoked and the harmonisation of the electoral laws of West and East Cameroon took effect. Direct universal suffrage and the list system were introduced into West Cameroon. As aforementioned, the West Cameroon Government worked hard to make sure that natural rulers were maintained in the specifications of compositions for councils. Though was not favoured by the federal government and this was an established policy of the West Cameroon Government that all groups be represented in the management of local affairs. Even when the CNU government instituted changes in 1966, the Fons of Bafut, Kom, Nso, Fontem and Bali were made natural rulers or leaders of their local government areas. However, in the 1968 elections, the traditional rulers were not taken care of and the Prime Minister (PM) of West Cameroon never took this lightly. He put up strong arguments for their continuous presence and postulated that these natural rulers had and remained very important in local development as they played useful roles in the administration of their areas. They actively participated in community development, collected taxes, handled issues of land and were the arbiters of customs and conciliation of civil disputes. They thus remained a link between their people and the government and the PM made it clear that their presence was needed in these institutions. To him, their presence provided local democratic balance at the local government level. Maintaining this social setting was necessary so that peoples' known and recognised tradition that has survived the test of time for generations grows in democracy. It is because of this plea from the PM of West Cameroon to the federal authorities that traditional rulers were co-opted into the political local governing structures of West Cameroon. The mode of selection was through appointment by the Secretary of State for Local Government and elections by universal suffrage. This can be exemplified with the case of the Kom Bum local government where traditional rulers elected their members and Wum Central Council, they were appointed by the Secretary of State. The presence of traditional rulers in local governments' structures remained in force until 1972 when the Cameroon Federation was dismantled in favour of reunification. The reunification of the territory, thus, favoured the harmonisation the two administrative systems inherited from the British and the French colonial experiences and this greatly worked against the privileged positions enjoyed by traditional rulers in West Cameroon. In this direction, the 1974 law on Councils in Cameroon disbanded the special status enjoyed by traditional rulers in the former British (West Cameroon and traditional

rulers had to seek representation in local government assemblies by competing with their subjects through elections.

CHAPTER SIX

FINDINGS AND ANALYSIS OF TRADITIONAL AUTHORITIES IN POLITICS AND DEVELOPMENT OF SOUTHERN CAMEROONS

Introduction

This chapter presents the data collected during the study in a clear, concise and systematic manner with interpretation. Traditional political institutions were pervasive, affecting enormously the Anglophone regions of Cameroon's population, in politics and socio-economic development as well as the systematic external influence on Traditional Authorities including strategic perspective on their standing, the partial and unstable nature of the legal reforms that took place after colonialism like the contemporary state of customary adjudication in Southern Cameroons. To this effect, emphasis will also be placed on contextualizing the role of Traditional Authorities in politics and development over this period of study. The arguments put forward however are: Why did Traditional Authority have to be dealt with and why must a process for dealing with it have to be developed? The idea here is that although we could simply overlook and ignore Traditional Authority or merely regard it as history as it exists in books, the primary reason we are constantly trying to understand and address tradition is due to the fact that it imposes development on our lives. Wholly, Traditional Authorities were indispensable allies in the achievement of autonomy and nationhood for the Southern Cameroons. Chiefs in the British Cameroons were therefore made an integral part of the politics of decolonization.

Once more, Africa is grappling with leadership challenges since the colonial era. Prior to the colonial period leadership in most African Kingdoms, States and Empires was characterized by commitment, dedication, passion, equity and fairness, selflessness, rule of law, abhorrence of corruption amongst others. Pre-colonial African leaders were determined to protect their citizenry (subjects) against external aggression and to ensure development and equitable distribution of resources. People from different communities joined together through confederation or conquest for purposes of commerce or defense, and developed African empires, kingdoms, and chieftaincies. Two types of systems, hierarchical political systems and horizontal or acephalous societies, developed to help generate stable communities and foster prosperity. Stateless societies were small political entities and had no bureaucracies as they were mostly based on kinship. Hierarchical societies, however, had bureaucracies to carry out certain functions such as collecting taxes, supervising ceremonies, entertaining

dignitaries, and compelling people to do the rulers' bidding. These polities, which evolved before the arrival of Europeans in Africa, were either centralized or decentralized political entities presided over by emperors, kings, chiefs, or military commanders.⁵⁰³

Consequently, under colonial domination, the African countries found themselves in the same political, economic, social and cultural situation; that cultural domination led to the depersonalization of part of the African peoples, falsified their history, systematically disparaged and combated African values, and tried to replace progressively and officially, their languages by that of the colonizer, that colonization has encouraged the formation of an elite which was too often alienated from its culture and susceptible to assimilation and that a serious gap has been opened between the said elite and the African popular masses; that the unity of Africa was founded first and foremost on its history, that the affirmation of cultural identity denotes a concern common to all peoples of Africa, that African cultural diversity, the expression of a single identity, was a factor making for equilibrium and development in the service of national integration; that it was imperative to edify educational systems which embody the African values of civilization, so as to ensure the rooting of youth in African culture and mobilize the social forces in the context of permanent education; that it was imperative to resolutely ensure the promotion of African languages, mainstay, and media of cultural heritage in its most authentic and essentially popular form, that it was imperative to carry out a systematic inventory of the cultural heritage, in particular in the spheres of Traditions, History and Arts.⁵⁰⁴ Over the years, the role and place of Traditional Authorities has constantly evolved. As custodian of customs and traditions, traditional authorities also known as chiefs, traditional rulers, Fons or Fos have been involved in several different ways in the political process. With colonisation, they played a collaborative role which, serving as relay between the local population and the foreign administration and in the modern state they still engage in the political process as auxiliaries of the central administration.

6.1 Findings of the Study

In our findings, Traditional authority presented during pre-colonial and colonial periods consistently with assertions that conventional leadership has existed for ages. The assertion may have some aspects of reality. As earlier discussed, indigenous Cameroonians are rightfully entitled to preserve and practice elements of tradition despite the fact that

⁵⁰³ E.F. Kisangani, *Development of African Administration: Precolonial Times and Since*, Kansas State University, Manhattan, USA, 2009

⁵⁰⁴ Ibid

opposition to such traditions maybe justified. Therefore, even though certain aspects of the Cameroonian society now view Traditional Authority as dispensable, there will always be a section that perceives the lessons provided by Traditional Authorities. Adopted by the Heads of State and Governments of the Organization of African Unity (OAU) meeting in its Thirteenth Ordinary Session, in Port Louis, Mauritius, from 2nd to 5th July, 1976, convinced, that any human society was necessarily governed by rules and principles based on traditions, languages, ways of life and thought in other words on a set of cultural values which reflect its distinctive character and personality; that all cultures emanate from the people, and that any African cultural policy should of necessity enable the people to expand for increased responsibility in the development of its cultural heritage. They were aware of the fact that any people has the inalienable right to organize its cultural life in full harmony with its political, economic, social, philosophical and spiritual ideas; that all the cultures of the world were equally entitled to respect just as all individuals were equal as regards free access to culture.⁵⁰⁵

In the same vein of the incarnation of power, Southern Cameroons had political broad based experienced profound changes due to the advent of colonialism; independence did not result in discontinuity with the colonial past. Southern Cameroons retained the legal traditions introduced by its colonial administrators with the English common law operating in the West and French civil law operating in the East, co-existing in one legal system. Further changes are also reflected in the varying methods of judicial reforms which have been instituted, some with the primary aim of incorporating the various court systems and the removal of cultural bias in the general administration of justice. Some school of thought preferred a separation of statutory law and traditional authorities with customary courts applying indigenous law while state courts applied western laws.⁵⁰⁶ Although the bi-jural nature of the colonial system was maintained by the first post-independence constitution of 1961, the enactment of subsequent legislation led to a harmonization of the court system in 1972.⁵⁰⁷

⁵⁰⁵ Heads of State and Government of the Organization of African Unity (OAU) meeting in its Thirteenth Ordinary Session, in Port Louis, Mauritius, from 2nd to 5th July, 1976

⁵⁰⁶ C.M. Fombad, *“Protecting Constitutional Values in Africa: A Comparison of Botswana and Cameroon”*, 2003 For example, in Ghana, all native courts were abolished in 1960 as all courts were now required to apply western law. On the other hand, South Africa upon independence preferred a “parallel court system”.

D. S. Koyana, *Traditional Courts in South Africa in the Twenty-First Century*, Jeanmarie Fenrich et al, eds, *The Future of African Customary Law*, Cambridge University Press, 2011

⁵⁰⁷ Constitution of the Republic of Cameroon, 1972; Ordinance 72/4 of 26 August 1972 (the Judicial Organisation Ordinance); Refer Art 68 of Amended Constitution of the Republic of Cameroon, Law No.96-06, 1996.

6.1.1 Political Development

Politically, Traditional Authorities took part in decision-making of Southern Cameroons in a fast-changing world and silently informed the new leaders that at best they could play not only second fiddle in the government of their territory. As could not be expected, some of the modern leaders immediately charged that the British were using “unprogressive and illiterate chiefs to retard the progress of the country”⁵⁰⁸ their general feeling towards Native Administration was expressed, in sometimes ungrammatical language, for instance, the Kom Improvement Association in a petition addressed to the United Nations organization:

‘The worst neglect of all [in Southern Cameroons] is the absence of training for self-government whereby the people might hope to do these things for themselves. Instead, by the damnable Native Administrations systems, there is the role of things remaining where they were. This is done by excluding the literature [literate] and enlightened from the Administration councils. Most council members are there by right of birth, no matter whether they can serve the people or not, whether the people supposed to be represented like it or not. When will these illiterate old men being trained for self-government rule?, In their graves? Of course it does not matter with the government; the longer they [chiefs] are unable to rule the better for the British government’⁵⁰⁹

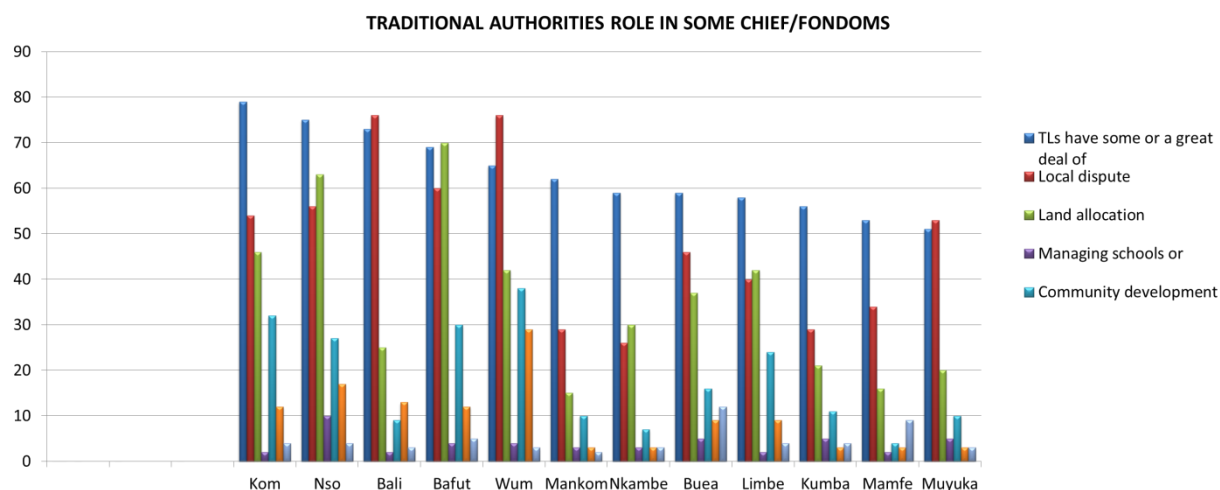
The British policy in strengthening the authority of traditional leaders in a dynamic world set the modern leaders not only against the traditional leaders but also against the whole system of Native Administration in Southern Cameroons. It was, therefore, not surprising that the new leaders included administrative reforms in the list of contradictory demands they made to the United Nations Visiting Mission in November 1949. The chiefs requested that the United Nations should develop Southern Cameroons economically, socially, and educationally, all aspects which, they charged, the British had grossly neglected. Moreover, they demanded separation or autonomy, the idea that Southern Cameroons be separated from the Eastern Region of Nigeria and be constituted into an autonomous region with Nigeria; Secession, the idea that Southern Cameroons or all of “British Cameroons” separated from Nigeria and develop into an independent state in its own right; Unification, the idea that Northern and Southern Cameroons be unified to form a single administrative and political entity whether or not within the Nigerian framework; and Reunification, the idea that all the sections of the former German Kamerun Protectorate be reunified to form a separate, distinct,

⁵⁰⁸ P.N.Nkwi, *Traditional Government and Social Change*, Freiburg, 1976

⁵⁰⁹ Liser document “1”/PET 4/35, 1950

and independent political entity.⁵¹⁰ Far from being confused, these new leaders merely served notice of the division within their ranks; although they made these contradictory.⁵¹¹

Graph 1: Flutuating role of Traditional Authorities



Source: Researcher's SPSS Analysis

From the above graph, Traditional Institutions in managing disputes, property, rights and land distribution, was widely noted. Even in areas where the government, was expected to take the lead, traditional leaders often act as facilitators; for example.

There would have been only two of these sub-units in Bamenda Division but, because of the tremendous aid the Bali Nyonga Fondom gave the Germans during the German conquest and annexation of the grass field, the Traditional Leaders of the areas with which the Bali Nyonga area associated, the Southwestern and Southeastern Federations, resolutely refused to have the Bali Nyonga area included in their respective Federation in spite of British pleas and extravagant promise. In any case, by 1959, there were only seventeen such administrative sub-units in all of southern Cameroons. Each of them had a central court, the Appeal Court, and a central council, the policy maker of the sub-unit. The former Clan councils and courts had no officially recognized place in the new set-up because they were replaced by the central organs. But the previous Village Courts and councils were retained to deal with local issues and to implement the policies laid down by the central body. In Wum, for instance, the former councilors elected six traditional leaders, four untitled literate persons and two women as members of the central administrative organs. In other areas, such as the southeastern Federation, the former councilors elected twenty-five tradition authorities, two

⁵¹⁰ Jah, *History of African People*, the Journal of African History, Cambridge University Press, 2000

⁵¹¹ Ibid

Fulani people, one Hausa man, one woman, and a representative of business for the central administrative bodies.⁵¹²

These new reforms were significant in many respects. The federations, like the Cameroons Provincial Council meeting in Victoria, paved the way for national consciousness among the illiterate Traditional Leaders by providing them with an opportunity to make decisions involving larger administrative sub-units. The democratization of the central administrative organs of the federations not only paved the way for local Government but also sounded the death knell of Native Administration as originally conceived and threatened the privileged position of the traditional leaders. Nevertheless, the limitation imposed on the elective principle (only the traditional authorities elected the members of the central administrative bodies) denied the commoners the right to choose their leaders and demonstrated British reluctance to abandon the traditional leaders who had loyally cooperated with them in the development of Native Administration, and had rejected the idea of local Government in 1949. Yet the new arrangements made the majority of the traditional leaders mere executors of general policy, while only a few of them remained to make policy in the central administrative organs. Even those who were still involved in the decision making process had to share authority with the elected commoners in the central administrative bodies of the federations, although they still enjoyed a comfortable majority in those organs.⁵¹³

In spite of the fact that the whole basis of Native Administration had been weakened and an attempt had been made to involve the modern leaders in local administration, the interests of the Western-educated elite remained cantered on larger political issues such as Autonomy or separation, Secession, Unification, and Reunification.⁵¹⁴ On the other hand, the traditional rulers and followers had little to do with those larger political issues such as Autonomy or Separation, Secession, Unification, and Reunification. That notwithstanding, the ordinary man was still limited by his village or clan boundaries. His clan was his circle of influence, and outside this he had no particular links with others. "Yet, during the 1951 general elections to the Eastern Nigerian House of Assembly, the traditional leaders and their followers cooperated in selecting the Southern Cameroons representatives, although the turnout at the polls was disappointingly poor and, it must be addressed that the candidates who

⁵¹² UN document A/C 4/SB.885, November 1959, 14, Report of the Native Courts for Cameroons and Bamenda Provinces 1950, file 1453

BA, 12, Annual Report for Bamenda Division for the Year 1957

File CB/1958/1,BA,4, Report of the United Nations Visiting Mission to the Cameroons under United Kingdom Trusteeship, PP.128-131

⁵¹³ Ibid

⁵¹⁴ C.B. Langhes, "*Kamerun Plebicides*,"

won the elections were nominated by the Federal Councils dominated by the traditional authorities. No connections with chiefly families, their popularity derived from the fact that many were primary school teachers and were important personalities with the various religious denominations, while still others were already members of the Federal Councils where they were able to elicit the support of the traditional leaders.⁵¹⁵

Whatever the case, having become representative of the territory by the grace of the traditional authorities, the new leaders approached their task cautiously for the first few years. The more advanced areas of Eastern Nigeria had insisted that the Macpherson Constitution which was to be introduced in 1951 should go hand in hand with the introduction of Local Government. As already stated, the NAs of Southern Cameroons had rejected the idea of local Government in 1949. In 1950, a Bill on Local Government as already stated, the NAs of Southern Cameroons had rejected the idea of Local Government in 1949. In 1950, a bill on Local Government was introduced in the Eastern Regional House of Assembly. The Bill called for the immediate introduction of a three-tier local Government of county councils, Rural and Urban district Councils, and Local Councils, based as it was on elective and democratic principles, it made no provision for the special interests of the traditional leaders. During the discussions, the majority of the southern Cameroons representatives was aware of the position of the traditional authorities towards Local Government and opposed it, along with some representatives from the other parts of Eastern Nigeria. The Bill was adopted, however, and became the local Government Ordinance of 1950. As a concession to those opposed to the Bill, the Ordinance stated the Nas of any province must be consulted before the introduction of the system of local Government in that particular Province.

With the concession, the Acting Resident for Bamenda Province, J. Brayne-Baker, on October 7, 1952, organized a conference to sound out the opinion of the province's local authorities regarding the implementation of the 1950 local Government Ordinance. The conference was attended by department heads; the SDO for Bamenda, the Dos of Wum and Nkambe Divisions, the province's elected representatives to the Eastern Nigerian House of Assembly, and the representatives of the Native Authorities in the province. In his opening speech the Acting Resident expressed the view that the province was not yet ripe for the kind of local Government envisaged in the 1950 Local Government Ordinance. The federations, he argued, had just been formed, their functional committees were still being established and their councillors needed time to gain experience before further changes could be introduced.

⁵¹⁵ Annual Report for Bamenda Province for the Year 1950, File Cb/1950/3, BA, 5-6

Moreover, few of the councillors could speak English a prerequisite for any person hoping to be a member of any council of the Local Government stipulated by the Ordinance.⁵¹⁶

These views were shared by many people at the conference. Tamin, the Fon of Piyin, and Dock, the representative of the Fon of Bali, fully supported the views of the Acting Resident, adding that the Native Authorities had rejected Local Government in 1949 and still did so. Speaking for the North eastern Federation (Nkambe Division), Mformi, the Fon of Ndu, enquired what offense or crime Bamenda interviews with relatives, friends, colleagues, and co-villages of the people named and with sons of them themselves, Yaounde, July-August, 1982 bongfen Chem-Langhee. Province had committed to be “threatened with Local Government.” John Ngu Foncha, one of the elected representatives, suggested that a modified system of local Government which could safeguard the position of the traditional leaders be introduced in Bamenda Division, because the Ordinance did not make any provision for them to sit as ex-officio members of the Local Government Councils. Another elected representative, V.T. Lainjo, proposed that, because it was only the Western educated person who desired the implementation of the Local Government Ordinance of 1950, the Western-educated should be absorbed into the Native Authority Councils and their demands would cease. Modern leaders had thus cooperated with the traditional leaders to prevent the introduction of the Local Government system that threatened the local authority of the latter in southern Cameroons.⁵¹⁷

In the same light, Paul N.Nkwi, they had an interest in “preserving those traditional institutions that gave them a sense of identity.” This nostalgia for the past gave them “the feeling that independence could not be achieved without the active participation of the chiefs.” It is known that any political arrangement without the chiefs, many of whom “were regarded as sacred persons” with ritual functions that promoted the welfare of the chiefdoms, would be disastrous. Thus, it was decided that it was about time to involve the traditional leaders in larger political issues and to seek their cooperation in their struggle with the British over those issues, if only because they were fully aware that the traditional leaders had the ear and support of both the British and the populace.⁵¹⁸

However, before they had time to involve the Traditional Leaders in larger political issues, another event occurred in Nigeria proper which contributed to the emergence of the Southern Cameroons House of Chiefs. During the all-Nigerian Constitutional Conference help

⁵¹⁶ Ibid

⁵¹⁷ Ibid

⁵¹⁸ P.N. Nkwi, “*Grassfield Kings and Chiefs and Modern Politics.*”, I.S.M., N^o 7. Conarest, Yaounde, 1978

in late 1949 at Ibadan to discuss provisions for the Macpherson Constitution, the issue of Houses of Chiefs was raised and Professor Eyoalta, vice-president of the National Council of Nigeria and the Cameroons (NCN) and Nigerian political party, and mazi Mbonu Ojike, an eminent Nigerian politician at the time, presented a minority report which among other things, opposed the creation of Houses of chiefs. The major issues raised by minority reports were, however, ignored.⁵¹⁹ When the Macpherson Constitution was introduced in 1951, the chiefs of the Eastern Region of Nigeria held their first conference at Nwewi on April 10, 1952, and began to collect facts concerning the creation of an Eastern Regional House of chiefs. When the House of Chiefs was finally created, two of the southern Cameroons traditional leaders, the fon of Abli, Gaega II, and chief Manga Williams of Victoria, both of them semi-Western-educated, became its members. From that time, it became difficult for the Southern Cameroons traditional leaders, especially Gaega II and Manga Williams, to conceive of a Southern Cameroons House of Assembly without a SCHC.⁵²⁰

Table 3: Local policies and the possible role of Traditional Authorities

Policy area	Policies	Role of traditional authorities
Regulative policies	<ul style="list-style-type: none"> - Regulation of the social, economic and often religious structures and norms - Conflict and dispute settlement, policing - Local development and planning - Natural Resource management 	Traditional functions of traditional authorities. Possible conflict of interests regarding local development and resource management.
Allocative, distributive and re-distributive policies	<ul style="list-style-type: none"> - Allocation of communal land - Infrastructure (such as roads, bridges, electricity, water etc.) - Basic Services (Health, Education etc.) - Implementation of other national policies - Tax and revenue collection 	Role of traditional structures depends on complexity and special skills needed.
Administrative policies	<ul style="list-style-type: none"> - Administration of citizens, voter registration, issuance of birth and death certificates, land registration, etc. 	“Modern” specialized governmental skills needed. Not traditional domain of traditional authorities

Source: Researcher's Analysis

⁵¹⁹ M.Crowder, *The Story of Nigeria*, London, Faber, 1962. pp.307 (Published online by Cambridge University Press, 23 January 2012)

⁵²⁰ Ibid

The role of the Traditional Authorities in the decolonization and independence process of the Southern Cameroons from Britain cannot be under mind. When chiefs were disappointed with Endeley, they contributed to his replacement with Foncha. Chiefs Arrey, Aiyuk and Agbor Tabi Supported the Badi water project in their villages and the projects were realised. Chiefs supported the efforts of cultural and development associations and this encouraged the advancement of a number of villages. This explains why the present regime has not neglected the role of chiefs in nation building. The chiefs were therefore called upon to either take up their proper role of watch-dogs in politics or quit politics completely. We saw the chiefs of 1950s as political forces to reckon with. They were able to stand for the truth without fear or favour. They actually represented their people in matters of local and national interests. This explained why when Dr. E.M.L. Endeley went against the original objectives of Kamerun National Congress (KNC) due to personal interest. The chiefs decided to turn their backs also against him and against his party. This sanction started during the 1957 elections when Endeley defeated Foncha's Kamerun National Democratic Party (KNDP) just with a slight majority. In the 1959 elections, the chiefs finally turned their backs against Endeley and he lost the elections with a slight margin to Foncha who commanded popularity from the chiefs.

This was an eloquent testimony that chiefs really represented their people. They did not pretend to the authorities by telling them what they would like to hear and to hide from them what they may not want to hear. The most important thing traditional rulers of today must do is to learn the following virtues from their peers of the past; truth, determination and encouragement. Many would have expected them to drop their clarion call for secession and separate political entity for Southern Cameroons after facing a lot of intimidation and threats from the then ruling KNDP. It should be recalled that during Cameroon Commoners' Congress (CCC) political campaign in Wum, the leader of the CCC party, Chief Nyenti Stephen Eyong escaped assassination attempt from the supporters of KNDP. But since they had political ambitions in which they wanted to accomplish, they did not give up. It is a good example to be copied by today's traditional rulers in politics. Traditional rulers and politicians should learn to keep aside personal and egoistic interests. Chiefs should not create political parties or join the ruling party for selfish interest but they should either do so, to enable them to fight for their people from within.

In 1961, when the third option that was advocated by many chiefs and some politicians was ignored, Chiefs were already aware of Prime Minister Mafany's call that "politics is not war but a debate of ideas." That explains why instead of calling for violence,

civil disobedience or Operation Ghost Town that would have paralysed the country's economy, the chiefs rather called for a peaceful solution to the problem, unlike the case in 1990 during the advent of Multi-party politics and in 1992 after the presidential election results were released by the Supreme Court. When it was alleged that the elections results were rigged by the ruling government to maintain themselves in power, the opposition parties such as the SDF, Cameroon Democratic Union (CDU), Liberal Democratic Party (LDP) and many others advocated violence, looting and civil disobedience in a bid to press for the cancellation of the election results.

They were fast enough to demand a separate political entity of Southern Cameroons that was rejected without a second thought. If attention were paid to the Chief's Third Option proposal, the popular songs today like marginalization, domination and Anglophone problem would have been technically avoided. Chiefs saw themselves in the light of posterity which other stakeholders did not due to egoism. Thus, Southern Cameroons National Council (SCNC) activists should stop crying over spilt milk. They have to certainly like what they have. It was observed that some natural rulers were recognized to be patriotic as far as maintaining a one-and-in-divisible Cameroon was concerned. The chiefs championed for the creation of a separate state of Southern Cameroons in 1959 but failed to bring it fulfillment. When in 1992 the issues of secession was brought up again by members of SCNC, some chiefs who were contacted about the secession of the present North West and South West Regions from the rest of the country, vehemently condemned the idea saying that by-gones are by-gones.

Moreover, as they put it, "It was difficult to reverse history to correct the wrongs of the past. People should learn from errors of the past for a better future." The mistake committed by Southern Cameroons politicians in the past for failing to support separate state for the territory due to selfish interest was not easy to be corrected. Chief Nyenti and other chiefs advised leaders of SCNC to rather request for dialogue with the government to see into some of the grievances of Anglophones. From the above analysis, we can see that traditional rulers before 1990 exercised their political power for the interests of both their peoples and the state at large. They constituted competing and parallel sources of authority. But today, traditional rulers have deviated from the role that was a veritable symbol of black identity in politics and have taken the option of aligning with the government against their subjects. Given that the post-colonial state made traditional rulers believe that the advantages of being a chief meant recognizing and functioning according to the dictates of the party in power, traditional rulers no longer represent their people but themselves. Meanwhile, all attempts to

discourage them from politics have failed. For instance, the Western Cameroon House of Chiefs (WCHC) was abolished in 1972 due to the establishment of a unitary state in Cameroon.

The formulation of a common chieftaincy policy in Cameroon and the adoption of a new chieftaincy policy in 1977 clearly subordinated them to the state instrument. On the other hand, their double function as traditional rulers and politicians at the same time was a cause for concern. As custodians of tradition and customs of the people, they were supposed to be at home all times to perform traditional rites and preside at traditional council meetings. But due to their involvement in politics, they were unable to take up their traditional responsibilities and thus temporarily handed over their functions to regent chiefs. Some even abandoned their palaces and took permanent residence in towns or cities. Therefore, since it is difficult to reconcile both roles simultaneously, it is necessary for them to drop one for better efficiency just like the case in 1994 with Ibrahim Mbobo Njoya who gave up his function as Minister of Youth and Sports to assume the function of Sultan of Bamum. Popular protests in many African states in the wake of the democratization process and renewed interests in the mechanisms of good governance have resulted in the rise of keywords like transparency and accountability in the management of public affairs. These calls did lead to growing quests for alternative sources of power that could strengthen the democratization process.

It was therefore not surprising that traditional authority since then has become actively involved in vying for new political space within the context of the African states. Traditional authorities claim that they are the 'true representatives of the people. An important consequence of this is that they played a limited role in the democratic transition as agents rather than actors in the process. This made things difficult for their subjects as a good number of them tried to influence the political behavior of their subjects, placing them at loggerheads. Therefore, since chiefs have found it difficult to steer clear of politics and maintain their role as custodians of tradition and customs of their people, a redefinition of their roles is very imperative. This was because a clear definition of the role of chiefs within the context of multiparty politics will remove some of the ambiguities that surround the involvement of chiefs in politics. It will also situate not only the chiefs but also their subjects on what role their chiefs were supposed to play in a liberal democracy. This resilience was present in the fields of local administration just as in dispute settlement. It was reasonable enough to highlight the uncertainty that characterizes the chieftaincy institution with regards to the fact that chiefs seem to mediate between the past and present by holding themselves as custodians of tradition and at the same time agents of administration.

6.1.2 Traditional Authorities and the Decolonization of Southern Cameroons

The contribution of Traditional Authorities to the autonomy of Southern Cameroons cannot be under estimated. While the British for example elevated the chiefs to the rank of instruments of colonial governance, the Western educated elite appropriated them as indispensable allies in the achievement of autonomy and nationhood for the Cameroons. Chiefs in the British Cameroons were therefore made an integral part of the politics of decolonization. Since 1946. Southern Cameroons politicians had started clamouring for autonomy as a means to reclaim the Cameroon identity that had been lost in the Nigeria Federation. This became even urgent following the 1953 Eastern Regional Crisis. This event was Significant in the sense that it spurred the representatives of Southern Cameroon to step up the agitation for constituting their own territory into an autonomous region. To achieve this goal, they saw the need to seek the support of the chiefs.⁵²¹

Consequently, the Chiefs were invited to the All-Mamfe Conference of 22-24 May 1953, which adopted two important resolutions. With the blessings of Traditional Rulers, the Western educated elite under E.M.L. Endeley created the first political party in Southern Cameroons, the Kamerun National Congress (KNC) and addressed a petition to the Secretary of State for the Colonies, asking for a Southern Cameroons Legislature and region.⁵²²

Also, the chiefs were among the signatories of the letter of authorization, which mandated Endeley and J.C Kangsen to represent Southern Cameroons in presenting the petition during the Lancaster Constitution Conference of 1953. This paid off immediately as an important outcome of Lancaster was finally granted during the Lagos Conference of 19 January 1954. It was not a full region in equal respect to the other regions of Nigeria, but a quasi-region endowed with its own executive and Legislative organs.⁵²³

That notwithstanding, the separation of Southern Cameroons from the Eastern Region of the Nigerian Federation was a landmark event in the political history of the territory. Membership of the first Southern Cameroons legislature established under the Littleton Constitution (1954), emanated from the 1953 elections and was composed of the Western educated elite. Though some traditional rulers were co-opted into the legislative assembly as native authority member, the creation of the SCHA sound a strong signal to the chiefs that the devolution of power to the Africans would not favour them as much as the educated elite. But given that they were partners in the struggle for the attainment of the

⁵²¹ V.J.Ngoh, "The Political Evolution of Cameroon, 1884-1961", Thesis, Portland State University, 1979

⁵²² V.J.Ngoh, *Cameroon-Present (2018), History of the People*, Limbe, Limbe press, 2019

⁵²³ Ibid

Southern Cameroons autonomy, the chiefs also expected that an alternative House would be created for them. That explains why the Chiefs initially saw the creation of the House. So while supporting the politicians in their struggle, the chiefs expected a reciprocal support from them to achieve this objective.⁵²⁴

No doubt that immediately after the creation of the SCHA, the chiefs intensified the campaign for the creation of a House of Chiefs through which they would safeguard their interests. According to Ferguson Manga Williams, the chiefs asked for a House of Chiefs because they wanted to assert their authority and influence over the educated elite and politicians, who were looking low on them. To press home their request, the chiefs created the Southern Cameroons Chiefs' Conference (SCCC). This began a phenomenon of Chiefs through the Western educated elite with whom they collaborated.

Hence, during the first session of the SCHA that held on 26 October 1954, a notion was passed for the creation of a House of Chiefs. However, no immediate decision was taken on the issues until 1958, the year Southern Cameroons was upgraded into a full region. Essentially, what preoccupied Southern Cameroons politicians at the time was the pro and anti- reunification discourse, an issue over which the traditional rulers distinguish themselves. Acting in concert or as a team, traditional rulers dictated the direction of the territory's political future.⁵²⁵

The Southern Cameroons political class was at this time divided over the issues of integration with Nigeria, secession from Nigeria and reunification with the French Cameroon. Taking advantage of this situation, traditional rulers posed as veritable power brokers as the Western political elite struggled to sell their viewpoints to them. Indeed, the chiefs became so important that it was political suicide for any politician who dared to ignore this fact. A report of the UN Visiting Mission to the Cameroons in 1958 confirmed this fact when it declared that, "any political party that ignored [the chiefs] did so at its own peril.

The issue of the vote became important, politicians stormed the palaces of chiefs as each struggled to win their support. Chiefs of the Grassfields were particularly important because of the demographic weight of their people and the strong loyalty they commanded over them. It was believed that winning the chiefs support was synonymous with winning his whole chieftom. In the same way, winning the support of the chiefs meant winning the elections.⁵²⁶

⁵²⁴ Ibid

⁵²⁵ P.M Kale, *Political Evolution in the Cameroons*, Government Press Buea, 1968, pp1-14

⁵²⁶ C.B. Langhee, "Southern Cameroons traditional authorities and the nationalist movement 1953-1961", 1984

Indeed, the extent to which traditional rulers could influence the electorate and by extension the Decolonization process in Southern Cameroons was so great that N.N Mbile doubted the validity of elections as a means of ascertaining the wishes of the majority. Addressing the United Nations Fourth Committee in September 1959, he declared almost exaggeratedly that:

*Even a plebiscite would not serve to make clear what the real wishes of the people were, for they were still loyal to their tribal leadership; especially in the Bamenda Grassfields, and might well vote against their own interests if such was the wish of their chiefs.*⁵²⁷

From the foregoing, therefore, it was clear that the traditional ruling elite were critical to the Decolonization process in the Southern Cameroons. Endeley had won the 1953 and 1957 general elections, which made him the Leader of Government Business and later first Premier of Southern Cameroons respectively due largely to the support he enjoyed from the Chiefs. However, the chiefs had supported him up till 1957 because his political programme seemed to have tallied well with what the chiefs wanted. The chiefs themselves used to argue that if their views fell in line with those of any political party, it was a matter of coincidence based on what was good for the majority of the people.⁵²⁸

In fact, while supporting the politicians, the chiefs would not fail to rupture the relationship if their interest were threatened. That is why when Endeley back-pedaled from his initial position of secession from Nigeria for which the Chiefs had supported him, in favour of a full regional status for Southern Cameroons within the Federation of Nigeria, it was clear that he was going to his own doom. The possibility of an Endeley victory in any future election became even more ominous when he clashed openly with such powerful chiefs as Fon Galega II and chief Manga Williams of Victoria. As if that was not enough, Endeley continued almost systematically to tell the chiefs just what they did not want to hear. For instance, besides insisting on his government's determination to work towards integration of the territory into the Federation of Nigeria, Endeley went further to introduce the ministerial system of government in Southern Cameroons, which was against the wishes of the Traditional Rulers.

In a policy speech marking the introduction of the new system of government, Endeley defined his government policy toward chiefs in particular and chieftaincy in general. The newly installed Premier declared that:

“My government will concern itself with the preservation of this valuable institution and will do everything in its power to maintain its sanctity...But we shall also expect that in

⁵²⁷ Ibid

⁵²⁸ Ibid

their interests, chiefs and traditional rulers must keep clear of party politics. Being the respected rulers of all the people I will be most illogical for them to actively indulge in party politics, as this will only expose them to the disdain of a section of their subjects. Any chief who persists, despite this timely advice, to participate in party politics does at whose own risk”.⁵²⁹

Such a pronouncement made at a time of great political stakes when the chiefs constituted a force to reckon with, was a serious blunder. No foresighted politician would have dared to commit. It finally cemented the divorce between Endeley and the chiefs. Endeley had certainly shifted his position on the role of traditional rulers in politics because he had realised that he could no longer count on them, even within his own “backyard” to sell his political ideas. However, Endeley's warning did not deter the chiefs from their initial position. Instead, they held a series of discussion during which they re-asserted their right as natural rulers to speak on behalf of their subjects and on behalf of Southern Cameroons. On 27 January 1958, an emergency meeting of chiefs held in Bamenda addressed a petition to the Commissioner for the Cameroons, expressing their disapproval of Endeley's call for self-government within Nigeria, and accusing him of having betrayed the people's trust. The petition also stated clearly that:

...our future relationship with an independent Nigeria ... at the present level of developments, the people of his territory honestly and relentlessly demand secession from the Federation of Nigeria ... Endeley's demand for the termination for the Trusteeship Agreement is not in keeping with the desires of the people of his territory.

Again, on 31st March and 7 September 1958, during two meetings of the chiefs' Conference held in Kumba, the chiefs centered discussion on the future of Southern Cameroons. According to Fon Achirimbi II, the Chairman of the Chief's Conference Fon Achirimbi, the meeting was meant to “...device means and ways to salvage our country from the destructive hands of irresponsible shepherds”. During this meeting, the chiefs again made clear and unequivocal the position of traditional rulers regarding the political future of Southern Cameroons. They neither wanted integration with Nigeria nor reunification with French Cameroon. What they wanted was secession from Nigeria, continued British trusteeship and later independence of the territory. After agreeing on this in Kumba, the chiefs used the occasion of the All Mamfe Conference of 10-11 August 1958 to further re-echo the same stance. Using metaphors, Fon Achirimbi II declared at the Mamfe Conference that:

We rejected Dr. Endeley because he wanted to take us to Nigeria. If Mr. Foncha tries to take us to the French Cameroons, we shall run away from him. To me French Cameroons is 'fire' and Nigeria is 'Water'. Sir, I support secession without [re-] unification.

⁵²⁹ V.J. Ngoh, *Abrogation of federalism in Cameroon 1972, A Historical Analysis*, Limbe, Design House, 2019

This was a sort of warning to the politicians about the impending danger of Southern Cameroons being “consumed” by either French Cameroons, likened to fire, or Nigeria, likened to water. Later, in a memorandum the chiefs forwarded to the Resumed Nigeria Constitution Conference that held in London on 29 September 1958, the chiefs told her Majesty's Government that:

We must separate from Nigeria because we are different from the Nigerians. We would consider it the greatest misfortune of we do not separate from Nigeria before she becomes independent, as this will mean a surrendering of our country to Nigeria. To federate us with Nigeria will be inimical to the progress of the growing generations of the Cameroons people. We therefore trust that our wishes shall be embodied in the Revised Constitution to enable us separate from Nigeria before it is late.

As chem Langhëë had argued, secession, which the chiefs advocated, represented the best wishes and aspirations of the vast majority of the people of Southern Cameroons at the time. The failure of the political elite to adopt a unique platform regarding the political future of the territory had thus made the concert of traditional authorities the true representatives of the population.

The first price Endeley paid for his continuous disregard for the chiefs was his failure to win the 1959 January general elections, which cost him his premiership. After ousting Endeley's KNC from power, Foncha's party, the Kamerun National Democratic Party (KNDP) had as its first major task to ensure the effective setting up of the House of chiefs in order to satisfy the chiefs, who ultimately became the backbone of his party. In May 1960, the House of Chiefs was instituted though it went operational only in March 1961. The creation of the House of Chiefs was indeed an official constitutional recognition by the colonial administration and the KNDP Government of the relevance of chiefs in modern politics and governance.⁵³⁰

Meanwhile, the continuous failure by Southern Cameroons politicians to adopt a unique platform for independence led the UN to call for a plebiscite as a final episode in the struggle for independence. Unfortunately for the chiefs, the UN dropped secession, offering only two alternatives, which were integration with Nigeria as represented by the Cameroons peoples' National Convention (CPNC) or reunification with the former French Cameroon as represented by the KNDP and OK.

As was expected, the chiefs denounced the two alternatives. The more enlightened chiefs deciphered election manoeuvring by politicians. Chiefs Stephen Eyong Nyenti of

⁵³⁰ F. Achankeng, The Fouban I “Constitutional” Talks and Prior Intentions of Negotiating: A Historico-Theoretical Analysis of a False Negotiation and the Ramifications for Political Developments in Cameroon, *Journal of Global Initiatives* Vol. 9, 2014

Mamfe, for instance, founded his own political party, the Cameroons Commoners Congress (CCC) on 10 July 1959, to demand for secession and separate independence for Southern Cameroons. He pursued his alternative right to the UN where it was rejected. The other political party created by a traditional ruler to oppose the plebiscite option was the Cameroons Indigenes Party (CIP) of Chief Jesco Manga Williams of Victoria. Political Manoeuvring, sabotage and intrigues by the politicians made these nascent parties not to be able to appeal to the people and so they pulled little or no weight. The KNDP, for instance, manipulated reunification with the French Cameroons to mean autonomy for the southern Cameroons, thus pulling the votes of traditional rulers.⁵³¹

This notwithstanding, the reaction of the Chiefs confirms the fact that Southern Cameroons chiefs were a politically conscious group, who knew what they wanted and so could not simply be considered as agents or lackeys of the political elite. In fact, their negative reaction to the plebiscite questions, coupled with the general opposition by a cross-section of the public, caused the Commissioner for the Cameroons, J.O. Field, to advise Foncha to convene a meeting of all political parties in Southern Cameroons to discuss the form reunification would take. Unfortunately, Foncha did not heed this advice and, instead, preferred to placate the chiefs.

To have them on board, the KNDP -Ok alliance put forward the argument that Southern Cameroons would “stand by itself” in a loose federation with French Cameroon, with the Federation, President played only a ceremonial role. They also manipulated the opinion of the predominantly illiterate electorate by wrongly interpreting the two alternatives. In areas with strong respect for traditional ruler ship, the KNDP -OK Alliance interpreted the option of them to mean, “Do you wish to stay in your country, the Cameroons, or sell your country to the Igbo who will dethrone your fons (chiefs) and take away all your land and property”?.

As it turned out, when the time of voting came on Saturday, 11 February 1961, the majority of the Chiefs backed the reunification option that contributed much to its resounding Victory over the pro- Nigeria camp. Addressing his colleagues during a meeting of the SCHC on 14 March 1961, the fon of Bali stated that “*our desires and determination about the plebiscite have gone through fairly and peacefully despite the evil wishes and plans of the enemies of our identify and nation-hood*”.

Following this victory, some Chiefs reserved the fear that although reunification was voted easily, its implementation was likely to prove difficult and might cause much suffering to the people. That is why at this meeting, the chiefs took a strong resolve to continue to work

⁵³¹ Ibid

together so as to secure effective reunification with the already independent Republic of Cameroun. They called on the Foncha Government to make haste to implement the results to the plebiscite.

A strong delegation of eight chiefs, representing the Southern Cameroons House of Chiefs, was thus present in the Bamenda All-Party Conference that held from 26 to 28 June 1961, to define the position of southern Cameroons on the reunification issues. Another four chiefs participated in the Conference as representative of the Native Authorities, taking up the chiefs' representation to twelve out of a total of 48 participants (see table 1).

Among the proposal put forward in Bamenda was the need for a loose federation with a high degree of autonomy for each of the two states. This meant that each state would exercise the powers it already had, while a weak central government would exercise only residual powers. It also decided that there would be two citizenships for Cameroonians;; state citizenships and federal citizenships. The Bamenda Conference also proposed that there should be a clause in the federal Constitution providing a legal secession of West Cameroon should that becomes necessary. Above all, it proposed the maintenance of the House of Chiefs.

Southern Cameroons Traditional Rulers also sent representatives to the Fumban Constitutional Conference that took place in July 1961. The aim was to prepare and finalize the terms of reunification. But at Fumban, the southern Cameroons delegation was in a comparatively weak position to negotiate meaningfully and so failed to secure most of what came out of Bamenda. Consequently, by the time the conference came to a close, Southern Cameroons' hope for stronger state autonomy was not realized, and the anticipated loose Federation, with a weak central government, promised the chiefs by the politicians did not come to fruition. That notwithstanding, the chiefs obtained in Fumban the decision to preserve the House of Chiefs.

As a follow up to Fumban, Southern Cameroons officially and effectively joined with former French Cameroon on 1 October 1961, to form a two -state federation known as the Federal Republic of Cameroon. Southern Cameroons thus became the State of West Cameroon with its capital in Buea, while French Cameroon became East Cameroon with its capital Yaounde, which also doubled as the Federal Capital. Chiefs in the Southern Cameroons were thus part and parcel of this epoch-making event.

6.1.3. Socio-economic Development

Traditional Authorities did not only contributed to the political development of Southern Cameroons, they also did it socio-economic development. Note is taken in the first important meeting of West Cameroon House of Chiefs held in Buea from 12 to 16 May 1962. Addressing the House in an inaugural speech, Premier Foncha called on the chiefs to assist the government towards achieving a united and happy nation. During this first session, the House was presented with six bills, passed earlier in the WCHA, which amended certain aspect of the law. These bills included the appropriation law 1962/63, the customary courts law 1962, the control of farming and grazing law 1962, the supplementary law 1960/1 and the West Cameroon (amended) law 1962. These bills were read and explained to the House by E.K Mensah, the Attorney General who by an amendment of 1962 was given a seat in the House.

On the farming-grazing bill the chiefs recommended that to avoid the rampant farmer-grazer conflicts, government should make available. Barbed wires for the construction of fences to separate farms from grazing lands. In all, the six bills were passed without much delay and debate. It is however difficult to tell if this was due to the fact that all the chiefs were satisfied with their contents or because they found it too technical for their understanding.

Nonetheless, the chiefs seized that occasion to complain about rising social ills such as rampant prostitution and divorce. As a solution, they proposed that taxes be imposed on all free women. This was rejected on grounds that it would mean an official recognition of prostitution by the government. Members also drew the attention of Government to problems affecting their respective areas. These problems included unemployment, rural – Urban migration in Kumba and the tarring of the Mamfe-Kumba and Bamenda-Mamfe roads, creation of schools, and opening of police and agricultural posts.

The year 1963 was somewhat eventful for the chiefs. During its first ordinary sitting in April 1963, members addressed extra legislative matters relating to socio-economic development. It should be noted that important members of the executive council such as Local Government , Co-operation and Development, State and Public Service and Rural Development always attended to cover the session. As it often become the case, individual members presented to cabinet ministers specific problems affecting the respective areas such as roads construction, building of schools, maternity and health posts, as well as other general issues like the increasing crime waves in urban centers and low crop production. But the chiefs did not only raise questions. They also made valuable suggestions, some of which were implemented by the government.

The chiefs at times went out of their statutory role and arrogated to themselves the right to oversee and criticize the action of Government ministers and administrative officers, notably Prefects. Indeed, the chiefs felt that they could intervene in all aspects of life in West Cameroon. For example, during the April sitting of 1963, there were complaints by the chiefs that elected members of the Assembly had lost touch with the people. Reacting to this, Chief V.T Asobo II of Pinyin emphasised that with the advent of Independence there was need for Divisional Officers to change their attitude and go as close to the people as possible. Chief Asobo also talked about the falling value of the newly introduced Franc CFA. From these few examples, it can be argued that the chiefs were conversant with the socio-economic and political problems of the territory.

Another important event of 1963 that concerned the chiefs was the visit to Buea of President Moustapha Ould Daddah of Mauritania, which coincided with the second ordinary session of the House. All the members of the house were called upon to welcome the visiting President at the Tiko Airport, on his arrival on 9 December, and to see him off the following day. That explains why the House session started at 3p.m, instead of the usual 10 a.m, on 10 December 1963. However, because there were no serious debates the session closed on 12 December.

Generally speaking, the contribution of the WCHC to the area of legislation throughout its existence was insignificant. This was especially true after 1968, which was marked by very little political activities of interest to the House. This largely could be attributed to the installation of the one-party state.

A major consequence of this was that Yaounde and no longer Buea became the center of decision-making and the President not the Assembly, became the decision-maker. This became more glaring with the appointment of S.T. Muna to replace A.N Jua as Premier of West Cameroon. Consequently not only were House sessions short, there was also lack of active and serious debates. Hence, the WCHC passed most of the bills sent to it by the Assembly without serious examination. From this angle, therefore, it can be argued that the House failed to play its principal role, which was formulating meaningful criticism to bills proposed to it by the Assembly.

This is understandable given that the activities and performance of the House were constrained by the presence of the President, who doubled as speaker of the WCHA and at the same time as a member of the executive bench. The first President of the House was Emmanuel Egbe Tabi, followed by P.M. Kale (1962-1967) and Willie Ndep Orock Effiom (1967-1972). The position gave the President the right to decide what item had to be included

on the agenda. This in no small way undermined the House's independence and, as a result, its effectiveness.

E.S.D. Fomin finds it difficult to single out the achievements of the WCHC considering the fact that it worked as an integral part of the West Cameroon Government or Legislative. According to him, whatever progress was made in West Cameroon in the domain of administration and social- economic development was a result of joined efforts by both Houses.

Besides, there were some non-legislative and extra-parliamentary activities which the Houses performed and where it recorded impressive achievements. This was mostly carried out by the Chieftaincy Advisory Committee, which went operational in 1962. As stated earlier, this was a sub-organ of the WCHC. It comprised 12 members, 6 of whom made up the Dispute Committee. The Judge of the West Cameroon High Court headed the Dispute Committee and in 1962, its members included Chiefs J.M Buh, Kumbongsi, John B. Mokambe, S.B. Oben, F.B Manga Williams and Ghogomu. This Committee travelled the length and breadth of west Cameroon investigating inter-village dispute and succession crises. At the end of its findings it prepared a report and made recommendation that were forwarded to the premier through the Ministry of Local Government. This organ had the merit that it saved traditional rulers the trouble and humiliation of presenting themselves before the modern court of law, as it handled all litigation that involved chiefs.

Prominent among the many inter-village disputes it investigated were the 1962 Ikiliwindi-Talangaye- Ndekwai Boundary Dispute in Manyu Division (1963) and the Chunge -Wat-Bejeng and Wowe-Njimunkang Disputes in the Nkambe Division (1965). Concerning disputes over succession, the committee's reports led to the official recognition of Chief Gustave Anongo Mukete of Muyuka, Chief Oscar Ikome Elinge of Membea- Victoria, Chief Eugene Messango Ngo of Malende, Chief Jackson Agbor Eboh of Tinto II and Chief Emmanuel Kome Ekambi of Mpaku II in Bangem.

As concern land matters, in 1965, the people of Bali- Kumbat and Bafanji fought each other over a piece of land at their common border called Mbangang. The matter was handed to the Land consultative Board and final resolution demarcated the area in favour of Bafanji, and pillars were planted. Also, at the start of the 1970s, shortly before its abolition, the chieftaincy Advisory Committee was called to study the Bissong -Abang chieftaincy dispute. After investigation, the committee made recommendation but which were never implemented. Consequently, the dispute has raged on up till today.

Given the vastness of the territory it was supposed to cover and the cost and time involved, there was the splitting of the Committee into two sub-committees, following ethnic and geographical considerations. When this was done, Chiefs Mokambe, Oben and Manga Williams formed the sub-committee that covered the Forest region while Chiefs Kumbongsi, Buh and Ghogomu made another sub-committee that took care of the Grass fields region.

What was more, the House was instrumental in the cultural domain, particularly as regards customary law and customs. Apart from advising government on these issues, it also made recommendation for the modification of certain aspects of customary law and chieftaincy. For example, the chiefs in conjunction with the Secretary of state in the Ministry for Local Government engineered a move aimed at minimizing the numerous complaints and protests in connection to the recognition of chiefs by government. This brought about a revision of the 1960 Recognition of Chiefs Law. To this end, a circular letter was distributed to all Divisional Officers outlining measures to curb the problem. The government instructed that:

In order to regularise the procedure for the recognition of Chiefs and to minimize the petitions and complains against such recognition it will now be necessary to have a declaration from recognized kingmakers of the village before forwarding names of any chief for Recognition. Such recognition should for record purposes be in writing and signed by kingmakers and must be recognized by a majority of the population of the village.

The Chiefs also used the House of defend, protect and foster their interests. Its members, on behalf of their other colleagues, mounted pressure on the government to give regular allowances to all duly recognised chiefs in order to assist them carry out palace administration. This yield fruits in 1971 when the secretary of state for the Interior, J.C Kamgolo sent a letter to West Cameroon Premier recommending that West Cameroon chiefs be paid salaries as was the case in East Cameroon. He went even further to purpose a common Chieftaincy policy with East Cameroon, whereby chiefs were to be categorised and paid according to grades.

In asking for a harmonisation of chieftain y policy with Francophone Cameroon, some chiefs of West Cameroon held the belief that the emoluments of their Francophone peers were far higher that what they earned. The advantage East Cameroon chiefs had over those of West Cameroon was the fact that they received from the government a small sum of monthly allowances as remuneration or duty allowance. For example in 1963, Fon Jean -Philippe Rameau Sokoudjou of Bamendjou, West Province was paid a monthly allowance of 9.487 Francs. By 1972, this amount had increased to about 20,000 Francs. This contrasted with the situation that obtained in West Cameroon where only honorable members of the WCHC and

those appointed to duty posts, especially in the Customary Council received duty allowances. This harmonisation of Chieftaincy policy that some West Cameroon chiefs clamoured for became effective with the advent of the Unitary State in 1972. The last session of the WCHC held on 1 March 1972.

During the 1950s and 1960s when educated chiefs were rare and Fon Angwafo III's 1953 Diploma in Agriculture was a conspicuous exception, few who have become chiefs since the 1980s are illiterate, and most were regular civil servants prior to, and even after, their enthronement. A good case in point of literacy and also of negotiability between the literate chief and his chiefdom is Fon Ganyonga III of Bali Nyonga. He returned from Germany with a Ph.D. in Social Anthropology (a rare achievement) and a German wife, and inherited and married many other wives in accordance with custom following his enthronement in 1985. Initially rejected by some custodians of custom, the German wife, a medical doctor, has earned recognition and endeared herself to the chiefdom by mastering the Bali Nyonga language and through contributions to community healthcare. Traditional Authorities like Fon Angwafo III encouraged community development in all sense and the construction of schools (Presbyterian secondary schools, Baptist, the Longlas, and Our Lady of Lourdes College), government colleges in Mankon by providing land. These institutions in turn paid tribute to the palace in terms of recognition of the Fon's symbolic authority as landlord. Conscious of the importance of written documentation, he encouraged the keeping of written records of the palace.⁵³²

6.2 Challenges faced by Traditional Authorities

The failures of some of the traditional authorities could be attributed to the fact that the chiefs were not given adequate training, notably education to meet the challenges expected of them in the house. Among the few educated were Fon Galega II of Bali, Chief Managa Williams of Victoria. A good number of the other members were not educated and therefore could not contribute brilliant ideas during House House debates. Indeed, most of the illiterate members were neither conversant with modern governance nor parliamentary procedures, nor were even capable of understanding the English language, in which the rules and procedures were written and meetings conducted. The use of interpreters was not only time consuming but delayed the smooth flow of debates. The Fons of Bafut (Achirimbi II),

⁵³² Fon Angwafo, *Royalty and Politics: The Story of My Life*. Bamenda, Langaa RPCIG, 2009, pp.148

Nso (Sehm Mbinglo III)⁵³³, Mankon (Agwafor III), Kom (Looh) Bangwa (Fontem) and Chief Fritz Mukete of Muyuka were not only educated but they were also too old and sick to have played an important role in the House.

In a memorandum written by Fon Gah of Baligham titled “The House of Chiefs, not a solution to the problems of Chiefs” addressed to the Secretary of State for Interior, the House of Chiefs was a debunked and its members accused of partisanship and political clientelism. He stated that:

*At the moment, the House of Chiefs is a House of fortune for the fortunate twenty-two that will get in. and as such its creation by no means solves the problems of the chiefs as it is of political makings.*⁵³⁴

Traditional Authorities were installed in some part of Southern Cameroons without mechanisms of accountability and good performance, and therefore cannot be trusted with development management. The other accusation was that, chiefs were not supervised by any other authority and are therefore not able to be held accountable for their decisions. This could led to chiefs becoming susceptible to exploiting those under their control, such as charging unreasonable fees. The argument against traditional authority as being undemocratic may be contested by the fact that even though the choice of a chief or leader was often based on membership of a particular family, there was usually some form of selection process from a pool of qualified candidates. Any democratic system has eligibility criteria, and the requirement that a chief has to come from a particular clan may be considered as fulfilling at least one criterion for eligibility. Besides, the disadvantages associated with appointing traditional leaders can be offset by greater benefits like saving the costs of elections, as well as minimizing the antagonism usually associated with democratic elections.

As a matter-of-fact, traditional authorities lost enough of their power and authority under both the German and French colonisation. Even though they had more or less maintained their former titles and duties, it is worth noting that Traditional chieftaincies would henceforth become indigenous ones. The council of notables was put in place by the decree of 9 October 1925 (National Archives Yaounde (ANY), Political and Administrative Affairs (APA)11326). Daniel Abwa sees in degermanisation, a strategy consisting in making people forget the German era and imposing the French system. In practical terms, it was a matter of breaking with perceptions, actions and believes by creating schools to teach French,

⁵³³ Sehm Mbinglo III (1947-72) will be remembered for his refusal to shake hands with Queen Elizabeth of England when she visited Lagos in 1956 on grounds that the Fon never shakes hands with people let alone a woman. this act surprised many delegates.

⁵³⁴ *House of chiefs*, West Cameroon, File No p. 34, 1a/1954/1 p. 109 NAB

and to popularise the use of the French language with the aim of shaping populations for submission. they were simply non-civil servants of the colonial administration, deprived of any status and thus holders of revocable rights, subject to sanctions applicable to other indigenous subjects (Surêt-Canale, 1966, 1960). Was the situation going to change with independence in 1960?

Consequently, in some traditional society, leadership was usually inherited, the case of the fondoms of the Bamenda grassfields are a vivid example. The source of legitimacy for traditional authorities was historic, and often dates back to the pre-colonial period. There were usually not only regarded as political leaders but also spiritual leaders of a society, or as the “fathers” and “mothers” of the society. Traditional leaders or chiefs could claim special legitimacy in the eyes of their people because these institutions were seen to embody their people’s history, culture, laws and values, religion, and even remnants of pre-colonial sovereignty. In the Bamenda Grassfields, the struggle to become a Fon generally transformed to violent contestations when the tradition and customs guiding access to chieftaincy were infringed. These occurred when the historical, political, economic and social circumstances around the establishment of the chieftaincy institution in a traditional system become contested. When the rules of succession become unclear; with administrative political parties supporting one group against the other in a bid to serve their own parochial political interest, succession conflicts with far reaching consequences were witnessed. Some of these impacts include the, demystification of the cultural symbol of chieftaincy, changing perspective on the chieftaincy institution, lost of lives and property.⁵³⁵

In many communities, operatives of the state structures were in competition with traditional authorities for legitimacy and power. The traditional authorities felt they were not given the respect due to them from the state operatives, as the latter took certain major decisions without consulting them. Traditional authorities were particularly concerned that, even though the decentralization law expects the state to consult chiefs in the appointment of government nominees to post of responsibilities, this was hardly ever done, which smacks of disrespect to the traditional authorities. Some chiefs and elders also cited instances when state officials would call for a community meeting or communal work without prior consultation with the local chief. This the chiefs found to be a threat to their power, as it has long been the

⁵³⁵ N.S.Kaze Tindo, *Traditional Coup D'états In The Bamenda Grassfields Of Cameroon Chieftaincy Institution: A Historical Exploration*, Carnelian Journal of Law and Politics Vol. 1, 2020

preserve of chiefs to assemble their subjects for a meeting or any communal action by beating the *gem*, a traditional instrument.

On the other hand, focus group discussions with the Assembly and Unit Committee Members revealed that some of them conceived themselves to be legitimate representatives of the people since they were elected to their positions and the state authority, which they represented, was sovereign, superseding the traditional authority. Consequently, they felt that there was no need for them to consult the traditional authorities before taking certain decisions or actions. This thinking, however, negates the fundamental principles of decentralization which hinges on broad-based participation in public decision-making and on facilitating local people so that they can attend to their own needs. Furthermore, the assumption that the elected representatives to the government structures were superior to the traditional authorities and misconceived, since the two sets of actors derive their authority and legitimacy from different sources. Traditional authorities derive theirs from the sacred and political order that existed before the imposition of the colonial state, whilst the post-colonial state, Cameroons, derives its legitimacy from democracy and constitutional legality. Source

These were mainly secular, as opposed to the sacred legitimacy of traditional authority. Since chiefs and state agencies like the district assembly operatives draw upon mutually exclusive bases of legitimacy, the question should not be who is superior, but rather how the two sets of actors that is state agents and traditional authorities use their various sources of legitimacy in a complementary manner to enhance rural local governance and development. The other reason given by some of the district assembly operatives for keeping a distance from traditional authorities was the fear of losing their independent thought and actions, which they summed up as being “swallowed up by the chiefs”. These elites were persuasive in their explanation that the local culture does not permit people to argue with the chief in public. There was therefore the danger that chiefs could impose their ideas on the decentralization process, even if such ideas were not in the public interest, since people will not have the courage to put forward counter arguments to the chief. The elites argued that, in such a cultural context, it was better to keep the chief out of those public decisions where there was a need to debate diverse perspectives. To cross-validate this argument, the study sought opportunities to observe community meetings where the chiefs were present.

6.2.1 Traditional Authorities and corruption

In spite of all these changes and the smooth functioning of the chiefs in the Courts in West Cameroon, the federal authorities were not at ease with the system. They were accused

of corruption and frowned at the privileges enjoyed by these institutions. They also called for the disbandment of Chiefs as members of the Bench. They also called for the transfer of authority and supervision of these institutions to the Federal Ministry of Justice. However, this move was resisted by the West Cameroon Government which postulated that, these institutions were doing a commendable job and needed to be encouraged. Such allegations from the Federal Ministry of Justice had no locus stadi as there was no prove and other higher Courts in the territory were there to check their excesses. To offset the fears of the Federal Administration, the West Cameroon Government instead carried out some readjustments in the system further as the warrants of the existing Courts were cancelled, new ones created and they were given a one-year period in office. The Prime Minister of West Cameroon made it clear that if the appointed members did not show proof of efficiency, they were to be removed from office. With these, the Customary Court System survived without any interference up to 1972 when Cameroon became a United Republic and the autonomy (Customary Courts) enjoyed by the State of West Cameroon disappeared.⁵³⁶

Colonialism imposed a hybrid and confusing structure on a people who were hitherto used to a different type of relationship that the exalted traditional seat of authority, for instance, was wrestled from the traditional rulers. And the traditional contact and understanding which the traditional authorities maintained with their people were replaced by an impersonal bureaucracy whose source of authority was derived from legal pattern of titles, enshrined in the constitution and which did not predict well with traditional African rulers whose powers were derivative of the special ties they possessed with the ancestors, spirits and God, in line with traditional beliefs. The colonial period also witnessed crisis in African values. That is, African values suffered tremendous distortion and even destruction in many cases. The colonial and capitalist influences of individualism, domination and exploitation forcefully replaced the African cultural contents of social relations and brotherliness, which had promised a welfare system of communalism, humanism and egalitarianism.⁵³⁷

At independence, these efforts continued under Ahmadou Ahidjo and Biya. To add insult to injury, the latter authorised sub-prefects to establish third class chiefdoms. The ranks of traditional rulers have grown so much that the authority and influence of the most powerful chiefdoms was declining. No doubt the government's real aim was to reign in the country's traditional chiefs. That makes it easier to wipe them off the map. In spite of the immense

⁵³⁶ M. F. Achankeng, *The Southern Cameroons' Nationalist Conflict in Cameroon Republic: A Destiny in the Shadows?* University of Wisconsin, 2012

⁵³⁷ Ibid

utility of these institutions, colonial administrators and missionaries described them in all sorts of misrepresentative appellations, captures vividly this misrepresentation⁵³⁸.

Worship in traditional African communities was centered on a blend between the physical and human environment and involves the use of shrines, stones, trees, and food. This should, therefore, not have been described by the Germans and British colonial officials as primitive and retrogressive. It was rather unfortunate that a people's governing and regulatory institutions would be described in such pejorative terms as to discard them completely. The representation of the *Ekpe* as a primitive institution is also discussed by Miller. The activities of such institutions became occasionally useful when these were used to advance British colonial interests in this region of Cameroon. The structures erected in Bakunduland to house the *Ekpe* instruments were described by visiting European officials as "idol houses". This invariably meant the people were idol worshippers. Yet the erection of the statute of Mary and Christ by the missionaries was not considered by the missionaries as idols. This negative categorization of the *Ekpe* was started in the early period by merchants, and then was continued by missionaries and colonial officials to the present where literate individuals have "caricatured the *Ekpe* as witchcraft and superstition". Also, since the *Ekpe* society restricted membership, it led to the misunderstanding that it worshipped a bush or leopard-like spirit.⁵³⁹

The chieftaincy institution in the Bamenda Grassfields has been resilient in the face of radical mutations for several decades and have managed to survive and adapted to each context. However, the multiplication of chieftaincy succession disputes was a visible challenge to the resiliency of the chieftaincy institution even though it has been able to adjust to this situation. The adaptation of chieftaincy has been up to task simply because of the struggle of the balance of power between the colonial, post independent state and chieftaincy institution, which was quite different from conflict arising from political leadership within the chieftaincy institution itself. These conflicts have steadily paralyzed and discredited the chieftaincy institution in the Bamenda Grassfields and Cameroon at large. Just like any other

⁵³⁸ It was due to ignorance or a deliberate attempt by the Germans and British, for example, to describe the religious practices of the different ethnic groups of Mamfe Division as primitive and retrogressive. They also argued, incorrectly so, that these people were worshippers of spirits like Obasinjom and the ancestors. In some cases, the people were described as worshippers of stones, shrines and trees. This belief gave the impression that the people of Mamfe Division were "*pagans*" or heathens... were considered as good for nothing institutions and the colonial officials derogatorily described them as "food consuming" societies. In addition, they were also seen to be involved in the invocation of spirits, inciting highway robbery, among other unacceptable things in the eyes of the colonial agents.

⁵³⁹ H.K.Kah, *Converting and Disputing the Role of Traditional Cultural Institutions in Cameroon's Cross River Basin, 1916–1961*, Asian Journal of Peacebuilding Vol. 5 No. 2, 2017, pp.267-287

conflict, chieftaincy succession conflicts were as dangerous as modern armed conflicts experienced today with an important capacity of nuisance to both the institution and the modern state. As such, this section presents the socio-cultural, economic, developmental and political cost of chieftaincy succession conflicts in the Bamenda Grassfields of Cameroon.⁵⁴⁰

Misrepresentation of the *Ekpe* spanned from the colonial to the post-independence era. The colonial authorities saw in the chief of the *Ekpe* an autocrat, not knowing that decisions were made by consensus among the leaders, which can be classified as a consensual democracy. Prior to German and British rule, the chief was highly respected and not feared. The colonial authorities gave the impression that the chief of the without consultation with the leaders. The activities of the chieftancy were centered mostly on improving the welfare of the people, and needed the approval of its members before decisions were finalized. The institution was so debased after independence that it needed real resuscitation to the status of the precolonial past. Colonial laws and global communications have negatively impacted its ancient practices of collective decision making. Besides, government agencies concerned with the promotion of tourism portray *traditional* instruments as mere ornaments of folklore and tourism. The masquerade performances which inculcated and promoted harmony and cordiality have become less important. The colonial officers regarded the *Ekpe* as a political problem rather than part of a solution.

In Kumba in 1889, for example, cultural institutions were banned by German colonial officials. Later on in the 1940s, educated Christian elites levied scathing criticisms against cultural institutions. According to them, these institutions were used by the families of the deceased to demand money, and they also discouraged education. The educated elite seemed to have been blind to the fact that the promotion of Western education was a disservice to indigenous education. If they were conscious of this, they would not have sought to debunk these important cultural institutions. The *Nsibidi* language was actually developed many years before the advent of Western education. This language would have developed to become more useful to the people had Western education not undermined it. Similarly, Partridge argued that the *Ekpe* was a bad institution because a group of people could gang up against one person and ruin him. The tendency to “incarcerate” *Ekpe* members is partly a result of the image painted of it in the colonial period by administrators and missionaries. Missionaries also painted a bleak picture of these cultural institutions. They described the *Ekpe* as things of the devil and as fetishes. The London Mill Hill missionaries said that Christian settlements

⁵⁴⁰ N.S. Kaze Tindo, *Traditional Coup D'états In The Bamenda Grassfields Of Cameroon Chieftaincy Institution: A Historical Exploration*, Carnelian Journal Of Law And Politics Vol. 1 , 2020

should be independent of the local chiefs. Their clergy encouraged people to rebel against tradition and the cultural institutions that propagated tradition. The Basel missionaries at one point restrained the Mbo, Bangwa, and Mundane ethnic groups from the free practice of their traditions and customs. This was, however, not done in all places in the Cross River region and its hinterlands.⁵⁴¹

6.2.2 Traditional Authorities and accountability

In elections, leaders present different policy options and programs, and people vote for them based on their preferences. Elections allow people to vote out leaders whose previous performance was weak. The openness of the political decision making process provides the transparency that enables people to make their election choices. Though traditional authorities were usually not elected, it does not mean that they were not responsive, accountable or lack transparency. Accountability for traditional leaders was limited because their position was inherited usually for life, so the possibility of sanctions was restricted. Nevertheless, the power of traditional leaders depends on public support. In some cases, due to their unclear political and legal status, the power of traditional leaders might depend even more on public support than those of local governments. There were also other mechanisms that can hold traditional leaders accountable. It was the case that in some countries the traditional leaders were strongly dependent on the central government, which oversees their activities and sometimes approves new leaders. It was hard to determine in general if traditional leaders were responsive to local demands. In some areas they are responsive to local needs due to their role in society. But because of their functional limitations in many cases, their responsiveness was not as important as it was for local governments.⁵⁴²

Moreover, responsiveness and accountability of traditional authorities becomes more important if traditional authorities become more involved in local governance. If and when their functions change, it becomes more important to introduce mechanisms of accountability and to ensure that traditional leaders were responsive to local needs. Whether transparency exists depends on how traditional leaders exercise power, and on the habits of a particular society. In theory, traditional leaders were less transparent than modern ones because the justification of their decisions is not institutionalized. It would be all too easy to say that traditional authorities were not as responsive or accountable to local needs as the local governments. So, traditional leaders need to be compared to local governments as they stand

⁵⁴¹ Ibid pp.306

⁵⁴² Ibid pp.306

in reality. We know that the presence of the state in many developing countries is almost absent particularly in rural areas. In such cases the government is not responsive to local needs.⁵⁴³

Furthermore, in many countries local elections are not taking place separately and local authorities are appointed from higher levels of government. In this case, the higher level authorities have to ensure accountability by monitoring the activities of the local authorities. Such mechanisms can be introduced when more functions are formally handed over to traditional authorities. In fact in many African countries where the roles of traditional leaders was acknowledged, they already have mechanisms in monitoring and reporting between traditional authorities and the state. Elections were also not the only mechanism to ensure responsiveness of local elites to local needs. In small communities, traditional leaders were already well aware of the needs of the local population.⁵⁴⁴

Table 4: The strengths and weaknesses that underpin the relationships between the Traditional Authority systems in politics

Actors of Decentralized System	Relationship with Traditional Authority System	Actors of Traditional Authority System	Relationship with Decentralized Structures		
				Strengths	Weaknesses
Regional Assembly	- Occasional consultations with chiefs on development issues	- Fear of being overshadowed by chiefs - Competition for power and resources - Perception that some chiefs are not accountable	Paramount Chief & Elders	- Occasional involvement in ceremonies organized by district assembly	- Disrespect from some assembly members even though we were there before them - Our authority and legitimacy being encroached upon by the district assembly system
Councils	- Some Area Councils work closely with their chiefs in the collection of local taxes	- Fear that chiefs would like to control the local taxes collected - In areas of chieftaincy disputes, it is better to avoid them	Divisional Chiefs & Elders	- The District Assembly usually consults chiefs for land to undertake various projects	- No regular feedback to chiefs on activities of the assembly structures - Chiefs not consulted or involved in the planning and execution of development projects in their localities

⁵⁴³ Ibid

⁵⁴⁴ Ibid

Elites	they have strong relations with village chiefs	Some committee elites competing with their village chiefs for legitimacy and power	Village Chief & Elders	Some village chiefs work closely with their committee members. In some areas there is mutual respect between village chiefs and assembly members	- In areas where the village chief is perceived to be sympathetic to a political party different from the majority of Committee members, there is often tension in the relationship.
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Source: Field data, 2022

From the table above, traditional authority has for long period of time regulated the lives of the people at the local level. Since the traditional societies in many cases were located in rural areas with family based subsistence economies, traditional leaders were engaged in practical problems related to agriculture and the management of natural resources. Most commonly they decided on the use of land, which was in many cases communally owned. Traditional authorities also regulated social activities, and often served the function of a judiciary to solve conflicts while also serving as a spiritual/religious leader.

The other approach to understanding post-colonial chieftaincy is the “marginalized” school. This approach holds that postcolonial political institutions and arrangements demoted chiefs politically. O.M Laleye and Victor Ayeni suggest that the postcolonial state deprived chiefs of influence through democratization of institutions like the local councils, national legislatures, and through the grant of universal suffrage. They argued that traditional kingship has remained visible but not vibrant in the postcolonial era. Chieftaincy came to negotiate with and through new institutions and people in order to remain relevant. This was because of the negligence it suffered at the hands of modern institutions of power and interest. These institutions include civil and public service institutions, educated elites, and the media. In negotiating its survival with these institutions, chieftaincy employed innovative approaches like clientelism, education, propaganda, and lobby. In fact, governments have counted chiefs as another segment of society with the same defined interests as all other interest groups. The state now uses chiefs for rural mobilization in public and health education, campaigns against bad cultural practices, and for other policy purposes. However, politicians have largely avoided furnishing chiefs any political agency.⁵⁴⁵

The excessive authority of the postcolonial state with its use of new institutions for governance has made chieftaincy less desirable than was the case during colonial rule. The

⁵⁴⁵ O.Aborisade, *Local Government and the Traditional Rulers in Nigeria*, University of Ife Press, 1985

army, civil service, public service, and judicial services have emerged to provide means for modern states to exercise suzerainty over people without any need for intermediaries like chiefs. All these have worked to make politicians less needful of chiefs. In some instances, state officials are hostile to chiefs. This new reality had put chiefs in a dilemma because they must tread cautiously. For this reason, Laleye and Ayeni said that chieftaincy in the postcolonial society is one in which “traditional rulership is locked into the modern setup. It cannot avoid politics and yet politics is no good to or for it.” Negligence, relegation, and occasionally hostility have been the lot of the chief in postcolonial Africa, so says Laleye and Ayeni.⁵⁴⁶

More recently, chiefs have been marginalized from mainstream governance despite performing community development roles like settling disputes, supporting improvements in education, fostering social cohesion, and furthering cultural welfare. The postcolonial state denied chiefs judicial, executive and political power or a share in it. Chiefs, at their personal level, are not financially endowed to provide for the welfare of their people in ways that the modern state can. His concerns are representative of the larger issue of institutional negligence in Africa. Such negligence occurs despite the fact that the new nation-states cannot hope to exercise absolute suzerainty in rural, remote areas. In these far off places, government capacity for enforcement weakens because communities are farther and sometimes inaccessible to state institutions. Chiefs become the only intermediaries for government in such situations. Two worlds exist in the new nation-state. The first world is one with an educated and rich populace. This is usually urban and possesses adequate infrastructure. Chiefs have little place in the first world. The second world is one where people possess less education and finances, less infrastructure, and are rural in outlook with maximal chiefly authority and involvement in everyday life. Nana Asante reasoned that the modern state has eliminated chiefs from active politics, but they are needed in the second world for “crucial leadership.”⁵⁴⁷

However, in this second world, financial and political limitations hamper chiefs’ ability to provide the needed leadership. The lack of resources compels many chiefs to resort to patronage in an effort to exploit politicians for material and financial gains. They also lobby politicians for infrastructural development. This can compromise their political

⁵⁴⁶ M. Laleye, and V. Ayeni, “*On the Politics of Traditional Rulership*,” *International Journal of Politics, Culture, and Society*, 1993 pp. 555-571

⁵⁴⁷ G. Ayittey, *Indigenous African Institutions*, 2nd Edition, published and distributed by Trans National Publishers, 2006

neutrality. He also laments situations where politicians use state resources to provide luxuries for powerful chiefs to gain electoral favors because of the influence they hold in rural areas. This has been detrimental to the development of certain areas because self-seeking chiefs have enriched themselves at the expense of the people. The diffused nature of power in postcolonial Africa between chiefs and the modern state was a matter of policy for postcolonial governments. Though the idea of sovereignty became divided and diffused between the new nation-states and earlier units like chiefs and other markers of ethnicity, the state's possession of coercive tools and financial power made it possible to override all other competitors.⁵⁴⁸

Moreover, new national leaders worked to gain loyalty from citizens through the creation and use of national symbols. These symbols, which were emblems of chieftaincy, became markers of state power and legitimized individuals' patriotism towards the state. Rijk van Dijk further argued that such legitimization helped politician's appropriate greater power using the authority of the state. However, they tended to do so at the expense of chiefs. Gradually chiefs were marginalized into a pale shadow of their former selves. Rijk van Dijk noted, for instance, that politicians assumed the agency to determine the legitimacy of chiefs in the postcolonial era through legal and political confirmations. He drew attention to the fact that in Ghana, for instance, structures and systems have been created to accommodate and attend to the peculiarities of chieftaincy. These solutions have only served to give the state even greater agency over chiefs because the state funds and thus, covertly controls the undertakings of chiefs in such bodies like the National House of Chiefs. But then again, in most states, he argued, this power over chiefs by politicians led to a relegation of the institution through the denial of economic and other forms of power. He added that the "right of choice" and "ability" assumed by postcolonial governments through politics furthered the vulnerability of chiefs at the hands of politicians. Chieftaincy consequently lost any active role and relevance in modern governance. It has therefore become a marginalized institution. Overall, chieftaincy in the years after Africa regained independence has had limited political impact. Even in remote areas, governmental authority is still visible due to the efficient use of media and the availability of new, improved means of transport and communication. All these elements of modernity have made chieftaincy redundant as a governance mechanism and proxy for central authority.

⁵⁴⁸ R.V.Dijk, *African Chieftaincy in a New Socio-political Landscape*, Hamburg: LIT Verlag Münster, 1999

Accountability is the idea that poor performance of decision makers can be sanctioned against. This requires that there be mechanisms in place to penalize poor performance. A necessary condition to keep authorities accountable was to require sufficient transparency. People must be enabled to have access to information because if there is no transparency, there will also be no accountability. Brinkerhoff makes a distinction between different types of accountability. The main distinction he draws is between accountability within government and outside accountability, which have different sanction capacities. Accountability within government institutions: This includes courts, parliaments and legislative committees, higher levels of government for local government authorities that are appointed, anti-corruption agencies. Accountability outside government: The main external sanction capacities are elections. The media can also play an important role in indirectly sanctioning authorities.

Accountability, responsiveness and transparency were not restricted to elected governments. The basic concept of a democracy with elected representatives is that elections guarantee responsiveness and accountability by the authorities. In elections, leaders present different people chosen which law they want to abide by, or was there clear rules as to which laws apply to a given situation? Many traditional societies are culturally alienated from their traditions and partly integrated in modern structures. In these cases it becomes a question of which persons the traditional law applies to, or whether every member of a society can choose which system to abide by. These issues and problems are summarized by, who argues that the success of legal pluralism, or the co-existence of different sources of law “was determined by the outcome of repeated strategic interactions among indigenous peoples organisations, the professional judiciary, and state institutions.”⁵⁴⁹

These interactions are affected by (a) the capacity of the political system, the legal tradition, and society to tolerate normative diversity; (b) the geographic isolation and cultural alienation of indigenous communities; (c) the degree of internal divisions within indigenous communities, movements on legal pluralism, in general, and in specific cases that have arisen; and (d) the availability of effective legal mechanisms to indigenous communities seeking to protect legal rights”. Responsiveness, accountability and transparency Responsiveness, accountability and transparency are core elements of good governance. Responsiveness means that all forms of authority should act in the interests of the people considering their priorities and needs. Individuals will have different preferences regarding different policies. If the

⁵⁴⁹V.R.Nieuwaal, E.Adriaan, *African Chieftaincy in a New Socio-Political Landscape*, Münster/Hamburg/London, LIT Verlag, Rijk van Dijk, eds, 1999

authorities make these decisions on behalf of the people, the decision should respect the will of those people. Accountability is the idea that poor performance of decision makers can be sanctioned against. This requires that there be mechanisms in place to penalize poor performance. A necessary condition to keep authorities accountable is to require sufficient transparency.⁵⁵⁰

People must be enabled to have access to information because if there was no transparency, there will also be no accountability. Accountability makes a distinction between different types of accountability. The main distinction he draws is between accountability within government and outside accountability, which have different sanction capacities. Accountability within government institutions: This includes courts, parliaments and legislative committees, higher levels of government for local government authorities that are appointed, anti-corruption agencies, etc. Accountability outside government: The main external sanction capacities are elections. The media can also play an important role in indirectly sanctioning authorities.⁵⁵¹

6.3. Solutions to problems faced by Traditional Authorities

The contribution of traditional authorities in local development cannot be underestimated. Whether and how traditional authorities were included in local governance depends on various elements. The incentive for governments to share power with traditional authorities at the local level was rather low if they were weak or in a minority position. One of the main reasons to incorporate traditional authorities in local development was to improve local governance. Many policies were not implemented because traditional structures were excluded, or because they resisted certain policies. According to western viewpoint, and it is important for future research to analyze how people living in traditional structures conceive governance. Governance was a concept used when discussing the achievement of various development goals such as poverty reduction, improvement of health and education services, or natural resource management. Development efforts have failed when resources were not used in an efficient and responsive manner. But what was “governance,” and what was governance at the local level? While government usually refers to state structures and institutions, governance is a broader concept and goes beyond institutional political structures. There was no precise definition of governance, which can be defined in several ways. For local governance, which refers to governance at the local level, UNDP defines it as follows:

⁵⁵⁰ Ibid

⁵⁵¹ D.W Brinkerhoff, *Taking Account of Accountability: A Conceptual Overview and Strategic options*. U.S. Agency for International Development, Centre for Democracy and Governance, Washington, DC. 2001.

“Local governance comprises of a set of institutions, mechanisms and processes, through which citizens and their groups can articulate their interests and needs, mediate their differences and exercise their rights and obligations at the local level. It requires partnership between local governmental institutions, civil society organizations and private sector for participatory, transparent, accountable and equitable service delivery and local development. It necessitates empowering local governments with authority and resources and building their capacity to function as participatory institutions that are responsive and accountable to the concerns and needs of all citizens. At the same time, it is concerned with strengthening of grass roots democracy and empowering citizens, communities and their organizations such as CBOs and NGOs to participate as equal partners in local governance and local development process.”⁵⁵²

Common to all definitions of governance is that it was about how power is exercised, and how important decisions in a society are made. It refers not only to institutions, but also to the performance of these institutions. The definitions also emphasize the importance of not only state actors, but also various civil society actors in governance at the local level. Good governance can then be defined as follows:

“Good governance is, among other things, participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law. Good governance ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources. Governance has three legs: economic, political and administrative. Economic governance includes decision-making processes that affect a country's economic activities and its relationships with other economies. It clearly has major implications for equity, poverty and quality of life. Political governance is the process of decision-making to formulate policy. Administrative governance is the system of policy implementation. Encompassing all three, good governance defines the processes and structures that guide political and socio-economic relationships”⁵⁵³.

This definition does not specify the type of leadership needed for good governance at the local level. It follows then that it does not need to be limited to democratically elected rulers, but can also refer to other forms of leadership such as traditional authorities. But regardless of the type of leadership, several things must be in place for local governance to be “good.” Legitimacy: People who are governed must accept the decisions of the authorities as legitimate; there must be social inclusion, empowerment, equal voice, and participation regardless of gender, youth, social class, ethnicity or religion. Basic human rights need to be respected, as well as the rule of law and the division of power. Local governance must be responsive and transparent. The rulers were to be accountable, which means that it should be possible to penalize inadequate behaviour.

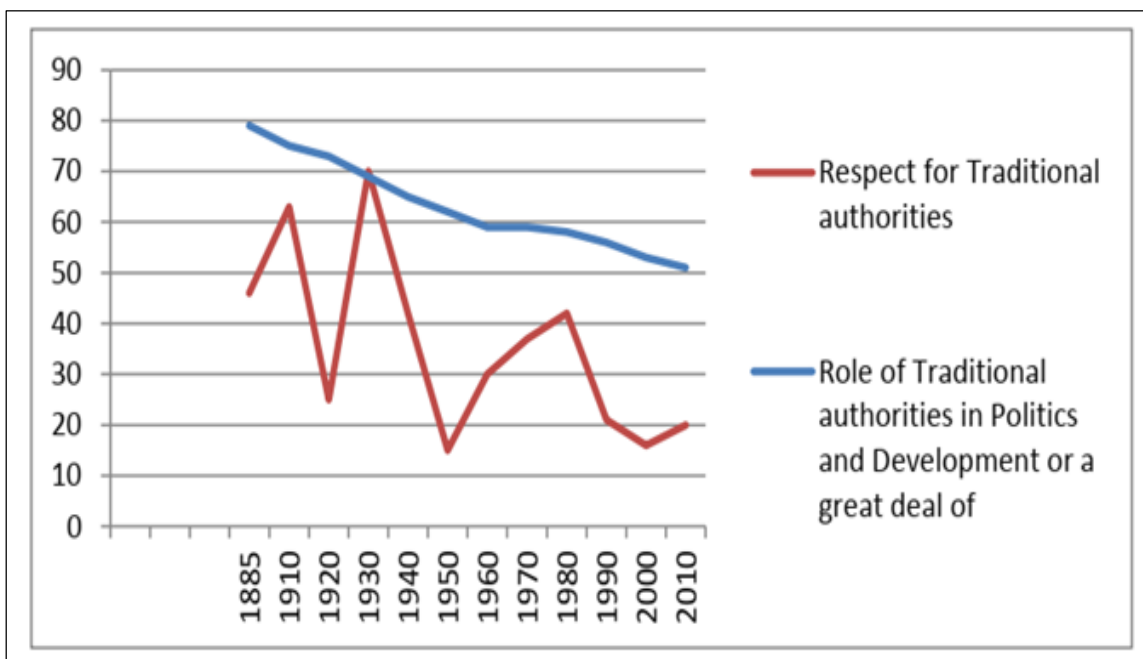
⁵⁵² <http://www.undp.org/governance/local.htm>

⁵⁵³ <http://magnet.undp.org/policy/chapter1.htm>

6.3.1 Chiefs and Partisan Politics

The involvement of chiefs in partisan politics has helped the post-colonial elite to destroy the future of chieftaincy institution, reduced the respect of chiefs in the society. For chieftaincy institution to regain its lost authority, chiefs should completely stay away from politics. Let traditional authorities of Cameroon in general and Southern Cameroons in particular have local development as their primary responsibility rather than involving in politics wholeheartedly. That has produced undesired ramifications such as corruption and bad governance to the detriment of progressive change and democratic process of the country. It was in the light of this that it is argued that the chiefs' status and functions be particularly defined in the constitution. This would enable those chiefs who were once puppets, stooges and collaborators with the government to take their normal positions as power brokers so that traditional leadership may be put back to the governance agenda.⁵⁵⁴

Graph 2: The effect of partisan politics on Traditional Authorities



From the above diagram, traditional institutions and mechanisms were henceforth being employed to provide more content to the nation-building. they assumed their roles as dynamic and influential local political structures that the rural population easily identify with as the crystallizing socio-political agency. The respect for traditional authorities became weakened at post-independence due to their involvement in partisan politics

⁵⁵⁴ T.J.Takor, *The Traditional Institution of Manyu Division, Cameroon , 1990-2011, An Intersection Of Chiefs And Party Politics*, International Journal of Scientific & Technology Research Volume 6, Issue 06, June 2017

Of much interest to this research was to ascertain the effects of chiefs' involvement in partisan politics. The respondents were asked about the main positive and negative effects of chiefs' involvement in politics. Respondents in the first phase as 45% agreed that chiefs' involvement in partisan politics will promote development in the area. They also agreed that chiefs' involvement in partisan politics will promote good governance. 12% of respondents also agreed that chiefs' involvement in politics is their political right and that it will protect the fundamental right of freedom of association of chiefs. We can, therefore, argue that most people believe that chiefs' involvement will enhance development, good governance and human rights.

Negatively, Majority of respondents of 58% including 60% of chiefs interviewed argued that chiefs' involvement in politics will make them lose their respect. Other factors that are the likely negative effects of chiefs in partisan politics were identified as; politicization of the institution of chieftaincy, division among the people and disintegrated institution. Majority of respondents agreed that the negative effects of chiefs' involvement in partisan politics outweigh the positive effects.

One of the things thwarting our progress and reducing our weight and authority in this State is the nature and present condition . of our central traditional authority: I refer to the Fonship. By native law and custom, this authority is hereditary, handed down . in the same family, from father to son or from brother to brother, from its origin till now. The hereditary principle, however, does not make sure that the people shall always have a chief equipped . with the most desirable qualities. In other parts of Africa the situation has been ameliorated by getting possible chiefs highly educated. For example, in Buganda (one of the provinces of the Republic of Uganda) the King, the Kabaka, who rules over well-nigh two million people, is a graduate of one of the best universities in England. Today, the Kabaka is not only King of Buganda, but also President of independent Uganda. I know a Ghana chief, Nana Nketsia IV, who is a Doctor of Philosophy from Oxford University. He was for some time Vice-Chancellor of the University of Ghana and, today, he is in charge of cultural affairs in the Ghana Government. Here you see what chiefs can do in modern society, if, in addition to their traditional authority, they are also equipped with a high standard of modern education.⁵⁵⁵

Beyond its advantages, the main disadvantage of politicising traditional authorities is the dishonour that the political activism of the chief sometimes causes among the population. In the past, under the single party, chiefs enjoyed a full prestige, as they sometimes exercised

⁵⁵⁵ B.Fonlon, *To Every Son of Nso, the root of our ills*, Centre d'édition et de production de manuels et d'auxiliaires de l'enseignement, 1965

a sort of monopoly on local politics and managed to control municipal councils of their communities. But, with the advent of multiparty democracy, it is no longer easy to envisage the unflinching loyalty from chiefs and even population to the ruling party. Some chiefs have seen their legitimacy undermined by their people. This is the case of Chiefs Ngnié Kamga (Bandjoun), Tatang Robert (Batcham), Chief Angwafor III (Fon of Mankon), very loyal to the CPDM, the ruling party in Cameroon. Given the extent to which the population was rejecting him, the late Chief Kana Paul (Bafou) officially resigned from the CPDM and promised to be politically neutral in future.⁵⁵⁶ The stubbornness of Sultan Ibrahim Mbombo Njoya (Foumban) led to his severe loss in municipal elections by his cousin and rival at the head of the CDU, an opposition party. As for the Lamido of Rey Bouba, he had to resort to brutal repression under the complacent gaze of the government in order to cleanse his community of any protest (Maloune, 1996: 103). Since 1990, this rejection of traditional authorities has also been manifested in acts of desecration of symbols of traditional power in various parts of the country.⁵⁵⁷

6.4 Traditional authorities and local development

This section discusses traditional authority in relation to various criteria of good (local) governance, and compares this with the governance of modern political institutions. In many rural areas, chiefs were still held in high esteem as the legitimate moral and social leaders. The respect and influence of traditional authorities was reinforced by their links to the divine or sacred, which incite tremendous passion among the subjects. In this regard, chiefs could be a powerful source of mobilizing local people for development. Customary values could also be mobilized by chiefs in support of development. In this regard, chiefs could be instrumental in promoting balanced and sustainable development models that blend tradition with modernity. The significance of chiefs in imparting justice also cannot be overlooked, since customary courts were easily accessible, cheap, fast and comprehensible to many rural people. Furthermore, as custodians of lands in many African communities, chiefs have a critical role to play in terms of land use management, including natural resources like forests and water systems.

⁵⁵⁶ C.N.Mback, *La chefferie traditionnelle au Cameroun: ambiguïtés juridiques et dérives politiques*, *Afrique et Développement*, Vol. 25, 2000, pp.77-11

⁵⁵⁷ H. W. Kabao, *Traditional Authorities and Decentralisation in Cameroon*, *International Journal of Research and Innovation in Social Science*|Volume V, December 2021

During British rule in the Southern Cameroons, native authorities were the main source of local decision-making. According to Johnson, Britain's limited moral commitment to radically altering the traditional status-quo of indigenous societies meant colonial policy was tailored to ensure that local needs did not constitute much of a strain on the financial resources of the crown. As a result, local people funded community development through local taxation and other income-generating schemes. Around 1950, the British authorities began implementing a "new welfare-oriented colonial development policy". Community development through 'self-help' initiatives was the *modus operandi* of this policy. The scheme initially focused on mass education and adult literacy, but later evolved to include projects in the domains of agriculture, healthcare, infrastructure, buildings, and road construction. Community development was a trade-off mechanism whereby local people provided labour and materials and colonial officials sometimes provided cash and technical support. In the view of colonial officials, community development through 'self-help' was to "induce in the people a desire for progress and the will to achieve it by their own efforts" and by cultivating a 'work ethic' which in the process "preserved an historic African tradition of co-operation". Missionaries also played active frontline roles in developing infrastructural projects in the Southern Cameroons. According to Paul Nkwi, "they raised funds from their home parishes and with labour supplied by Christians were able to build these institutions and improve the quality of life of the people."⁵⁵⁸

Being eye witnessed of the example of Bali Community Water And Kumbo Community Water are clearing examples, in 1994 that the population of Bali and Kumbo, under the auspices of the Community Water Committees (BCWC and KCWC)) and their Traditional Councils, issued marching orders to the local chief of SNEC to return the water installations to the community. At the time SNEC had been in charge of distributing water in Bali for a decade.

Moreover, a key ingredient in democracy was participation in the political process. However, given the fact that the majority of the population in Africa is poor and excluded from elite politics, any system that offers greater political participation to ordinary citizens satisfies a major requirement for democracy. My interaction with ordinary people in rural areas of North West and South West Regions suggests that they were closer to their chiefs than to their elected representatives in parliament, and that they have various mechanisms by which they can actively participate in the traditional political system. The chieftaincy

⁵⁵⁸ C.Cheka, *Traditional Authority at the Crossroads of Governance in Republican Cameroon* , Africa Development, Vol. XXXIII, No. 2, 2008, pp. 67–89

institution can therefore not be regarded as being undemocratic. Those who see the chiefs as unaccountable were probably not aware of the various traditional mechanisms that was used to ensure accountability from the chiefs. There is usually a social contract between the chief and his subjects based on certain rules and expectations, violations of which usually attract various sanctions including the possible loss of his position. However, that the pressures of modernization might have eroded some of these mechanisms of accountability in certain traditional areas, although one cannot generalize and maintain that all chiefs are not accountable.

The knowledge that a chief serves as a link between the living and their ancestors tends to act as a check on chiefs' behaviour. This was due to the fact that chiefs have an inherent fear that if they do not live upright lives, they will attract appropriate retribution from the ancestors. Goncalves finds a middle ground in the debate on the relevance of traditional authorities in Africa, in that his study of traditional authorities in the Mocumbi tribe in Mozambique reveals that both critics and supporters of traditional authority have exaggerated the relevance of the institution for local governance and rural development. He advocates instead the use of alternative forms of local authority in local governance and rural development. It was evident from the above discussions that the political and developmental role of the chief in contemporary societies usually elicits varying opinions. I, however, share in that "the proper role of any social position cannot be determined by theoretical reflections alone, but deserves careful empirical study.

Discharging these roles, the chiefs were held accountable in various ways. In the first place, the *kwifon* act as a check on the chief and elders so that they respect the social contract in discharging their duties lest they attract the opprobrium of the *Kwifon*, with possible distoolment of the chief if the misconduct is considered grievous. The second source of motivation for social accountability from the chiefs was the fear of sanctions from the ancestral spirits if found to be betraying the social contract with the people. The sacredness of the office of chief presupposes that he sees his role as being divinely sanctioned, thus attracting reward or sanction from the ancestors depending on how he conducts himself. The study noted, however, that, for various reasons, these traditional mechanisms of accountability by chiefs was becoming ineffective in modern times. Firstly, because in olden days chiefs used to be actively involved in tribal wars to protect or expand their territory. This militant posture was sufficient as a countervailing mechanism in those days to hold their poorly performing chiefs accountable. However, with civilization and the end of such territorial wars,

the relevance and power base of the *kwifon* are being eroded, thereby diluting their militant hold on their chiefs.

6.4.1 Legal Framework of Traditional Authorities

Legality was based upon the extent to which citizens accept and follow the decisions made by political authorities. Citizens will accept authority when they see the political authorities and their decisions as legitimate. Legitimacy is therefore an important mechanism that links people with authority. Force can be used to ensure compliance with laws if necessary, but the use of force has to be based on the rule of law to be considered legitimate. In democratic states the legitimacy of the leaders were derived from electoral processes, the rule of law, and constitutional and legal systems that structure decision-making processes. Citizens elect leaders on a regular basis, who can be voted out if they do not adequately satisfy the citizenry. Constitutions and laws build the environment of decision-making. Democracy was accepted because of the equal participation of the citizens. Legitimacy was to a large extent based on what citizens believe is legitimate and what they accept. Though citizens do not have to accept each decision from the authorities, they are to accept the authorities as legitimate decision-makers.⁵⁵⁹

This was an important distinction to note because it does not matter what citizens think about each issue as much as whether or not they view the institutions and or political authorities as legitimate. If people do not accept the decision-making process as legitimate, they will not accept a decision that does not correspond with their own preferences. The consequence of this will be that they will act on their own behalf, irrespective of the decision of the authorities. If a large number of citizens disobey the authorities, the result will be uprisings, revolts, or at the individual level, unlawful behaviour. It was important that people view the decision-making process as legitimate, because the authorities have limited abilities to control non-compliance. If citizens accept the mode of decision-making, they will likely accept the decisions they do not agree with as well. The element of belief was therefore important. Since most people will not understand or reason about different sources of legitimacy, they will believe that legitimacy can be given or withheld. As there are many sources of belief, there are also many sources of legitimacy.⁵⁶⁰

⁵⁵⁹ Ibid

⁵⁶⁰ Ibid

Table 5: Perceptions of traditional authorities in some selected Chiefdoms and Fondoms

Fondoms/ chiefdoms	Traditional leaders primarily responsibility						
	TLs have some or a great deal of influence in governing local community	Local dispute resolution	Land allocation	Managing schools or health	Community development	Law & order	Tax collection
Kom	79%	54%	46%	2%	32%	12%	4%
Nso	75%	56%	63%	10%	27%	17%	4%
Bali	73%	76%	25%	2%	9%	13%	3%
Bafut	69%	60%	70%	4%	30%	12%	5%
Wum	65%	76%	42%	4%	38%	29%	3%
Mankom	62%	29%	15%	3%	10%	3%	2%
Nkambe	59%	26%	30%	3%	7%	3%	3%
Buea	59%	46%	37%	5%	16%	9%	12%
Limbe	58%	40%	42%	2%	24%	9%	4%
Kumba	56%	29%	21%	5%	11%	3%	4%
Mamfe	53%	34%	16%	2%	4%	3%	9%
Muyuka	51%	53%	20%	5%	10%	3%	3%

Notes: Survey questions⁵⁶¹

Although there is a great deal of variation in the overall influence of traditional leaders, there is somewhat less divergence in their main responsibilities in communities where they remain powerful. Drawing again on data from the field, report the percentage of citizens who say traditional authorities have primary responsibility for different tasks. The data show that traditional authorities in Anglophone Cameroon often play leading roles in resolving disputes and managing land, but citizens do not expect them to take primary responsibility for social services, environmental management, security or tax collection. Indeed, the importance of traditional institutions in managing disputes, especially over property rights and land, is widely noted. Yet, even in areas where the government, rather than traditional leaders, is expected to take the lead, traditional leaders often act as facilitators; for example, they may encourage members of the community to volunteer labor for infrastructure projects, or they may report security risks to the police.

The mode of appointing traditional leaders also varies between communities, depending on how local custom is conceived; as a result, the method of appointment is not explicitly incorporated into our definition of traditional leaders. However, as an empirical fact, it is

⁵⁶¹ "How much influence do traditional leaders currently have in governing your local community?" who do you think actually has primary responsibility for managing each of the following tasks. Is it the central government, the local government, traditional leaders, or members of your community?" Measures for (a) managing health and schools and (b) keeping the community clean and protecting rivers and forests were combined.

unusual for communities to have historically selected leaders via periodic election. In the contemporary period, traditional leaders typically have indefinite tenure and often rule for life.⁵⁶²

The fact that most traditional leaders are not regularly elected is important for two reasons. It means both citizens and higher level leaders have difficulty motivating these leaders to act on behalf of their interests through threat of removal from office; this important mechanism for generating accountable leadership is not typically available in the case of traditional leaders. But the fact that traditional leaders have indefinite tenure also means that these leaders have long time horizons. Insofar as they expect to rule their communities for life, they have an incentive to invest in building local institutions with long-term benefits in a way that elected leaders do not. A critical challenge, then, is ensuring traditional leaders are motivated to build institutions that will provide public rather than private benefits.

In traditional societies leadership was usually inherited. The source of legitimacy for traditional authorities was historic, and often dates back to the pre-colonial period. They were usually not only regarded as political leaders but also spiritual leaders of a society, or as the “fathers” and “mothers” of a society. Traditional leaders/chiefs can claim special legitimacy in the eyes of their people because these institutions can be seen to embody their people’s history, culture, laws and values, religion, and even remnants of pre-colonial sovereignty. The colonial and post-colonial phases have influenced these traditional forms of legitimacy in different ways. During the colonial period, the legitimacy of traditional leaders was strengthened. Though the colonial rulers based the legitimacy of their rule on their own rights, culture, and use of a constitutional and legal order rooted in imperial power, they at times used traditional leaders as their local representatives. In these instances, the traditional leaders were given the recognition and legitimacy of the colonizers as well as of their own societies.⁵⁶³

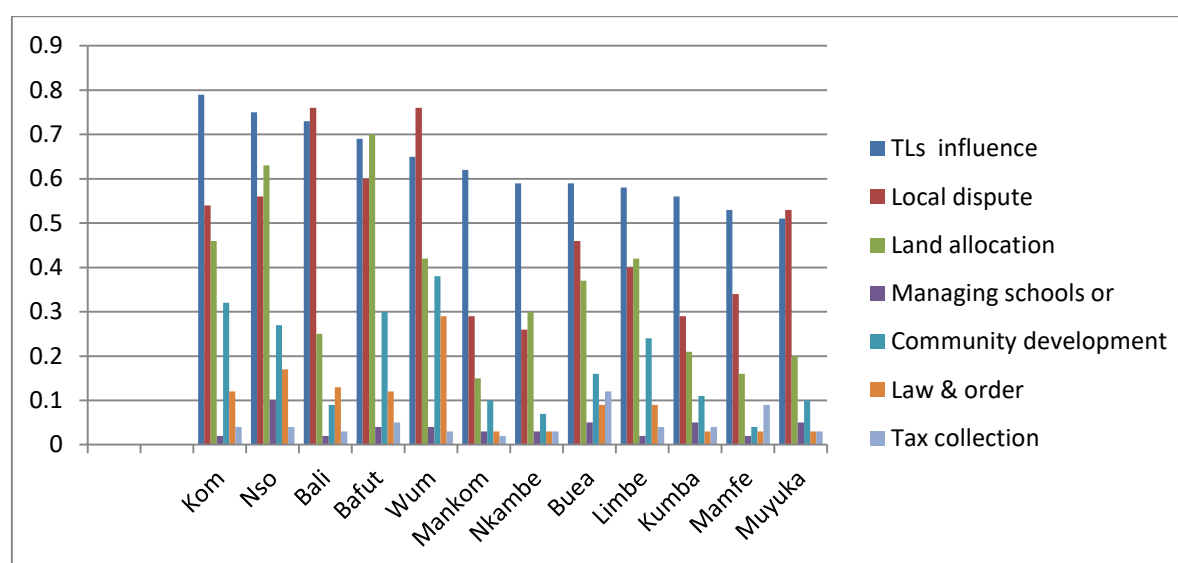
Different types of authorities can co-exist and be recognised and respected at the same time, albeit for different reasons. While people might accept local government authority for some governmental decisions such as local development and infrastructure, they will refer to traditional authorities for other things affecting their lives like settling of land disputes, religious or social matters. This does not need to lead to conflict between the two forms of

⁵⁶² B.Kate. *The Paradox of Traditional Chiefs in Democratic Africa*, Cambridge University Press, 2016

⁵⁶³ D. I. Ray, *Grassroots Governance?: Chiefs in Africa and the Afro-Caribbean*, P. S. Reddy, Series: Africa: Missing Voices, New edition, University of Calgary Press, 2003

authority, as long as they accept the legitimacy of the other. Because the legitimacy of leaders was linked to their performance, their support will depend on the level of their performance. This was especially true for elected officials, but also likely for traditional leaders. Traditional authorities often have greater mobilization capacity than the state. Even when formal recognition by the state is lacking, the state has to consult and convince the traditional authorities in order to reach and or mobilize the people, which was one of the reasons why political leaders have recognized and work with traditional leaders. Government has recognized the importance of traditional leaders in supporting state policies and mobilizing the people in favour of change. In many cases it was very difficult or impossible to implement policies without the support of traditional leaders, especially in areas that touch upon the traditional customs of a community. The mobilizing capacity of traditional leaders is often needed in implementing policies in the social, economic or political structure of a community, for example in initiatives to fight AIDS, implement vaccination programs, and implement land reforms and road maintenance, etc. Formal recognition of traditional leaders by the state is likely to transform their legitimacy.

But as their legitimacy is derived independently from state structures, the possible negative impacts of formal recognition and institutionalized roles are that they may lose their independence and risk being identified with state failures. There was, moreover, a risk in their becoming involved in state politics, because parties and party leaders may use traditional leaders as a source of mobilization. "If traditional leaders were perceived as non-partisan, they can play a valuable role in local communities, for instance in the sphere of conflict resolution and justice. But if chiefs remain independent of government patronage, they can easily be manipulated by the government of the day. The central issue remains unsolved: do chiefs derive their legitimacy from state recognition or from popular support?"

Graph 3: Traditional Authorities and Management of Resources

6.3.4 Constitution and the Traditional Authorities

The constitutionalisation of traditional authorities simply refers to the recognition and inclusion of Kings, Chiefs and Queen Mothers into African republican constitutional frameworks as relevant political actors in the overall governance processes. This is done despite the chequered past of traditional rulers as collaborators of slave dealers and oppressive colonial regimes. The politics of inclusion and the dynamics of traditional authorities in the new political dispensation have not been critically historicised and contextualised within the political dynamics of the post-colony and on a comparative continental basis to fully appreciate the trajectory of these phenomena. This lacuna needs to be urgently addressed. Traditional leaders have two main sources of legitimacy, both very different from the secular sources for the state: historical and religious. Historically, traditional leaders claim political authority derived from the precolonial period. They are seen to represent ‘indigenous, truly African values and authority’. Religiously, they claim links to the divine, whether a god, a spirit or the ancestors. 564

The House of Chiefs of West Cameroons was inscribed in the Constitution and their role was well spelt out in terms of politics and socio-cultural development. The Local government is provided for by Laws 17 (on decentralisation), 18 (councils) and 19 (regions) of 2004; and it is also enshrined in the constitution, together with a higher tier of regional councils which had yet to be implemented by the Ministry of Territorial Administration and Decentralisation. In conformity to the aforementioned fact, the recent Bill to institute the

⁵⁶⁴ Discussion published by Dr Hlengiwe Portia Dlamini on Thursday, July 14, 2022

General Code of Regional and Local Authorities, Part V, Chapter One in accordance with the provisions of Article 62 of the Constitution clearly defined the special status for the Anglophone Cameroon and the role of Chiefs in politics and development.⁵⁶⁵

Two divergent approaches to conceptualizing the role of chiefs in post-colonial Africa can be discerned from the literature. The first may be called the “adaptive” approach and the second one may be christened the “marginalized” approach. Kwame Arhin, arguing for the adaptive school, believed that chieftaincy adapted to the needs of the post-colonial state in Africa. According to him, “The Search for ‘Constitutional Chieftaincy’” Arhin pointed out that the power and sway of chieftaincy wilted in the post-colonial state. In place of influence, there emerged a passive rather than active role for chiefs in governance. When chiefs’ active political service ended, some fragments of the institution were transferred into modern governance. State singers, linguists, and other cultural and material aspects of the institution were used to endow the new state with legitimacy. Though the new state demanded complete loyalty to itself beyond ethnic identity, it nonetheless used symbolic and material appeals from the old institution to court and sustains support for the artificial state. Arhin showed that constitutional chieftaincy, which implies reduced power and reach for chiefs, dominated the political thinking in Ghana following the end of colonial rule. The new Ghanaian state stripped chiefs of their active or effective political functions, but co-opted them into running local communities as opinion leaders. It thus gave chiefs symbolic recognition, but no actual power. So, the question “how to reconcile the demands of the growing African Revolution with claims of tradition” was resolved through this novel adaptive settlement named constitutional chieftaincy. Ørnulf Gulbrandsen asserts that postcolonial states sought to eliminate the chieftaincy institution. But the “force, vitality, and persistence” of chiefs made the attempt impossible. For example, chiefs rose to fill the power vacuum left by the political chaos of the postcolonial era in Congo. In Botswana, it was the relevance of the institution’s symbols and aura in unifying and building the new nation-state which encouraged the new leadership to accord chieftaincy the significance it now holds in public affairs. Politicians opted to adapt the institution to the needs of modern governance; they stripped it of any concrete political power. Chiefs in Central Africa are still barred from active politics. So only the material culture of the institution remained relevant to the modern state.⁵⁶⁶

⁵⁶⁵ Law No 2019/024 of 24 December 2019, *Bill to Institute the General Code of Regional and Local Authorities*, Presidency of the Republic of Cameroon

⁵⁶⁶ Ø. Gulbrandsen, *The State and the Social: State Formation in Botswana and Its Pre-colonial genealogy*, 2012

A constant transformation of traditional societies has taken place over the past 200-300 years. Colonialism strongly influenced the way in which different traditional societies were organized. To acknowledge both the legitimacy of traditional structures and the dynamics of their transformation over time makes it possible to discuss the role of traditional structures in an open manner, and to assess them according to various criteria such as legitimacy and social inclusion.

There must be awareness that intervention in any existing system also changes the dynamic of power in a society. Though it sounds very simple, it is often neglected in discussions about decentralisation. Decentralisation is not just a public management procedure but also a shifting of power from the central to the local level. To recognise traditional authorities as legitimate sources of power in a constitution would boost their influence and importance vis-à-vis the government. The constitution therefore spelt out their roles and limits. This could be desirable in some respects. It might help to stabilise a society or make local development more responsive to local needs. But it has long-term consequences, considering the fact that once given, power and resources are difficult to take back. Strengthening traditional leadership might transform their leadership again, as it has been transformed in the past few decades. For instance, in order for the local councils to have better fulfilled the intentions behind them, the village chief should have been included as the amongst many other factors affecting the project. Through him they would have commanded the authority in accordance with local perceptions. Doing so however would simply reinforce existing power structures, which internationally would be regarded as unequal and gender biased, and conflicting with individualistic values of human rights and democracy. Alternatively, a decision could be made to challenge the existence of the village chief and dismantle traditional structures, replacing them altogether with administrative institutions of the central state. That would be a radical social engineering project that could be conducted brutally or, if done humanely, might simply fail.⁵⁶⁷

A more sophisticated approach is necessary.” Elements of a more sophisticated approach have been presented above, where the degree of integration shall depend on the degree of performance and legitimacy of traditional authorities. If legitimacy, inclusiveness, accountability, responsiveness and the recognition of core elements of human rights are poor, giving an important role to traditional leaders does not seem to be appropriate. Their recognition will strengthen their role, but most likely not contribute to good local governance.

⁵⁶⁷ C.Jarat, “Building State Failure in East Timor.” *Development and Change*, 2002, pp.33

On the other hand, in many countries the recognition of traditional leaders, plus their formal or informal integration in local governance and various forms of co-operation will lead to an improvement in local governance. This will contribute to an improvement in people's everyday lives.⁵⁶⁸

6.4 Traditional Authorities and Social Inclusion

Inclusiveness means that access must be equal for all and that the social and educational disadvantages of certain groups within society should be taken into account. Traditional authorities were often not socially or gender inclusive. Usually titles and functions of traditional leaders are by inheritance passed on to male successors in almost all traditional societies. As a consequence women are usually excluded from traditional rule. This has been heavily criticised and has influenced the debates about the role of traditional leadership in places like South Africa, where the women's movement has a large impact on the African National Congress (ANC) government's gender policies. It states, "Chiefs were not elected but hereditary. Second, chiefs are mostly men, which goes against the principles of non-sexism. Third, only Black Africans can become chiefs, which goes against the grain of having a nonracial society. Fourth, the chieftaincy serves to accentuate the forces of ethnicity, which had become thoroughly discredited in the apartheid years when it was used as the organising principle in the divide and rule strategy of the ethnic homelands. In the popular mind, chieftaincy was equated with tribalism which could divide the African majority and derail the process of democratisation and nation building." This statement is representative of the major criticisms against traditional leadership. To summarize: Through inheritance the position of the leader was not subject to a democratic selection process. Leadership selection was based on customary law.⁵⁶⁹

Access by women to traditional leadership was limited because they usually cannot inherit titles. Sometimes access is guaranteed through the wives of the rulers like queen mothers who have formal roles in some cases. But this does not replace the formal power that was dominated by men. As in any other tradition, inheritance rules were transformable and can be changed in such a way so that women can inherit titles. Several countries have chosen to do so in the past. Youth have limited access to traditional leadership. This can be a source

⁵⁶⁸ G.Lutz, *Traditional Structures in Local Governance for Local Development I*, Berne, Switzerland, May 2004

⁵⁶⁹ V. Kessel and O. Omen Chiefs and Rural Local Government In Post-Apartheid South Africa, publish by African Association of Political Science, 1999

of conflict not only because of exclusion, but also because the younger generation tends to be more open towards change and modern structures. Leadership was often reserved within members of one ethnic or tribal group and excludes members of other groups. Clear boundaries of understanding as to which persons were under what authority was important, it was easy to determine the subjects of possible traditional authority in communities with a common ethnic background living in a limited geographical area. But geographical borders will no longer correspond to ethnic communities if migration has taken place.

In these cases, there needs to be a clear understanding for what person's traditional rule matters: Is it for the members of one group only, or for all the people living in one area? Restricting power to one group and excluding other members not of this group can lead to conflict. It increases the risk of ethnic division and conflict.

In modern democratic states, inclusiveness is guaranteed in theory through universal suffrage, where both the adult male and female population has the right to vote and stand for office. This makes governance the interest of all people. In reality, the direct link between the people and government at the local level is often absent, particularly where there are no local elections and the central or provincial government appoints representatives. In such cases, local representatives are directly responsible to the higher levels of government and only indirectly to the local population. Representation and inclusiveness in decision-making at the local level is therefore not guaranteed at the local level through state structures.

When discussing social inclusion one has to compare traditional leadership with social realities. Leadership was male-dominated in many countries and regions at all levels, and women are formally excluded from traditional leadership. There was also a strong social bias in political participation and within the political elites in favour of the wealthy, educated, and persons of higher socio-economic status. In places where ethnicity was a salient cleavage in a society and leaders were supported along ethnic lines, it does not matter as much whether leaders are elected or whether they inherit their position. Due to the failure of state structures with respect to inclusion, various other participatory methods have been used to enhance the representativeness in planning and decision-making. In development projects, methods of participatory planning and decision-making that include a larger number of groups in a society have been introduced. The first step involved is identifying all possible stakeholders. The stakeholders can be the local government, traditional leaders, or any other group in society such as business associations, women's organisations. In such processes traditional authorities are only one of several stakeholders. Respect for human rights, the rule of law, and the division of power Most countries have modern legal systems on the national level, and

have in principle ratified international law declarations such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

Indeed, Christianity and modernization have demystified the powers of the ancestors to punish erring chiefs or elders. For example, an elder in in Nso commented “these days, a chief or elder of a family will sell community or family land and spend the money for his personal benefit without fear of the ancestors, who expect such communal property to be preserved and used only in the interest of the whole community.” Consequently, there were varying degrees of good conduct and accountability amongst the different chiefs in these regions, depending on the level of attachment that these chiefs had to traditional political values. The words of an elderly man, captured below, adequately reflect this line of thinking:

“the traditional philosophy of a chief being housed in a communally built palace with all his needs taken care of by the community was to ensure that chiefs did not clamour for personal property so that he could have a focused mind in order to act in the best interests of the community. Based on such a philosophy, the subjects gave their land to be held in trust by the chief who then administered such lands to best serve the community. Unfortunately, the winds of modernization have made some present-day chiefs eager to accumulate personal property that can be passed on to their immediate nuclear families. Consequently, community land that is entrusted into their care is sold by such chiefs for their own personal benefit rather than for the benefit of the community. Similarly, land royalties paid to such chiefs by government or commercial entities are often used in a similar manner”. source

The traditional checks and balances which ensured accountability of chiefs in the past were being eroded by modernization, bringing into question the adequacy of certain traditional laws and practices to address the concerns of contemporary societies. In my view, contemporary society cannot continue to rely on informal mechanisms like trust and the willingness of the chief to be held accountable for resources at his disposal. This was because some traditional values like communalism are being eroded by modern principles of individualism and wealth accumulation. It was therefore desirable for traditional authorities in contemporary times to introduce more formal resource accountability systems like employing qualified people to manage traditional resources, with proper books of accounts that can be audited, with feedback given to the public.⁵⁷⁰

In fact, it was belief in the Bamenda Grassfields that traditional rulers are mystical persons with extra-ordinary powers. Historically, Bamenda Grassfields chiefs were considered and believed by majority of their subjects as the link between the ancestors

⁵⁷⁰ B. Kate and P.Raffler, *Traditional Leaders, Service Delivery and Electoral Accountability*, Cambridge University Press, 2019

(spirits) and the living and were considered as chiefs. As a chief priest, the chief was the spiritual symbol of his people and the representatives of the ancestor. Bamenda Grassfields Fons propitiated the spirits of the land by offering sacrifices to the gods and ancestors. The sacrifice he offered and the rituals he performed were believed to nourish the people's relation with the gods and assured continuity. Owing to his divine function, the chief was looked upon with reverence and respected as such. No wonder that he went with praise names such as *chamfor* (the kicker of things), *lum-nyam* (king of all animals) *nyambo* (leopards cup) *nungubu* (python) and *anti njong* (thorny tree).

They had an exalted personality with a mystical office and his person was sacrosanct. This sort of spiritualisation of the chief's office enforced his powers. Tradition did not permit the disrespect of chiefs in whatsoever way. Traditional rulers in the Bamenda Grassfields resided in their palaces. The palace remains a symbol of unity cum uniting force of the land. Jean Pierre Warnier used a metaphor to aptly capture the role of the chief in the Bamenda Grassfields.⁵⁷¹ To him, the chief was like a "container" or "vessel" that bound the people together, united and protected them and the land from malevolent forces and poured out vital life-giving substances like breath, cam wood, saliva, all these to ensure continuity. To become a Fon meant to dedicate oneself totally to the service of the people. All of these mystical features commanded reverence and gave chieftaincy a deific dimension. Anschaire Aveved argues that the transformation of chiefs from human forms to animal forms can be explained by most artefacts found on palace walls and decorations (royal's animals) that incarnate the powerful nature of the chief. All of these helped to maintain social harmony in the traditional society as respect for the chieftaincy institution as the guarantor in charge of enforcing laws and taboos established by the ancestors.⁵⁷²

In all, community members were first given a chance to have their say concerning the issues on the table and then the chief took the final decision which was not subject to further challenge or argument. After the community meetings, the study randomly interviewed some of the participants to ascertain whether they were satisfied with the final decisions by the chiefs and whether such decisions reflected consensus. The personal biases of the chief influenced the final decision. The fact that some community members did not have the courage to voice their opinions in the presence of the chief and elders points to a culture of fear of authority. This was a new dimension, since most writers on decentralization as

⁵⁷¹ J.P. Warnier., *'The King as a container in the Cameroon Grassfields Paideuma*, 1993, pp.319

⁵⁷² A. Aveved, *'Uncanny Autochthons: The Bamileke Facing Ethnic Territorialization in Cameroon'*, Ph.D. Thesis in the Graduate School of Arts and Sciences, Columbia University, 2015

reviewed in the literature did not touch on this issue which could hinder the genuine participation envisaged by decentralization. The matter was further investigated by asking key informants, including the staff of some government agencies and NGOs, if fear of authority as a hindrance for effective participation of people within different hierarchical levels was a valid factor.⁵⁷³

Interestingly, all the respondents agreed that there was a predominant culture of fear of authority. They cited examples of how most assembly members were not able publicly to debate with the Divisional Officer or demand accountability from her as a result of this fear: “Similarly, elites might grumble about certain poor decisions by the chief, but cannot confront him publicly, since such a move would be considered as being uncultured”. Through probing, it came to light that this culture of fear may be traced to the fact that many traditional African societies use fear as a means of social control. For example, “people are told not to enter a sacred grove because of possible attack from the spirits rather than for environmental reasons”. Further evidence was provided by the respondents when one of them said: “it was open knowledge that many traditional parents use intimidation to control their children, who then grow up with a subconscious fear of people in authority”. The implication of this culture of fear was that participation of people from different hierarchical levels may be more symbolic than real. It was reasonable, therefore, to assume that in a society where there is a predominant culture of fear of authority, the development or progress of the people largely depends on the benevolence of the leader or authority they look up to, in terms of being selfless and sensitive to the collective good in all his/her decisions and actions. A benevolent dictatorship is not necessarily negative.⁵⁷⁴

Sentiments of dissent regarding the legitimacy of the current paramount chief also surfaced in some of the focus group discussions with community members. It was noted that the tendency for chieftaincy disputes in the area was more pronounced with the higher chiefs (paramount and sub chiefs) than the village chief. This may be due to the seemingly low profile and non-lucrative nature of the village chief’s position. In areas where chieftaincy disputes exist, the sovereignty of the chief was undermined and his influence in development was weak. Indeed, some areas where there was conflict relating to chieftaincy explained that one of the reasons for their inability to interact effectively with their traditional authority, derived from a fear of being misunderstood as taking sides, if found interacting with any of

⁵⁷³ Ibid

⁵⁷⁴ Ibid

the contending parties. In such circumstances, the best strategy would be for them to have as little contact with any of the contending parties as possible.

Despite the weak linkage between community members and their paramount chief, the study noted that the paramount chief still has indirect influence on the community members through the various village chiefs who have strong links with both the paramount chief and their respective community members. Since village chiefs live with their community members and identify with their everyday struggles, they enjoy stronger trust and loyalty from these members. Besides, the village chiefs were not prone to the sale of communal land, since they cannot sell land on their own without the prior approval of their superior chief. In any case, the land market in the village were poor due to low demand for such land. Thus, the perception of accountability was higher in relation to village chiefs than the paramount chief. Consequently, the village chief enjoys relatively stronger links with, and trust from, most actors in the decentralized structures, as well as in the traditional authority system. The implication here is that these village chiefs have great potential to be used as rallying points or platforms to mobilize community members and other actors towards more effective participation in local governance and self-help projects.⁵⁷⁵

Many African societies seem not to have strong democratic institutions, as these are still evolving, yet the spiritual dimension is also being eroded by the forces of modernization, leading to the emergence of leaders at all levels who tend to take advantage of their power to exploit the weak. Historically, traditional African society used the spiritual or sacred dimension to illicit such selflessness in their leaders by invoking the fear of punishment or reward from the ancestors, depending on how well they were able to rule. However, the superimposition of modern institutions like democratic governance on the traditional African governance system has led to a weakening of the traditional governance system, whilst the modern system is also not well understood and still evolving. Without strong democratic government institutions in these African societies, the only other force that could curb the selfishness and misconduct of their leaders was spirituality or fear of a Supreme Being that will hold people responsible for their actions and inaction. The tendency of some African leaders to abuse their power is reinforced by the persistent culture of fear of authority in some African societies, as was found in Cameroons, Bamenda grassfields. Such situations not only hinder development, but also breed mistrust and strained relations which limit constructive participation.

⁵⁷⁵ Kaze, 'The Dethronement of Traditional Chiefs in the Cameroon Grassfields' 1990

Indeed, democracy and development can only flourish when decisions made by our leaders were guided by truth and love of the common good. This highlights the importance of leadership, since the quality of collective life depends on the type and quality of leadership. Furthermore, the analysis of the actor-linkage revealed a rather strong linkage between community members and their paramount chief. When probed for reasons, it came to light that the paramount chief was considered closer to the everyday struggles of community members and show sufficient interest in their welfare. Also, there was a culture of fear, since these community members only grumble privately, but have no courage to confront the paramount chief to demand greater accountability.

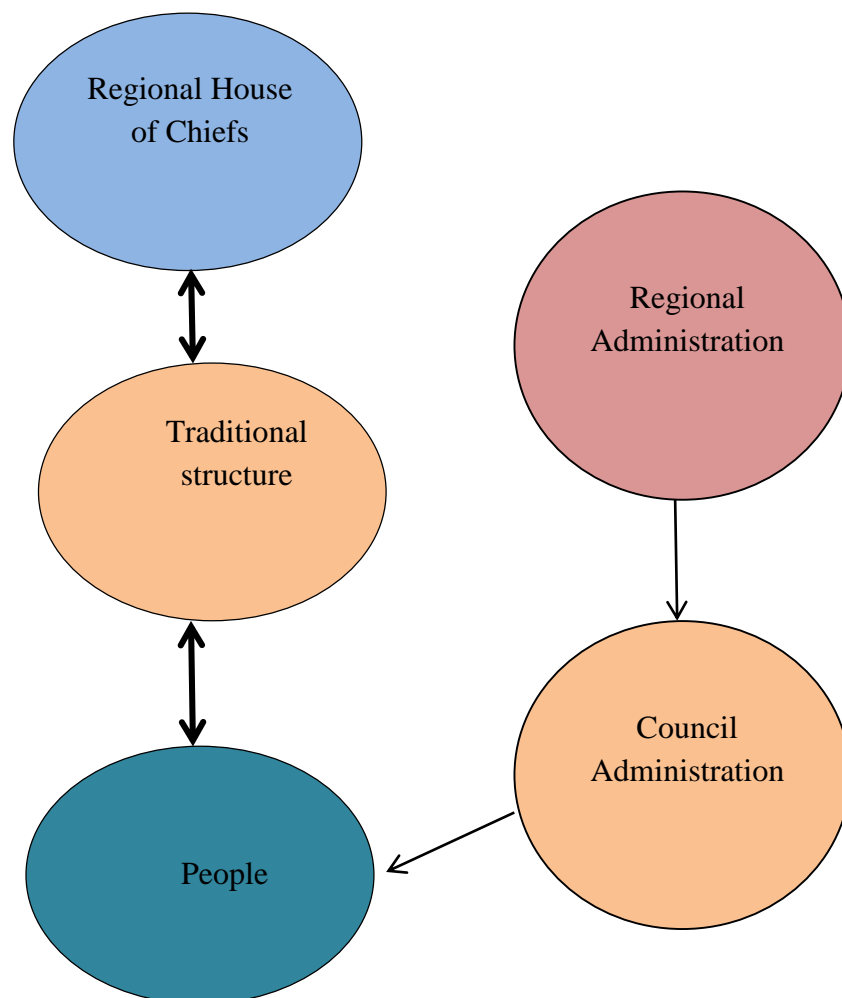
6.4.1 Credibility of Traditional Authorities

The credibility of traditional authorities depends on their role during the colonial area. When traditional authorities have been an integrated part of the colonial administration, it has undermined their legitimacy in the post-colonial period. This was one of the reasons the governments in the years after independence did not support the inclusion of traditional authorities. Currently in many countries the state apparatus still does not recognize traditional authorities at the local level, and was either ignorant of or in conflict with traditional authorities. Traditional norms, values and institutions nevertheless exist within the state, and their importance depends on the presence of the state at the local level, especially in rural areas. In countries where traditional societies constituted a minority, it was common to attempt to eliminate or to oppressively integrate them into the modern structures. In the US, Europe, New Zealand and Australia, the modern states tried to repress or neglect the indigenous cultures because they viewed them as antiquated and backward, and believed their integration would be a step towards modernization. The integration was often harmful for the traditional structures and failed in most cases.

Indigenous organizations have fought for their cultural and political rights, and more recently most countries have given legal protection of indigenous cultures. However many inequalities and disadvantages have not yet disappeared. In most countries in Latin America, North America and Northern Europe, where traditional structures constitute minorities, indigenous minorities are protected and have gained respect over their rights to self-determination. Legal arrangements allow traditional self- governance and legal pluralism in some areas, which usually include traditional court systems and legal conflict settlement. This co-existence is possible despite the fact that social integration of indigenous cultures is still fairly limited.

There were different models of co-operation that were possible. In the first model, the traditional power was the local government in the rural areas where society was still very traditional, and there were some formal or informal links between the traditional local government and the modern government at the national and or local level. The national government might have the right of administering the traditional leadership. The urban areas with modern structures will have a modern local government. Model one: Separate structures with various inter-actions at the local and national level. Cameroon has established a parallel special structure at the regional level. A house of chiefs at the local level exercise certain rights and has an advisory function at the national and or local level and or needs to be consulted for different issues.

Figure 1: *Organigram of the Local Authorities and Traditional Authorities*



The diagram portrays that power is derived from bottom to up and not from up to bottom.

In West Cameroon, this was the common form of integration. There was a West Cameroon House of Chiefs without significant power, but there was recognition of the

chieftaincy. The President was given the authority for the recognition, appointment, deposition, and suspension of chiefs in some areas. The chief arranges tribal ceremonies, assists in checking crime, promotes the welfare of the tribe, and presides over meetings. The law nevertheless requires that every chief implement the instructions given to him by the minister. The chiefs were paid salaries, and the state has complete supremacy over the traditional leaders. The traditional leadership on a national and regional level has an advisory role indevelopment issues. But they are forbidden from participating in politics outside their limited

role. At the national level they are a mainly advisory body on matters affecting the chieftaincy. They were supposed to develop and codify a system of customary law, but this has not yet happened. Traditional leaders serving in advisory bodies of the local government did not choose to grant traditional authorities a role in formal decision making, but formed a special body or procedure to guarantee an advisory function or to consult with the traditional authority prior to a decision. This can be a joint committee of local government and traditional leaders that focus on specific policies such as environment, health, social practices, gender, fund-raising for education, health and other development projects. Local governments could establish new participatory bodies of citizens that focus on traditional leaders, or expand existing ones to include traditional leaders. The disadvantage of this model is that traditional structures have no formal role in decision-making and therefore their participation was limited. This can lead to frustration and conflict if local governments ignore their advice. But in reality, many local governments are unlikely to decide upon an issue against the will of traditional authorities because they know they will need their support. source

Traditional authorities could be involved informally in individual development programs. Traditional leaders could be involved informally in individual development programs policies and projects organized by local government, communities, and non-governmental organizations. In the participatory planning phase, traditional leaders could then become one of the many other stakeholders at the local level. They could also organize development projects. Following the Community Driven Development (CDD) approach, control over development was often given to local community groups, where traditional leaders would be one among many other actors, such as elected or non-elected officials, local governments, agency representatives, Community-Based Organizations and NGOs. One of the core elements is to strengthen local groups and facilitate information both from the national and local level, and among different groups within a community. The goal was not so much formal inclusion as the strengthening of links between community groups and

governments to create a favourable environment for policy and institutional reform, including decentralization. The main difference with this model from the others presented previously was that traditional leaders were not treated as superior to other interests and community groups, but as one of many possible actors. Traditional authorities can participate in any form of development as an independent actor, whether or not they were formally recognized or within the institutional framework.

In the wake of increasing modernization, traditional authorities were required to regulate more complex political, social and economic issues. In Europe, traditional authorities were involved in various economic activities, and regulated the economic and financial system. But over time, traditional leadership was not capable of dealing with the growing economic and social complexity of a society, and was replaced with more inclusive and democratic forms of decision making. Currently only a few monarchies remain in Europe that have real executive power at the national level. Traditional authorities can have a different role in providing these tasks. They can serve as the sole planning, decision-making, and implementing power at the local level, or be integrated into the existing local government, or serve a limited advisory function.

The increasing focus on traditional authorities was linked to an increasing interest in and support for decentralization. Modern institutions and elite often co-exist with traditional authorities at the local level. Traditional authorities in many cases survived the colonial period and continued to be an important part or even the main reference point for large parts of the population after independence. Recent efforts of decentralization have shifted the focus to existing social and political structures at the local level. Without taking traditional structures into account, social and political engineering which was likely to fail at the local level. Traditional authority was a legitimate source of authority, because legitimacy was what people believe. Where in western states legitimacy was closely linked to democracy, in many other countries especially at the local level in rural areas democracy was a rather foreign concept and the legitimacy of traditional leadership was greater than the legitimacy of modern state structures. Chiefs and traditional authorities was a social reality, and development efforts at the local level have to recognize these existing structures. One of the best ways to describe states in many developing countries was that of constitutional and legal pluralism. While most of these states have a modern constitution with elected representatives, they also have traditional structures that determine and influence people's everyday lives. Though most people would consider the two spheres separate, we can assume that the people dealing with

different authorities take into account different structures without viewing them independently of the other. The dualism was more the external view, and not so much the view of the local people.

6.4.2 Traditional Authorities in Conflict Mitigation

Traditional authorities contribute to conflict resolution in two important ways. At the local level traditional authorities were often regulating conflicts and settling disputes among individuals. Many countries have recognized customary law and forms of legal pluralism, though it was difficult in practice to have competing systems of law simultaneously. In societies undergoing political transition or were in a post-conflict situation, one of the key questions was what traditional leaders can or should contribute to conflict resolution and state building. Whether they contribute or hinder conflict resolution and state building was not easy to determine. There were possibilities for conflicts along several lines. Due to the different sources of legitimacy, the government and traditional leaders can view each other as a threat. It is not surprising to see that many states did not recognise the traditional authorities who often served as local governments during the colonial period after independence, and aimed to build independent state structures at all levels of government. This challenged the position of traditional leaders in many societies, and there still remain numerous conflicts about power and influence between Traditional Authorities and governments.

Photo 11: Members of the Southern Cameroons House of Representative



Source: www.nationalarchives.gov.uk/legal/takedown-policy.htm

One of the major concerns over Traditional Authorities was that, their recognition could lead to an ethnitisiation of politics, which was a problem in many societies undergoing

transition. In many developing countries, the nation or state borders do not follow communal or ethnic boundaries, so some groups will always find themselves in a minority position. The competition for power in such cases was not be equitable if power was executed along ethnic lines, because the majority or minority divide was very clear and the minority groups will always feel at a disadvantage. In addition, the power of traditional leaders often excludes members of a different community, members of other communities living in the same area will feel marginalized, which can then lead to conflict. Many western interventions have largely ignored the existence of social and political structures, and the Western-style paradigm of governance has focused exclusively on holding elections and forming national executives, parliaments and judiciaries. The building of institutions is important not only for conflict resolution but also for the long term functioning of a society. But Western-style democratic elections look arbitrary to many people living in traditional structures. Why should people and existing authorities suddenly accept a system that has been introduced with external pressure, when for a long time they have lived in the absence of an influential state apparatus and according to their own structures?

From this perspective, and considering the various failures of governance in conflict or post-conflict societies, it becomes clear that any state structures have to take into account existing social and political structures. “Communities have to be integrated in the process of institution-building, where they live as well as at the higher levels, in order to foster a sense of identification with the greater whole and a feeling of ownership of the alternative structure”. This was often the case because new state structures are often very fragile, lack experience or resources, and have a high risk of collapse. When traditional leaders are more legitimate than the government, it was an illusion to think that it was possible to build a functioning state without close cooperation of the traditional leaders. In these cases, the inclusion of traditional structures was not a risk, but rather a decisive factor for successful local governance and development.

Although, traditional societies often have rules and norms that do not necessarily correspond with modern sources of national and international law. The division of power with an independent judiciary, a core element of modern democracies, does not usually exist in traditional societies where the traditional leader was responsible both for dispute settlement and the making of rules. These rules are typically not codified but nevertheless determine community life. Currently the right to self-determination for traditional societies is hardly ever disputed, and there was a general acceptance that indigenous and traditional societies must be protected. Nevertheless, the co-existence of different sources of law can cause legal

conflicts. This was because when a government accepts indigenous sources of law, different and potentially conflicting laws can apply within the same area of jurisprudence. The areas of expertise that explore these questions were within the domain of legal anthropology or legal pluralism. Since this was not a legal or anthropological paper, we can only give a short overview of the problem and suggest possible solutions.

The key question was what laws have precedence in the case of legal conflicts. For instance, there are controversies surrounding the concept of human rights. The concept of human rights was developed from specific political contexts within the Western world, and are often criticised as a Western imperialist mechanism. But at the same time, the non-recognition of human rights is often used to justify oppressive regimes. In order to be accepted within a multicultural world, and to fulfil its own purposes, the implementation of human rights must evolve in a dynamic way. However there are traditional practices, rules and norms that clearly contradict core elements of the human rights declaration. In such cases, there will need to be a judgment on what matters more: the right to self-determination of traditional communities, or the respect for human rights. There was no universal criterion as to which law has precedence. Whether certain violations of human rights are problematic was a matter of philosophical and political debate. It was not legally possible to judge which elements of international law and human rights were “truly” universal, and which elements were less important and come second to the right to selfdetermination of traditional communities. For example, some traditional norms are medically harmful for women such female genital mutilation/cutting.

In some recently highlighted traditional societies in Africa, the higher importance of protecting women vis-à-vis the traditional values and norms will be clear to most people of Western background. But in other cases where the traditional system of conflict resolution does not correspond to international standards of penal law, it might be less clear as to what source of law to abide by. Contradictions do not only exist between international law and traditional law, of course. National law may also conflict with traditional practices. This raises a number of very practical issues and questions, such as: *Is traditional leadership recognized as a legitimate source of law for traditional communities by the modern state?* In Latin American and African countries, the constitution respects the practice of customary law. This was a necessary first condition. In what cases do traditional law apply and in what cases not? It would be common to accept the traditional rules of land tenure and distribution, but nevertheless insist on the respect of basic human rights. To whom does traditional law apply? If a traditional community is geographically isolated, it is easy to define which persons are

within the jurisdiction of traditional law. But due to migration, many traditional societies are no longer isolated. Does traditional law then apply to all people living in a certain area, or only to the ones belonging to the traditional community? And what law should the members of the traditional community who have migrated out live under? Can people choose which law they want to abide by, or are there clear rules as to which laws apply to a given situation? Many traditional societies are culturally alienated from their traditions and partly integrated in modern structures. In these cases it becomes a question of which persons the traditional law applies to, or whether every member of a society can choose which system to abide by.

These issues and problems are summarized by Van Cott, who argues that the success of legal pluralism, or the co-existence of different sources of law “is determined by the outcome of repeated strategic interactions among indigenous peoples organisations, the professional judiciary, and state institutions. These interactions were affected by (a) the capacity of the political system, the legal tradition, and society to tolerate normative diversity; (b) the geographic isolation and cultural alienation of indigenous communities; (c) the degree of internal divisions within indigenous communities, movements on legal pluralism, in general, and in specific cases that have arisen; and (d) the availability of effective legal mechanisms to indigenous communities seeking to protect legal rights”. Responsiveness, accountability and transparency Responsiveness, accountability and transparency are core elements of good governance. Responsiveness means that all forms of authority should act in the interests of the people considering their priorities and needs. Individuals will have different preferences regarding different policies. If the authorities make these decisions on behalf of the people, the decision should respect the will of those people.

6.4.3 Traditional Authorities and Public Institutions

An important dimension of culture was its links with the operations of public institutions, in Cameroon and Africa as a whole. This was so because culture conditions a society's expectation among and between various actors in the society. The hope was to generate a better understanding of how the performance of such public institutions could be enhanced by blending modernity with tradition. Institutions, as referred to in this study, imply the rules, processes, traditions, structures and organizational entities that humans impose on their interaction and which therefore define the incentives that determine the choices individuals make. Such choices go a long way to shaping the performance of societies and economies. In other words, institutions was the framework within which human interactions take place and can have a direct effect on economic growth and poverty reduction, depending

on the institutional framework and context. For example, if institutions are shaped by the values of solidarity and common good, then a development outcome which favours the poor may be realized. If, on the other hand, the institutions are created by rich and powerful people to protect their privileged positions, then the poor could well be discriminated against and eliminated from the benefits of economic and social development. source

There was an overall acknowledgement of a positive correlation between the quality and performance of institutions on one hand, and development outcomes on the other. Yet, many institutional reforms in Third World countries have not been successful in alleviating poverty. This may be attributed to inappropriate institutional reforms that do not take into account the complex realities in developing countries. Indeed, there was a poor understanding of the causal links between institutional environment and development outcomes. Studies analyzing the impact of institutions on development outcomes need to take into account the local setting and the influences of other existing social structures and institutions, as well as the perspectives of the various development actors. Such an understanding can provide the basis for any institutional reform in order to make it more responsive to the development needs of various categories of people, particularly the poor. There was therefore a strong justification for this study to explore the perspectives and relationships between two key development actors at the local level as a basis for recommending institutional reform of the decentralization process so as to bring about accelerated local development. Since post-colonial rule, many African countries have been battling with the proper functioning of their public institutions.⁵⁷⁶

6.5 Effect of External factors on Traditional Authorities

Colonialism brought about contrasting regimes in this area of study, one radical and the other conservative. The conservative regime upheld certain features of colonial administration by acknowledging indigenous societies as nothing more than a collection of tribes with varying customary law. For the radicals, it was believed that in order to ensure the equality of all persons before the law, all law must be modern. Therefore, just as they proclaimed a unified society, in the form of “a single party, a single trade union”, this regime declared a single source of substantive law. Conservative states like Cameroon were satisfied in continuing the colonial tradition of “decentralized despotism”. The preceding chapter reflected how the colonial administration used indirect rule to establish and sustain dualism in

⁵⁷⁶ Miller and N. Norman “The Political Survival of Traditional Leadership,” *The Journal of Modern African Studies*, 6, No. 2, August 1968 pp. 183-198

the structure of the society. This dualism led to the establishment of what has been described as “decentralized despotism”, that was a “two-tier society” where a few people were classified as citizens and others subjects.⁵⁷⁷ Upon attaining independence and subsequent democracy, the state has succeeded in maintaining the two-tier system.⁵⁷⁸ Although in the formal sense, all Cameroonians are now regarded as citizens, a majority of citizens are still relegated a “second class status and treated as subjects”. As such, it has been argued that post-colonial Cameroon not only maintained a social and economically divided society but also relegated members of indigenous community as the “other”.⁵⁷⁹

Colonialism undoubtedly left a lasting impact on the Cameroonian society. However, independence created room for the emergence of a new form of power in Cameroon.⁵⁸⁰ This doesn’t imply that significant development did not take place at independence but that the focus of such reform was not primarily on democratization but de-racialization. This is the foundation for a majority of the issues faced by the customary system. The primary aim of reform was to remove ethnic barriers in order to enable the formal equality of all citizens. This led to the legal reform of customary law being primarily structured around questions of access to justice, emphasizing the need to maintain the system of indirect rule. Formal equality in this way implied that the “social boundary between modern and customary justice” was to be amended, the former being accessible by all, not just non-natives and the latter limited to governing the lives of natives for whom modern law was beyond reach”. It could rightly be argued that independence in Cameroon did not dismantle the duality in how the state was structured, both as “a modern power regulating the lives of citizens and as a despotic power that governed the lives of peasant subjects”.⁵⁸¹

Further evidence of the way in which the current state structure has sought to undermine the role of customary law within the legal system is found in the way the state has consistently sought to undermine the institution of the chief. As a form of social organization within the customary normative order, traditional authorities in the form of chieftaincy or the position of the *fon* remain strongly embedded in most regions in Cameroon. In virtually all cultures, the chief/*fon* still retains an authoritative position with the primary duty of

⁵⁷⁷ E.K Bongmba, *The dialects of Transformation in Africa*, New York: Macmillan, 2006

⁵⁷⁸ In the Anglophone provinces, magistrate courts operate under a constitutional and legal code, while customary law is governed by the native authority courts. In areas where French style municipal councils were initiated, these councils were largely structured on the basis of ethnicity. Also, In the Wibus Area, three municipal councils and customary courts were created and divided up according to the main family groups of the Wibus people: The Warr, the Witang and the Wiya. Refer Bongmba, *supra* note 263 at 41.

⁵⁷⁹ Ibid

⁵⁸⁰ Ibid

⁵⁸¹ Ibid

safeguarding the interests of the community. Due to the intrinsic value of the institution of chiefs, the postcolonial state, like the colonial administration, has sought to maintain this institution by applying principles of indirect administration which involves the use of traditional authorities to implement state policies within indigenous societies. Parallel to the development of customary law, attempts were made to incorporate local traditional authorities within the political system. This was done in light of the historical legitimacy traditional authorities enjoyed within local communities, especially in respect of the performance of customary practices. While the colonial state strived to obtain legitimacy from traditional authorities, post-colonial Cameroon through statutory provisions eventually reversed this order.⁵⁸² Although as native chiefs, their power stemmed from the local forms of organization, the current situation is significantly different as their powers are now largely dependent on the modern state. On the face of it, they seem to represent tradition but at the same time they are being used by the state to further modern projects. This is reflected in Decree N°. 77/245 which defines the roles of chiefs as “auxiliaries of the administration”.⁵⁸³

Traditional authorities are required to act as “intermediaries” between the state and the indigenous community by assisting in the “execution of government directives” and implementation of policy. On the one hand, this provision is somewhat significant in the sense that it affirms the states commitment towards extending the government’s authority and reach into local communities. Although these traditional authorities may have had some form legitimacy within their communities, their roles and perceived functions were de-facto, but by virtue of this provision, traditional authorities became formally acknowledged and accountable to the state for their actions. On the other hand, by recognizing traditional heads as auxiliaries to the government making them accountable to state institutions, this provision has encountered enormous resistance from local chiefs.⁵⁸⁴ The resistance arises from the way in which the state through this legislation purports to control and exploit the institution of chiefs. This provision not only reflects a three-fold classification of chiefs based on economic importance and demographic factors, but also, the position of chiefs has been salaried, made subject to appointment, transfer and dismissal. It has also reverted the position of chiefs to one that is primarily elective not hereditary, thereby reducing their individual autonomy to a

⁵⁸² B.N.Jua, “Indirect Rule in Colonial and Post-Colonial Cameroon” 41 *Paideuma*, 1995, pp.39-47

⁵⁸³ *Décret N°77/245 du 15 juillet 1977 portant organisation des chefferies traditionnelles*

⁵⁸⁴ *Ibid* at 8

minimum in comparison to the state. It also goes on to establish various means by which chiefs can be sanctioned for failure to comply with directives of the government.⁵⁸⁵

The content of this legislation can be criticized as serving as means by which traditional

authorities can be controlled and manipulated by the state. Despite the decentralized nature of administration, the state regardless of tradition has reserved the right to appoint, dismiss and regulate virtually all aspect of the customary system. Ben Jua refers to the current relations between the state and chiefs as one taking “the semblance of parasitism, rather than symbiosis,

as was the case in the colonial state”. Traditionally the function of the chiefs/fon is to serve as link between the people and the state, with the primary aim being to ensure and protect the best interests of the native people. However, through the enactment of statute, the state has effectively created a political space within which the powers of these traditional rulers can be curtailed in order to maintain state control over the people and their resources. The need for control, a strong feature of the colonial government, has in turn led to the bureaucratization of traditional leadership.⁵⁸⁶

A consequence of this on the normative order is that fons who traditionally play their role as guardians of the community are likely to be sanctioned, especially in instances where such protection conflicts with the interests of the state. This relation between the state and chiefs has had a weakening effect on the customary normative system, as traditional authorities have always had a strong role and influence on the maintenance of order within the society. The marginalization and limitation of the powers of the fon and other traditional authorities within indigenous societies fails to indicate any sort hope for the customary normative order. Although the decree still permits these authorities to settle disputes emanating from custom, current “divestment of their powers” no longer allows them to readily perform this duty. “The politicization of the role of the chief by the state has led to a breakdown of the consensus on the structured principle on which traditional authority was predicated”. The identification of chiefs with the state has contributed to the current diminishing state of customary law within societies, leaving a void unable to be filled by the state.⁵⁸⁷

⁵⁸⁵ Ibid

⁵⁸⁶ Ibid

⁵⁸⁷ Ibid

6.6 Classification of Traditional Rulers

The traditional rulers in Cameroon and particularly those in the North West region faced a lot of challenges during the post-independence period.. In July 10th 1960, a law was enacted which recognized the existence of traditional rulers along lines determined by the government in the Western Grassfields of Cameroon, following the state of confusion that reigned between traditional authorities. Ahidjo modified the law on the 2nd of June 1972 and 9th of May 1975 earlier enacted in 1960. It was the 1977 Chieftaincy re-organization law that gave wider definitions and attributions to the powers of Fons and Chiefs.⁵⁸⁸ The law had one central message which was that; traditional rulers were auxiliaries of the administration and as such were called upon to execute instructions as handed down to them by the hierarchy.

Photo 12: The first Premier of Southern Cameroons, Dr. Endeley (first row, third from right) and some Traditional Rulers in Bamenda



Source: www.nationalarchives.gov.uk/legal/takedown-policy.htm

According to article 2 to 5 of this law, Chiefs and Chiefdoms were classified into; First class chiefdoms: These were chiefdoms whose area of jurisdiction and competence covered at least two second class chiefdoms. Second class chiefdoms were those whose geographical limit does not extend more than a division. Second class chiefdoms were those chiefdoms that could encompass two third class chiefdoms whose area of jurisdiction and competence were not supposed to go beyond the limits of sub division. Third class chiefdoms were smaller units which could be large villages, quarters in urban centres. The 1977 decree

⁵⁸⁸ Law of 2nd June 1972 and that of 9th May 1975 at the Bamenda Regional Archives.

made it abundantly clear that all chiefdoms were placed under the authority of a chief and as a result, chiefs or Fons could also be classified into the 1st, 2nd and 3rd class chiefs. First class chiefdoms were recognized by a circular of the Prime Minister, 2nd class by the Minister of Territorial Administration and Third class by the Divisional Officer.⁵⁸⁹

Photo 13: The 1955 UN Visiting Mission receives petitions from the people of Kumbo in the courtyard of the Fon of Nsaw's compound.



Source: www.nationalarchives.gov.uk/legal/takedown-policy.htm

The guidelines of the circular insinuated that first, second and third class chiefdoms and chiefs could still be appointed or carved out by an agent of the administration to perform special administrative needs. Regardless of the class, chiefs or Fons were assigned the duties of tax collection, limited justice and discipline within their areas of jurisdiction. In return, they were to be compensated with some salaries and monthly dashes as deemed fit by the administration. The administrative Officers were to closely watch over the comportment of chiefs in the execution of the functions assigned to them by the D.O. This meant that administrative officers were the ones who could determine the practical functioning of any chief and in that capacity, could even defy tradition to dismiss or dethrone them. The grades of sanctions to be meted on the failure of a chief to submit to the administrative Official as

⁵⁸⁹ Nkwi, *Traditional Government and Social Change* p.227.

defined by the law were equally spelt out in this Decree.⁵⁹⁰ Below are some First class and Second Fons of the North West Region.

Table 6: Fons and Fondoms of the North West Region

No	Fondom	Sub-division	Name of the Fon	Class
BOYO DIVISION				
1.	KOM	FUNDONG	VINCENT YUH II	1st CLASS
2.	BUM	FONFUKA	KWANG PETER YAI	2 nd CLASS
3.	MBESSA	BELO	NJONG GILBERT	2 nd CLASS
4.	BELO	BELO	PETER NDONG ABANG	2 nd CLASS
5.	ANYAJUA	BELO	NSOM JOHNSON CHONGSI	2 nd CLASS
6.	FUNDONG	FUNDONG	DIANG ZACHEUS	2 nd CLASS
7.	ABUH	FUNDONG	CLEMENT FONKWAH MBENG	2 nd CLASS
8.	NJINIKOM	NJINIKOM	NGEH FRANCIS	2 nd CLASS
BUI DIVISION				
1.	NSO	KUMBO	SEHM MBINGLO I	1st CLASS
2.	NDZENDZEV	KUMBO	JOSEHP YUYUN	2 nd CLASS
3.	NKAR	JAKIRI	WIRBA PATRICK	2 nd CLASS
4.	KILU-UN	JAKIRI	JOHN TAMGIN	2 nd CLASS
5.	NDZENREM NYAM	JAKIRI	LUKONG ATNTHONY MORMAH	2 nd CLASS
6.	NKOR KOCHI	NONI	WAI JOSEPH NFON	2 nd CLASS
7.	DJOTTIN	NONI	TAYEM NGAM JOSEPH	2 nd CLASS
8.	NSEH	NKUM	SENYUY OLIVER	2 nd CLASS
9.	MBIAME	MBVEM	SHINDZEV TATAH III JAFF SHADRACK	2 nd CLASS
10.	OKU	OKU	SINTIEH II NGUM MARTIN YUOSEMBOM	2 nd CLASS
DONGA - MANTUNG DIVISION				

⁵⁹⁰ Law of 2nd June 1972 and that of 9th May 1975 at the Bamenda Regional Archives.

1.	NKAMBE	NKAMBE	JABO NFOR IBRAHIM	2 nd CLASS
2.	TABENKEN	NKAMBE	NGAYI DIBOTI POLYCARP	2 nd CLASS
3.	BINKA	NKAMBE	BENCHEP NFOR ADAMU	2 nd CLASS
4.	BINSHUA	NKAMBE	KIMBI EDMONG	2 nd CLASS
5.	MBOT	NKAMBE	SHEY BANABAS MBUNWE	2 nd CLASS
6.	WATT	NKAMBE	NGORAKE NFOR	2 nd CLASS
7.	KUNGI	NKAMBE	YAYA MUSA GAMNJE BOUDI	2 nd CLASS
8.	MFE	NWA	Vacant	2 nd CLASS
9.	SIH	NWA	Vacant	2 nd CLASS
10.	SAAM	NWA	BOCHIE BOCHIE FRIDAY	2 nd CLASS
11.	YANG	NWA	ANDRE ANJIKA	2 nd CLASS
12.	MBEM	NWA	NGWIM SAMUEL NGEBUIN	2 nd CLASS
13.	NTONG	NWA	YUNGI YETOH JOSEPH	2 nd CLASS
14.	GOM	NWA	NKATOW GEORGE NJAPNCHAK	2 nd CLASS
15.	LUS	NWA	JATO PARTICE GUWO	2 nd CLASS
16.	KWAJA	NWA	GEORGE SHOLAK GEMBE	2 nd CLASS
17.	NTEM	NWA	FOWANKO TIMOTHY NFONANSI II	2 nd CLASS
18.	ABAFUM	AKO	WADEFE KENNEDY CHUEJUBUA	2 nd CLASS
19.	ABUENSHIE	AKO	AMAFE POWA CYPRIAN	2 nd CLASS
20.	AKWAJA	AKO	GEORGE WAZIRI NSEKA	2 nd CLASS
21.	BERABE	AKO	FOABO EMMANUEL MBAMU	2 nd CLASS
22.	BUKU	AKO	LENGE JOSHP EKU	2 nd CLASS
23.	NDAKA	AKO	UMARU TATU	2 nd CLASS

			GBWANYA	
24.	NKAMCHI	MISAJE	RICHARD CHEFON	2 nd CLASS
25.	AKWETO	MISAJE	JOHN KITITA KEI	2 nd CLASS
26.	DUMBU	MISAJE	JEBO AUGUSTINE JANG	2 nd CLASS
27.	NDU	NDU	NFORMI EMMANUEL NFOR	2 nd CLASS
28.	TALLA	NDU	NGALA DICKSON NGWANG	2 nd CLASS
29.	NGARUM	NDU	JOCHIM DOCTA NGANJI	2 nd CLASS
30.	NTUNDIP	NDU	FON NFOR PETER NFOR	2 nd CLASS
MENCHUM DIVISION				
1.	BAFMENG	FUNGOM	ANENG NYA FRANCIS	2 nd CLASS
2.	ESU	FUNGOM	KUM ACHUO II KAWZU GILBERT CHI	2 nd CLASS
3.	WEH	FUNGOM	BAMA II NAZARIUS KPUE	2 nd CLASS
4.	ABAR	FUNGOM	BUM KANG AARON KULO JOHN II	2 nd CLASS
5.	BADJI	FURU – AWA	GALADIMA ANDREW NYANGJU	2 nd CLASS
6.	FURU – AWAH	FURU – AWA	TEMBE JONATHAN	2 nd CLASS
7.	FURU – BANA	FURU – AWA	EYAH FIDELIS AKAU	2 nd CLASS
8.	BENAKUMA	MENCHUM VALLEY	AZEH WACHONG	2 nd CLASS
9.	MODELE	MENCHUM VALLEY	AYO WILSON OFON III	2 nd CLASS
10.	BENADE	MENCHUM VALLEY	IHIMBRU ABRAHAM KUDI	2 nd CLASS
11.	MUKURU	MENCHUM VALLEY	FONTOH JOSEPH BANG	2 nd CLASS
12.	BATOMO	MENCHUM VALLEY	ANYI ESE JOHANNES	2 nd CLASS
13.	BAWORO	MENCHUM VALLEY	HIMBRU EPHRAIM	2 nd CLASS
MEZAM DIVISION				
1.	MANKON	BAMENDA II	ANGWAFOR III S.A.N.	1 ST CLASS

2.	BAFUT	BAFUT	ABUMBI II	1 ST CLASS
3.	BALI NYONGA	BALI	Dr. DOH GANYONGA III	1 ST CLASS
4.	CHOMBA	BAMENDA II	FORBUZE Martin	2 nd CLASS
5.	MUNDUM I	BAFUT	NDENECHO F.T. II	2 nd CLASS
6.	NSEM	BAFUT	MBINFOR ISALAH NEBA	2 nd CLASS
7.	MANKANIKONG	BAFUT	ATANGA MUWA	2 nd CLASS
8.	MANKWI	BAFUT	TALA SIMON NEBA	2 nd CLASS
9.	MAMBU	BAFUT	MTAH WANKI WILLIAM	2 nd CLASS
10.	BANJI	BAFUT	VACANT/DEAD	2 nd CLASS
11.	BAWUM	BAFUT	NGU NAZARIUS NOTH TO-O II	2 nd CLASS
12.	OBANG	BAFUT	NANOH PHILEMON II	2 nd CLASS
13.	MBANKONG	BAFUT	NGWAMELLA'A II ELVIS NEBA	2 nd CLASS
14.	BAMBILI	TUBAH	AFUNGOCHI AWEMO II	2 nd CLASS
15.	KEDJOM KETINGUH	TUBAH	VIYOUF NELSON SHETEH	2 nd CLASS
16.	BAMBUI	TUBAH	ANGAFOR MOMBO-OH III	2 nd CLASS
17.	KEDJOM KEKU	TUBAH	VUBANGSI BENJAMIN VUTSIBONG	2 nd CLASS
18.	LAMIDAT SABGA	TUBAH	MALLAM MAMOUDA SAGBA ABDOULAYE	2 nd CLASS
19.	BAMENDAKWE	BAMENDA I	FORSUH FONGWA II	2 nd CLASS
20.	NSONGWA	BAMENDA II	F.E.N. FONWADE III	2 nd CLASS
21.	NKWEN	BAMENDA III	NGUFOR III S.Z.	2 nd CLASS
22.	BAWOCK	BALI	QUOIMON NANA WANDA THEODORE	2 nd CLASS
23.	PINYIN	SANTA	TANNI GODFRED	2 nd CLASS
24.	AWING	SANTA	FOZO PUWAGH II	2 nd CLASS
25.	AKUM	SANTA	NDIKUM NGWASHI GEORGE II	2 nd CLASS

26.	BALIGHAM	SANTA	M.S.T. GALABE II	2 nd CLASS
MOMO DIVISION				
1.	NGIENMUWAH	BATIBO	TECHE NJEI II	2 nd CLASS
2.	ZANG – TABI	MBENGWI	JACOB AGBOR TABI	2 nd CLASS
3.	MBENGWI	MBENGWI	NJOKEM THADDEUS I TAWAM	2 nd CLASS
4.	NYEN	MBENGWI	FOMINYEN NGYA R. II	2 nd CLASS
5.	GUNEKU	MBENGWI	FOMUKI PARICK NJI	2 nd CLASS
6.	KAI	MBENGWI	Dr. T. MAC AKAM	2 nd CLASS
7.	BATIBO	BATIBO	TEBO AFUMBA	2 nd CLASS
8.	ASHONG	BATIBO	MBAH CHRISTOPHER MBAFOR III	2 nd CLASS
9.	BESSI – AWUM	BATIBO	MBAH RICHARDSON FORKUM II	2 nd CLASS
10.	GUZANG	BATIBO	GWAN MBANYAMSIG III CHARLES MBAH	2 nd CLASS
11.	TIBEN	BATIBO	MOUDI BERNARD	2 nd CLASS
12.	ENYOH	BATIBO	FOMBA RICHARD AYONG	2 nd CLASS
13.	NGWO	NJIKWA	Dr. Col. ANAGHO AKO HANS	2 nd CLASS
14.	OSHIE	NJIKWA	ANYANGWE ERICSYNOL YANDE	2 nd CLASS
15.	TEZE	NGIE	ATUGHAP JUSTINE E.	2 nd CLASS
16.	ABEGUM	WIDIKUM	NKON VINCENT EDUM	2 nd CLASS
17.	ANGWI	WIDIKUM	FONGUM GORJI DINKA	2 nd CLASS
18.	EBENDI	WIDIKUM	VACANT/DEATH	2 nd CLASS
19.	BARAMBICHANG	WIDIKUM	AWUNO PATRICK	2 nd CLASS
20.	AKANUMNKU ADORATE	BI HAMAN	BI HAMAN	2 nd CLASS
21.	EKAU	WIDIKUM	AGOH MOSES ABOH	2 nd CLASS
NGOKENTUNJIA DIVISION				

1.	BAMUNKA	NDOP CENTRAL	MEBOH FEUNGHI IV	2 nd CLASS
2.	BAMBALANG	NDOP CENTRAL	SHOMITANG II KEVIN	2 nd CLASS
3.	BAMESSING	NDOP CENTRAL	RICHARD MUTONG II	2 nd CLASS
4.	BAMILI	NDOP CENTRAL	EDRISUH NOPU	2 nd CLASS
5.	BABESSI	BABESSI	YIMUO OLIVER NSONDONEMBIO II	2 nd CLASS
6.	BABA I	BABESSI	FUEKEMSHI MELO	2 nd CLASS
7.	BANGOLAN	BABESSI	CHAFa ISAAC	2 nd CLASS
8.	BABUNGO	BALIKUMBAT	ZOFOA ABOUBAKAR	2 nd CLASS
9.	BALIKUMBAT	BALIKUMBAT		2 nd CLASS
10.	BAFANJI	BALIKUMBAT	GWEFUNI FRANSUA NONOH	2 nd CLASS
11.	BAMUMKUMBIT	BALIKUMBAT	GODLOVE AYENG III	2 nd CLASS
31.	NTUNDIP	NDU	FON NFOR PETER NFOR	2 nd CLASS

Source: Ministry of Territorial Administration (MINAT)

Conclusion

Traditional authority in Africa was as active in the pre-colonial era as any form of government anywhere in the world. Later, chieftaincy aided in guaranteeing the extension of colonial administrative control to every nook and crannies of the continent. However, the currents of modernity and political change eventually limited its role in politics. Its place in the post-colonial era became largely cultural and social a means to highlight the distinct indigenous material and intellectual traditions of a nation. The historiographical tradition moved from seeing chieftaincy as an active participant in colonial governance to one with limited space in postcolonial states. The prohibition of chiefs from active politics will be the key feature to understanding the institution in the next few years. As chiefs become increasingly apolitical, scholarship will move towards understanding the moral leadership and spiritual sway of their authority in the modern states.

GENERAL CONCLUSION

The aim of this research is to portray how human behaviour from the earliest migration and settlement was influenced by its geography. The historical setting and the physical environment equally provided a formidable background upon which traditional authorities rested. Our conclusion presents and upholds the socio-political organization and economic pre-occupations of the people that the traditional authorities were all involve in public administration and the development of Southern Cameroon.

In order to introduce some form of integration or co-operation, different steps need to be considered. First, governments need to accept traditional communities and traditional authorities as the legitimate authority for some parts of the population. This has been a very important factor in many countries in the struggle for indigenous rights. In Latin America for example, the recognition of indigenous cultural and political rights has been a major step for the protection of indigenous peoples, and it has been the first step for further possible inclusion of traditional structures in local governance. A legal framework that regulates the separation and interaction of the traditional and modern sphere is needed. Some countries in Latin America or Africa have systems of legal pluralism that work comparatively well. But from a legal perspective there are many difficulties. Customary law is often not codified, and systems of customary law differ greatly within a country because different traditional societies have different legal systems. Customary law may also not be compatible with basic principles of modern law. Though it is accepted that legal pluralism is possible, it has been difficult to codify traditional law and find legal arrangements that allow for a compatible co-existence of traditional and modern law. Clarification is necessary on when and to whom traditional law applies and what the possibilities of appeal are. To achieve a functioning system of legal pluralism is not possible without legal pragmatism. In many countries there is a “muddling through” approach on the integration of customary law, rather than a clear and practical structure. Currently, courts have to decide case by case what law applies in a given situation. At some point there has to be some kind of institutional arrangement between modern states and traditional authorities. Different arrangements will be discussed later in this section.

I would like to draw attention to the phenomenon of dualism in Africa and the role chiefs played in eliminating or attenuating it. Almost every African state has two worlds: one world is the largely urban, where modernization is evident in terms of the impact of the Constitution, modern western-oriented laws, a developed physical infrastructure, existence of

health and other social facilities, a vibrant cash economy, economic institutions, and the prevalence of English, French or other Metropolitan legacies. In this world, which commands much less than the majority of the entire national population, the impact of traditional African systems on the lives and conduct of the people is minimal. There is visible evidence of institutions of central administration, the Ministries, departments, the Courts and so on, and the chiefs are sometimes relegated to decorative or cultural sideshows with little social clout. The other world, which is predominantly in the rural areas, and is populated by the majority of the citizenry, is hardly touched by the sophisticated constitutional and legal structures or the official court systems. The people in this world largely have a traditional worldview and look to their chiefs and elders for development, settlement of disputes, and allocation of land, financial support to the needy and other elements of social insurance. They hardly speak English or any European language. They have limited access to health facilities or other social amenities. They are mainly farmers or peasants and the quality of life is significantly lower than that of the other world. No chief who commutes from the first world to the second world can fail to appreciate the reality of this dualism and the challenges it poses for an integrated national development which is equitable and sustainable. Most of the development endeavours of chiefs are dedicated to addressing the needs of the second world and bridging the gap between the two worlds. This is a task which is beyond the resources or even the vision of most governments. It is my respectful submission that we the traditional rulers have to provide the crucial leadership in this area.

Addressing the problems of the second world establishes the proper infrastructure for the growth of democracy and good governance. Chiefs have converted the weapons of war into instruments of development and peaceful resolution of disputes. Far from acting as a rival to state political power, they sustain the state, and particularly in cases of collapse of the state apparatus.. This was anathema in the days gone by. It will be an obvious fact that the two institutions complement each other. The main contention is that traditional authorities are natural and obvious partners in the development process and governance in Africa. Indeed partners in progress. No concept of governance or development in Africa will be completed without acknowledging the role of traditional authorities. Therefore governments and all international organizations should place the role of traditional authorities firmly on their agenda for development and governance.

The most important issue in the relation between governments and traditional authorities relates to power. Shifting functions and/or resources and recognizing new leadership always means that power and influence has to be transferred. Central governments

might see traditional authorities as an undermining force to their own power, and do not have sufficient incentives to further include traditional power. Institutional reform only happens under certain conditions. One possibility is that a leader or a majority government is committed to the idea itself, and therefore changes or introduces new political institutions. Another important and common possibility is that a government supports an institutional reform for strategic reasons. International actors could be favorable towards stronger recognition of traditional authorities and therefore support corresponding institutional reforms. It is likely that in some countries decentralization has taken place under considerable pressure from the international community. Domestically, governing leaders or governments are willing to hand over power if they believe that this would help mobilise some segment of the population for their own interest. Since traditional leaders can have strong links to the local population, handing over more power can help introduce various policies, which would then indirectly mobilize the local population in favour of a government.⁵⁹¹

The inclusion of traditional structures in local governance in one form or the other offers a number of opportunities: Non-western approach for governance: recognizing forms of authority other than from western-style democratic structures offers an opportunity to better adapt political structures to the socio-economic needs of local communities. Development can build on existing structures and different countries can find their own model of development and social and political engineering at the local level. Better inclusion of the local population: If traditional authorities represent the people more adequately than any other form of authority and organization, the recognition of traditional authority will lead to more inclusiveness. Acceptance of policy implementation: In many areas it is impossible or very difficult to implement policies without the support of traditional authorities, because people follow the decisions of their traditional leaders rather than the government. Even without formal institutional arrangements, local governments typically have to rely on the informal support of traditional leaders. Potential for better responsiveness to local needs: As the authority for economic and social matters, traditional authorities are likely to be better informed about the needs of the local population. - Traditional authorities as advocates for peace building (e.g. in Sudan or Angola): The inclusion and recognition of traditional authorities by states can in return guarantee their support for the state. The risk is that strengthening traditional authority might lead to stronger ethnic divisions and increased conflicts.⁵⁹²

⁵⁹¹ S.J. Henn, *Complements or Substitutes? How Institutional Arrangements Bind Traditional Authorities and the State in Africa*, October 2021

⁵⁹² Interview with Barister Ayori Cyril, Mformi (title holder), Kumbo, 28/01/2023

The inclusion of traditional authorities also raises a number of issues, some of which have been mentioned above: How does one distinguish between chiefs that are authentic traditional leaders rather than creations of colonial regimes? In the absence of historic records it will be difficult to determine what tradition is rooted in pre-colonial times and what has been imposed afterwards. Traditional leaders need to be legitimate in the eyes of a large majority of the local population. However it is also not easy to determine popular opinion at the local level. Directly asking the chiefs of their legitimacy will likely produce a biased answer. If chiefs are to be institutionalized and integrated into formal structures, there needs to be a clear definition of traditional leadership. Dealing with migration: The subjects of traditional authority are clear when a traditional community lives within a defined territory that does not overlap with other communities. But due to migration, it is not a clear-cut issue in many areas of the world. It calls for rules clearly defining where and to whom the power of traditional authorities applies to or not.⁵⁹³

Dealing with the co-existence of tradition and modernity: A similar problem is linked to the parallel existence of tradition and modernity. Every country with a traditional structure has a segment that lives according to modern values and norms. These different systems can interfere and will more likely do so with increased urbanization. This will lead to having to judge between what systems is superior when there is a conflict between core elements of human rights and the rights of cultural self-determination. Accountability mechanisms: If substantial new functions are formally transferred from the state to the traditional authorities, adequate accountability mechanisms must be guaranteed. This can be achieved by oversight through higher levels of government over the activities of traditional authorities, and establishing participatory approaches actively involving the respective communities.

If a society moves away from subsistence farming and towards modern ways of economic production, there is a need for further service-provision, regulations, and administration by the local government. If these functions become part of traditional authority, traditional authority itself becomes transformed because it acquires roles it did not have before. When there is large-scale integration of the society into an increasingly globalized world, the complexity and size of the functions will increase. The more a society is integrated in an industrialized production chain, the less the traditional authority will appear as an appropriate means of decision-making. The role of traditional authorities will depend on different functions. Regulating functions have always been a major task of traditional

⁵⁹³ Baldwin, Kate, *The Paradox of Traditional Chiefs in Democratic Africa*. Cambridge University Press, 2016

authorities, while some distributive and redistributive functions will fall in the domain of modern functions. The question of responsiveness and accountability towards the local population will be more important depending on the amount of resources involved. Overall, the more a society is based on traditional and subsistence production, the more this society can be expected to conform to traditional rule. The more complex and industrialized a society is, the less legitimacy and recognition traditional authority will obtain.⁵⁹⁴

Before the scramble for Africa a century ago, Traditional Rulers were held in high regard. But colonialism, modernism, and politics threaten to end their influence. In Cameroon, traditional rulers are demanding recognition. But observers say their open support for incumbent President Paul Biya in upcoming elections may foil the effort. Long before the coming of the Europeans, African chiefs, fons [chiefs], sultans and lamidos [emirs] were considered to be the indisputable custodians of tradition and culture. Like the biblical King Solomon, they were seen as embodiments of wisdom and character, discharging their functions and delivering judgment with neither fear nor favor. Those days are gone. Historians say European colonizers bribed traditional rulers with whiskey, mirrors, clothing and gramophones to gain access to land and coax them into becoming slave dealers. Since independence, traditional rulers have helplessly watched their power progressively shrink.

In Cameroon, many are ridiculed. They are openly challenged by their subjects or arrested and jailed for murder, theft, embezzlement and illicit land sales. Others gain negative publicity with drunken fights in bars over alcohol and women. In some cases, irate subjects protesting corruption have set their palaces ablaze. Observers say Cameroon's traditional rule is currently teetering on the brink of collapse, as expressed in this sampling of public commentary: Chiefs have actually derailed ... *Our fons [chiefs] are no more respected .The chiefs are more interested in their stomachs than actually bringing the people together ... They have lost their personality and their legitimacy ... Some go around drinking in beer parlors ... They are dragging themselves into politics now because they've long been abandoned.?*

After independence, traditional rulers set up the West Cameroon House of Chiefs in a bid to stem their eroding authority. The government subsequently disbanded it, saying traditional rulers are impediments to nation building and expensive to run. In other reforms, traditional chiefs were elected or appointed by authorities. Previously, they were based on inheritance. Three decades ago, the government granted a number of chiefs some recognition for helping to safeguard culture and tradition, partnering in development, troubleshooting in

⁵⁹⁴ Ibid

tribal conflicts and enforcing customary laws. But more and more local government structures were created, and traditional rulers complained the recognition was only notional as they were sidelined from decision-making. Many protested in vain their eroding powers and lack of government stipends. Things changed in the early 90s with the return of multiparty politics. Traditional rulers seized the occasion, assuming the role of political power brokers and forcing their subjects to vote like them or face banishment from the community. Across the country, tension mounted as respect for the chiefs plummeted.

In recent years, Traditional Rulers have set up regional and ethnic associations (NWEFU and SWELA) to defend their collective interests, lobby for development and recover lost respect. But most of these structures have crumbled from lack of support, embezzlement of funds and their continuous support for politicians. So when thousands of monarchs from across the country launched the Cameroon National Council of Traditional Rulers last March, observers thought they were turning a new page to shed partisan politics and push for effective participation in governance. But the conclave ended with calls for long-time President Paul Biya to run for election in 2011. Many in Cameroon expressed disappointment. One such person is Agbor Emmanuel Ashu Omar, a barrister and leader of the opposition Reform Party: Normally, a traditional chief is supposed to welcome all the sons and daughters of the village no matter their political inclination. Chiefs are not spokespersons for their villages or subjects. The political forum that has been created represents nobody but itself. However, The House of Chiefs of West Cameroons has been inscribed in the Constitution and their roles are well spelt out in terms of politics and socio-cultural development. The Local government is provided for by Laws 17 (on decentralisation), 18 (councils) and 19 (regions) of 2004; and it is also enshrined in the constitution, together with a higher tier of regional councils which had yet to be implemented by the Ministry of Territorial Administration and Decentralisation. In conformity to the aforementioned fact, the recent *Bill to institute the General Code of Regional and Local Authorities*, Part V, Chapter One in accordance with the provisions of Article 62 of the Constitution clearly defined the special status for the Anglophone Cameroon and the role of Chiefs in politics and development

In view of the data collected and the conclusion drawn;

- Adequate institutional measures should be put in place to enforce the constitutional provision that debars chiefs from taking active parts in partisan politics. This may include but not limited to establishment of a special court those trials chiefs that engage in partisan politics.

- The National House of Chiefs should liaise with the Regional Houses of Chiefs to monitor the activities of chiefs in the regions so as to be kept informed of what chiefs are doing. The National House of Chiefs should also come out with a code of conduct which chiefs will have to abide by as far as partisan politics is concerned.
- Seminars, public fora and conferences should be organized periodically for chiefs regarding the content and interpretation of the constitution. Members of the chiefs' council should be allowed to participate in such programs for a better appreciation of the course of democracy and good governance.
- Finally, public education on the constitutional provision that debars chiefs from taking an active part in partisan politics should be done more effectively especially among rural, semi-illiterate and illiterates dwellers.

Some school of thought says it's an apolitical organization that advocates equal development, consolidates peace and stability, promotes human rights and ensures the wellbeing of traditional rulers. Fon Isaac Chafah, pioneer Secretary General of the Council's 50-man Executive Bureau, says the council is not a political forum: Traditional rulers are not against state institutions. Any head of state in this country must enjoy the support of traditional rulers. According Fon Chafah, when conceived this idea was conceived, we got frightened at one point, because there has never been an instance in the history of Cameroon when all traditional rulers are found under the same roof. Finally, traditional rulers have recognized that they have a common problem and need to organize themselves. It's too early to start assessing things. Yet across the country, debate is raging on the role traditional rulers should play in a democracy. While some are calling for the abolition of traditional institutions, others say they should be incorporated into modern African governance systems.

Chieftaincy studies should be introduced in the syllabus in the National School of Magistracy (ENAM) to facilitate a good and a harmonious relation between the governments trained administrators and the traditional rulers. In recent times, in the wake of the strong movements in favour of democracy, there has been renewed optimism about the prospects of decentralization. Traditional rulers are viable partners in decentralization and should be empowered for governance.

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Decree No 73/130 of 23 March 1973, bearing on the attribution of allowances for Traditional Rulers of First and Second Class

Joint Circular No. 82/MINAT/DOT/MINFI/B of 5 December 1980 relating to the amount of efficiency allowances to be attributed to Traditional Rulers.

Law No 2019/024 of 24 December 2019, Bill to Institute the General Code of Regional and Local Authorities, Presidency of the Republic of Cameroon

ORAL SOURCES

Guiding questions

1. Who is a traditional authority?
2. What were his functions in pre-colonial period?
3. What was the role of the traditional authorities to his society
4. What was the role of the traditional authorities to the Europeans
5. What were the role of the traditional authorities in the Southern Cameroons House of Chiefs
6. Traditional authorities and governance in the Southern Cameroons House of Chiefs
Why did government dissolved the Southern Cameroons House of Chiefs
7. Why do governments display a renewed interest in traditional authorities?
8. What are the effects of policies and laws regarding traditional authorities on their tasks,
power, independence, and local legitimacy?
9. To what extent do these policies and laws change power configurations and control over resources?
10. Identify the roles of traditional authorities in settling inter and intra community disputes.
11. What is your opinion about traditional authority and partisan politics?

LIST OF INFORMANTS

Name	Age	Profession	Place of interview	Date of interview
Akam Mac T.	63	Doctor/Fon	Nkai	26/11/2020.
Ambe Ngwa G. Atonah,	57	Chairman of BDM,	Yaounde	15/11/2020.
Anapa Peter	78	Divisional Delegate of Commerce	Mbengwi	11/10/2023
Anyangwe Tambe	48	Secondary school teacher	Bamenda	15/11/2012
Ayori Cyril (Barrister)	50	<i>Mformi</i>	Mbam	28/02/2023
Ayuk Ojage Raphael	62	Academic Doctor	Limbe	21/03/2022
Azubu Nganfor John	55	Title holder (<i>Shey</i>)	Bambui	20/02/2022
Bah Samuel,	79	Carpenter,	Mankon	01/02/2022
Barno Issa	43	Cattle Rearer	Tonechup	03/10/ 2022.
Bashi Pascal	60	farmer	Fombam	11/10/2022
Bih Elizabeth	86	Farmer	Bafut	18/10/2021.
Bonajum Ebenezer	55	Politician (<i>Shey</i>)	Nseh	18/06/2022
Chemuta Divine Banda,	64	Chairman of NCHRF	Yaounde	02/02/2022.
Chin Patricia Sevidzem	53	Politician	Mbiame	10/09/2022
Chinje Joseph	45	Secondary Teacher	Nkwen	15/03/2022
Denis. V. Fomin	68	Professor/UB	Buea	21/05/2022
Dr Tata Gladys	63	Princess of Nkambe palace	Yaounde	27/03/2022
Dze Gwa Willibroad	56	Professor (History)	Wum	12/05/2022
Enonguene Emmanuel	37	Teacher	Buea	27/03/2022
Fai Hilarion	55	University lecturer	Yaounde	28/03/2022
Fonjo Cyprien,	69	Carpenter	Kumbo,	12/12/2012
Forch Musi John	75	Regent of Ku palace	Wumfi	11/08/2022.
Fru Roland	44	Business	Nkwen	01/04/2022
Godlove Ayeng III Ba	75	Fon	Yaoundé	05/10/2022
Joseph Mbah-Ndam,	55	Barrister/Honourable	Yaounde	16/04/2012
Jumbam Charles	53	Historian (lecturer UB)	Buea	08/10/2022
Julius Ngoh	63	Historian (Professor)	Buea	16/02/2024
Justin Ngoran	49	Politician	Yaounde	08/10/2022
Koh Daniel	53	Elder	Ngie	01/04/2022
Lanyuy Martin	64	Title holder (retired Police Commissioner)	Yaounde	16/03/2022
Lewoh Emmanuel	69	Politician	Buea Council	0703/2016.
Litumbe Ndoko Theresia	59	Administrator	MINESUP	07/08/2022.
Isaac Chafah	55	Fon	Bangolan	10/05/2023

Lydia Fonyuy	55	Regional House	NWR	11/10/2023
Mbongo N. Peter	55	Divisional officer of Bamenda II	Small Mankon	16/04/2022
Mesinge Ijang Matta	95	Mafor	Njinibi	1/06/2025
Mih Julius	58	Teacher	Kom	13/04/2022
Moye Godwill	56	professor	Bamenda	02/03/2022
Ndi Yvonne	37	Teacher	Batibo	13/04/2022
Ndong Emmanuel	45	Elder (Kom)	Yaounde	
Ngam Francis	30	Prince of the royal family	Djottin	07/04/2022
Nguka Valentine	55	Lakam (Palace Elder)	Yaounde	1/07/2023
Nji Joseph Adu		Prince <i>elder</i>	Yaounde	18/04/2022
Njong Donatus	57	Former Mayor	Kumbo	29/08/2022.
Nsohtahka Derick	55	Agric Technician	Buea	15/04/2022
Ntamdari Austin	58	Village head	Kumbo	27/02/2022
Nying Divine	76	Civil Engineering <i>Shey</i>	Oku	25/06/2022
Nyuykika Hipoletus	75	Senior Staff Elecam	Bui Division	21/03/2023.
Pa Geh Jonathan		Civil Servant	Mengka	19/05/2022
Shey Sylverius	75	Tradition pratitioner	Kumbo	19/10/2022
Shey woo scandy	50	Royal family member	Bamenda	10/07/2022
Shey Yuyun Romanus	54	Politician	Yaounde	13/10/2022
Shey Austin	54	Politician	Yaounde	13/10/2022
Shufai Ndzedzev	70	Shufai	Kumbo	21/05/2022
Verkijika G. Fanzo	67	Professor (History)	Yaounde	10/06/2022
Wancho Menti	70	Village Chief	Menchum	15/03/2022
Wirndzem Adran	57	Politician	Kuvlu	20/07/2022

APPENDIX

APPENDIX I

PRELIMINARY TREATY with Chiefs of Batoki, August 28, 1884. HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &Co., and the Chiefs of Batoki, being desirous of maintaining and strengthening the relations of peace and friendship which have so long existed between them; Her Britannic Majesty has named and appointed F.H. Hewett, Esq., her Consul for the Bights of Benin and Biafra, to conclude a Treaty for this purpose. Lieutenant Arthur Furlonger, commanding Her Britannic Majesty's ship "Forward," having due authority from the said E.H. Hewett, Esq., for and on behalf of Her Majesty the Queen of the United Kingdom of Great Britain, &c., and the said Chiefs of Batoki, have agreed and concluded the following Articles:

ARTICLE I: Her Majesty the Queen of Great Britain and Ireland, &c., in compliance with the request of the Chiefs, and the people of Batoki hereby undertakes to extend to them, and to the territory under their authority and jurisdiction, her gracious favour and protection.

ARTICLE II: The Batoki Chiefs of Batoki agree and promise to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty's Government.

ARTICLE III: This Preliminary Treaty shall come into operation from the date of its signature.

APPENDIX: II

MINUTES OF A SPECIAL MEETING OF THE WEST CAMEROON CHIEFS CONFERENCE HELD AT BAFUT ON THE 15TH AND 16TH DECEMBER 1961

Opening: The meeting was declared open at 11 a.m. by the President general His Highness the Hon.Fon of Bafut and prayers were said by the Hon.Chief Endeley.

2. Presidential Address:

- a) A written address signed by the president general was read by the Secretary and translated into PidginEnglish
- b) A written vote of thanks by His Highness the Hon. Fon of Bali was read by him and translated into pidgin English (see annex II)
- b)** Many chiefs spoke in support of the presidential speech and the vote of thanks. In the course of their speeches, some wished that the meeting should last one day while some wished that it should last two days. However no vote was taken. Those who spoke included Hon.Chief S.B.Oben; the Hon.Fon of Mbot; Hon.Chief F.B.Manga Williams and the Hon.Fon of Mankon.

3. Central Account: Statement of account by the secretary treasurer was submitted in writing.(see annex III).

4. Percentage of Mamfe and Kumba Registration Fees: It was emphasised that Mamfe and Kumba Divisions should do all they could to pay percentages of their registration fees as soon as possible to the Central Secretary Treasurer.

5.Nkambe Division: An amount of £6.6.d (six pounds and six shillings) was paid by Nkambe Division as percentage of registration fees for 24 chiefs who have paid 21/-each. This amount of £6.6/-is $\frac{1}{4}$ of their total fees of £25.4/-and the Fon of Mbot is to submit the names of these members later.

6. Donations: Nil.

7. Letter from the Hon.A.N.Jua.

a) After a break which lasted from 1.30 p.m. to 3 p.m the meeting took note of a letter from the Hon.A.N.Jua received that very afternoon stating that he Jua would address the conference at 8.30 a.m on the 16/12/61 on behalf of the Prime Minister.

b) After agreeing on how to conduct the meeting of the 16/12/61 before and after the address by the Hon A.N. Jua, the meeting adjourned till 7 a.m.on the 16/12/61.

8. Attendance: see annex IV.

9. Address by Hon.A.N.Jua on 16/12/61:

a) The Hon.A.N.Jua speaking on behalf of the Prime Minister the Hon.A.N. Foncha said that the Chiefs should keep the Government constantly informed of all that they the chiefs are saying and doing about the country.

b) He appealed for peace and said that the chiefs were more responsible for peace than anybody else.

c) House of Chiefs: The House of Chiefs is in the federal constitution of the Republic of Cameroon. Members of the House of the House of Chiefs are entitle to salaries at the same rate with members of the House of Assembly as from the 1st October 1961.Both Houses have the same tenure.Membership of the House of Chiefs is still the same.The question of increase is left to the House of Chiefs itself to raise by motion in the said House.The House of Assembly has no right to make regulations for the House of Chiefs.

d) Traditional rulers:The Minister said that the position of the traditional rulers in relation with the day to day life is unique. It is improper to mix up tradition with politics. Anything which may tend to make tradition disrespectful should be deplored.

e) Response: The Bambalang chief thanked the Minister.Chief of Kulabei supported and wished to know the power of the chiefs to arrest false propagandists.Chief Kumbongsi commented and wondered how the rumour came that the House of Chiefs was cancelled when the Foumban conference had decided in favour of the House of Chiefs with the endorse of the president of the Republic.

f) Question by Chief F.B.Williams: Does anything in the law forbid a chief to contest an election?

g) Answer by Minister: Nothing apart from tradition.

10. Resolutions:

i) That the conference shall optimistically continue to up-hold the existing state and Federal Cameroon Republic constitutions in respect of the west Cameroon House of Chiefs unless and until there are substantial proofs to think otherwise.

ii) That the conference shall be strongly opposed to the participation by any chief in party politics.

iii)That the conference is strongly against any chief who contests or may contest any parliamentary general elections with his subject or subjects,a non-chief or non-chiefs for reasons which are too obvious and numerous to enumerate here and that the conference

should do everything within its power to maintain this resolution traditionally and legally as much as possible.

iv) That the chiefs should continue to maintain their neutral fatherly positions above party politics in connection with the forth coming general elections to the west Cameroon House of Assembly provided that they as traditional authorities and natural judges shall reserve the right and power to ensure peace and order, to encourage fair play and to respect the free and popular wishes of the masses in keeping with section 3(c) of the west Cameroon conference constitution.

v) That a well intentioned urgent delegation should convey the synoptical views of the conference to the west Cameroon Prime Minister before twelve midnight on Sunday the 17th December 1961.

11. Place of Next Meeting: It was agreed that the next General meeting should hold at Kumba on a date to be fixed by the President General.

12. Fixed place of General Meeting: This item of agenda was deferred

13. Closing: The meeting finally closed late in the afternoon.

(Sgd.) A.W.Daiga,

Secretary Treasurer.

APPENDIX III

Presidential Address delivered by his Highness the Fon of Bafut President General of the west Cameroon chief conference at Bafut on the 15th December, 1961. My Dear Natural Rulers, representatives and all those concerned.

I am very happy to welcome you all today here in Bafut in this number. I am pleased and proud of you because you have patiently taken pains and have suffered in various ways at this very busy period to come here. This is an indication of your great interest and concern in the affairs of the west Cameroon Chiefs conference, the west Cameroon people, the west Cameroon Government and the west Cameroon itself in this Federation. Let this very good spirit lead us all to conduct this meeting nicely and successfully in the interest of ourselves, our people, our government and our country.

2. This special meeting has been convened partly in keeping with the decision of the Nkambe meeting of the 18/9/61 and partly in keeping with our long standing practice in view of the fact that we will soon be going to the polls. It is necessary therefore for us to put two and two together and see how far the result will guide us; our people, our Government and our country.

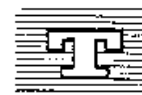
3.(a) I and the Fon of Bali founded this conference about the year 1954. Some of our colleagues the Fons of Bikom and Nsaw cherished the idea and co-operated nicely at the initial stage. But not long after, the whole weight was left on my shoulders and the Fon of Bali. We bore it patiently, hopefully and publicly for and on behalf of all the chiefs and all the people till many other chiefs joined us from time to time and the conference has now come to this state after achieving for you and me many good things which I consider needless to enumerate here.

b) I am happy that this conference has at least once in every Division of the west Cameroon before we met achieved independence and I appreciate the decisions which you took at the Nkambe meeting of the 18/9/61 in my absence. I hope that this special meeting at Bafut here shall also take other relative or new decisions but not conflicting ones.

4.(1) It is my desire that before rising, this meeting should either make a statement or express its option about the following:

- a) The place of Natural Rulers in Politics
- b) The forthcoming general elections.

2) I have requested the west Cameroon Prime Minister or his accredited representative to



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ORIGINAL: ENGLISH

PETITION FROM THE FON OF NSAW CONCERNING THE CAMEROONS
UNDER UNITED KINGDOM ADMINISTRATION

(Circulated in accordance with rule 85, paragraph 2 of the rules
of procedure of the Trusteeship Council)

From the Fon of Nsaw,
Fon's Palace, Kumbo Town,
P.O. Nsaw, Bamenda Division,
Cameroons U.U.K.T.

To The Secretary-General,
U.N.O. General Assembly,
New York, U.S.A.

3rd March 1961.

Petition - The Southern Cameroons Plebiscite, 1961

Sir,

I am constrained as a natural ruler living above party politics and with no political prejudices to petition the U.N.O. General Assembly on the voting result of the Southern Cameroons plebiscite particularly in the Nsaw clan area with about sixty thousand inhabitants out of which about twenty six thousand voted at the plebiscite. The Nsaw clan area in which I am the overlord by tradition and established administration is a conquest state with tributary chiefdoms and lineage heads system.

As a responsible natural ruler interested in the unity and future wellbeing of my people of the Nsaw clan area in particular and the Southern Cameroons in general, I consider it incumbent on me to raise the following serious points as a petition on the plebiscite voting result and trust that the points so raised will be given careful and most sympathetic consideration for the good of the Southern Cameroons people and their future wellbeing.