

Research Article

Urban Housing Practices of Policy Implementation in Bamenda, Cameroon

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Abstract

Housing is a fundamental human need, but making sure that every person has access to good quality housing is a worldwide challenge. Public policy impact on the quest for housing adequacy and affordability is visible in Bamenda as Cameroon's fourth city. This paper investigates the effectiveness of institutional policy and structures put in place to determine the on-going processes of housing management in Bamenda. To explore this nexus, explanatory design was used involving direct interviews of policy officials who operate within the cross sectorial housing institutions in Bamenda. The practice perceptions were captured through a 372 questionnaires survey on households in addition to field observations. Results portray that varied regulatory instruments have been enacted to mitigate housing and urban challenges as the 2004 Town Planning Law and its subsequent decrees signed in 2008, the 1974 Land Ordinance and the 1976 Decree to lay down conditions for obtaining land certificates, the 1996 Environmental Management Law, 1998 Water Code, 2004 Laws of Decentralisation and Deconcentration. Results also show that despite the number of housing institutions and policies put in place, housing practices in Bamenda continue to resist regulatory texts, land certificates and building permits fostering the illegal occupation of flood plains and risky slopes. This paper opts for an effective policy environment that enforces housing laws and regulations, while allowing sufficient flexibility to align to local conditions within Bamenda.

Keywords

Housing, Housing Development, Housing Policy, Institutional Dynamics, Management

1. Introduction

The Universal Declaration of Human Rights of 1948 considers access to housing as a fundamental right of manifestation of human dignity. Safe, accessible to resources, permanent, affordable and healthy housing is a priority for most governments [20]. In the past decades, several governments have made tremendous progress in meeting the housing needs of their population, while others still face great challenges of severe housing shortages, substandard housing and slums [9]. There is a high population concentration in urban areas in

developed and developing countries. Mariconi-Ebranrd [12] reported that the number of urban dwellers in developing countries exceeded that of developed countries around 1973, and the gap continues such that investment in housing does not match population increase [2]. The intensity of this concentration varies from one region to another. The urban population percentage in Africa increased from 27% in 1950 to 40% in 2015 and could reach 60% by 2050 [21]. This phenomenal rise in population has caused an acute shortage of decent and

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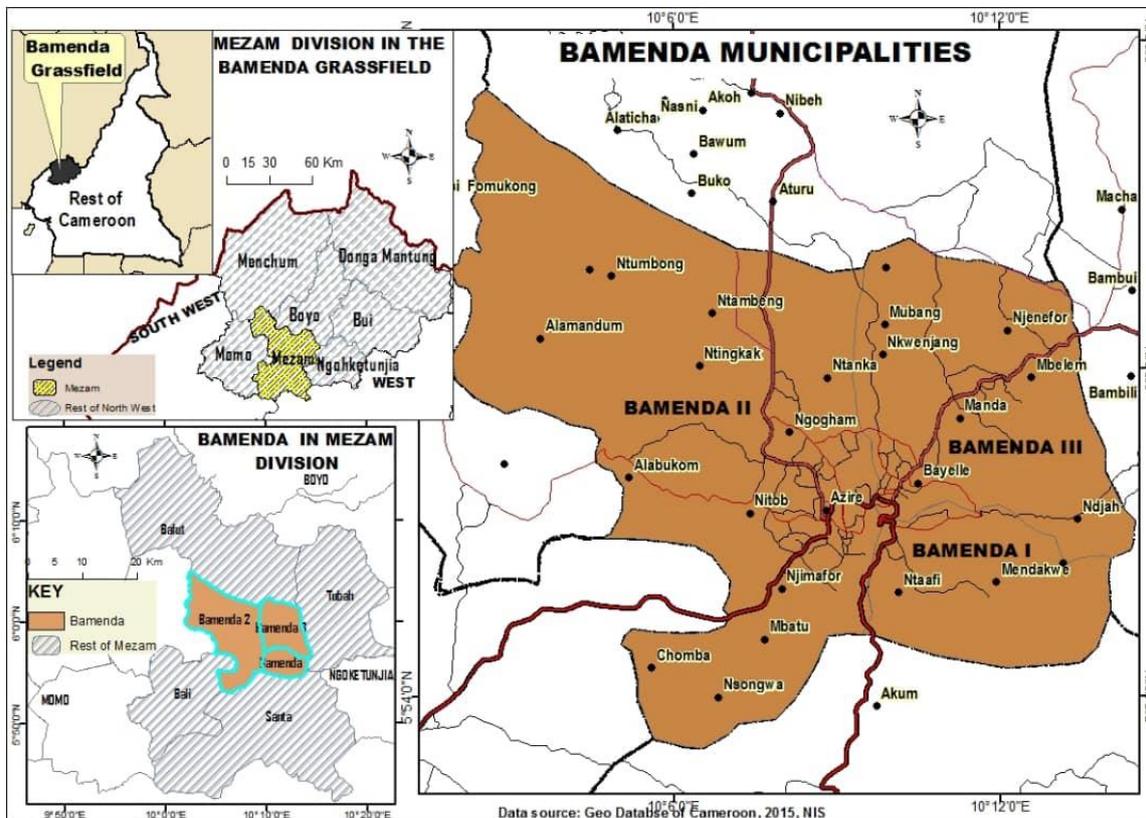
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affordable housing. Issuant of this are overcrowding, deplorable environment, poor living conditions, inadequate and poor infrastructural services, homelessness and other related problems [5, 19]. Marutlulle [10] reported that the failure to address housing issues in Africa has led to continues growth of slums and poorly serviced informal settlements on the urban periphery. It is estimated that, about 75% of urban residents in Africa live in substandard housing. Such growth overwhelms the capacity of cities to supply the most needed basic services for their citizens.

Urbanization and access to housing in Cameroon emerged from the Habitat II Conference held in Istanbul in 1996 with the Ministry of the Urban Affairs created on December 7, 1997 and then reorganized on September 14, 2012 when it became the Ministry of Housing and Urban Development (MINHDU) [11]. The ministry is to ensure the supply of decent housing and plots to the greatest number of the most disadvantaged populations in general and city dwellers in particular [6]. This marries with the objectives assigned to the housing sector within the framework of the Growth and Employment Strategy Paper (GESP), the attainment of Vision 2035 which aims at transforming Cameroon into “An Emerging Economy by 2035”[4]. In Ikhlas and Shiki [8] the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 stated that all

governments have an obligation in the housing sector to create ministries of housing or agencies that write the housing policies, enact the programs, plan the projects, and allocate the funds.”

Though the Sustainable Development Goal (SDG) 11 to make cities and human settlements inclusive, safe, resilient and sustainable and target 11.1 aims at ensuring access for all to adequate, safe and affordable housing and basic services, and upgrade slums, the housing situation presents structural insufficiencies in the quantity as well as quality. Haphazard urban construction and the emergence of slums present a major challenge in Bamenda city housing situation [1, 3, 7, 14]. Data from the National Institute of Statistics present a deficit of more than one million houses [13]. Bamenda pulls on rural migrants and the insecurity in the satellite towns and villages since 2016 has caused the low income to construct houses on cheap, risky slopes or in slums. The inability of housing governance to implement housing policies and regulations has heightened the precarious housing situation. The Bamenda urban space, ranges between longitude 10 °09" and 10 °11" East of the Greenwich Meridian and between latitudes 5 °56" and 5 °58" North of the Equator, (Figure 1) covers three municipal councils (Bamenda I, Bamenda II, and Bamenda III).



Adapted from the Administrative Map of the Bamenda City Council (2020)

Figure 1. Bamend Urban Municipal Council areas in the North West Region, Cameroon.

2. Methodology

Field observations were used to observe spatial differentiation in the urban housing fabric. Interviews were made with officials of the various institutions dealing with housing management such as the Regional Delegation of Housing and Urban Development, the Regional Delegation of State Property, Survey and Land Tenure, the Council Officials of the Bamenda City Council, the three Sub-divisional Councils and to the Quarter Heads that are involved in housing management. Apart from officials, some individuals were also interviewed in order to get their opinions and appreciations of housing development situation in the municipality of Bamenda. Some 372 questionnaire were administered in 18 neighbourhoods, being Abangoh, Ayaba, Sissia II, Mulang, Mugheb, Aningdoh, Ntarikon, Ntaturu, Bayelle I, Bayelle III, Futru, Alahting, Ntamulung, Mbingfibi, Ngomgham, Mulang, Old Town and Foncha Street. The results were analyzed using qualitative tools, and descriptive tools.

3. Presentation of Results and Interpretation

3.1. Housing Management and Delivery System

Laws, decrees, orders and policies have been put in place by the Cameroon Government to regulate housing development. Before the independence of French and British Cameroon, there were two Native Authority structures that administered Bamenda, namely, the Bamenda South Eastern Federation with headquarter in Ndop (Ngoketunja Division) and the Bamenda South Western Federation with headquarters in Mbengwi to serve the Widikum area which today occupies Momo Division and parts of Mezam Division. The Divisional Officers controlled the Divisional Departments including the Public Works Department, the Health Department, and the approval of town planning operations before their effective implementation as well as the Native Authorities within their respective jurisdictions. The Divisional Officers were directly responsible for enforcing regulations using instruments like the Building Plans and Certificates of Occupancy in collaboration with the different administrative Departments and Native Authorities. They carried out field monitoring and enforcement of colonial regulations. Engineers undertook surveys to determine lands suitable for building and executed road and drainage projects. Inter-departmental committee at the Provincial and Divisional levels was equally instrumental in the enforcement of colonial planning regulations as it fostered local partnership amongst institutions and between institutions and the public. The shortage of houses for colonial masters and the natives, the growth of slums and squatter settlements, encroachment into road reserves and difficulties of accessing land during the colonial period all symbolised lapses in the enforcement of colo-

rial regulatory instruments. Analysis of archival documents revealed that colonial administrators faced a couple of challenges in effectively enforcing housing and town planning policies/regulations, including: inadequate personnel, inadequate finance, conflicts of authority/functions, inadequate collaboration of locals and lack of land for town planning schemes as well as the incompatibility of transferred regulations.

Several regulatory instruments (laws, ordinances, decrees, orders, circulars and municipal orders) have been enacted by competent authorities since Independence in 1961, to mitigate housing and urban problems. Since 2004, urban development and buildings throughout the Cameroonian territory is governed by Law No. 2004/003 of 21st April 2004 and its subsequent Decrees of Modifications; Decree No. 2008/0736/PM of April to lay down conditions for drawing and revising town planning documents and its text of application signed in 2008 by the Prime Minister, Decree No. 2008/0737/PM of 23 April 2008 to lay down safety, hygiene and sanitation regulation in construction, Decree No. 2008/0738/PM of 23 April 2008 to lay down land development procedures and modalities, Decree No. 2008/0739/PM of 23 April 2008 to lay down land use and construction. This is in addition to the Bamenda Master Plan and the Land-Use Plan for Bamenda I, II and III. These regulations are intended to control the use of urban space, free movement, protection of the different land uses and land covers, prevent any natural and technological hazards, pollution and nuisances, making available buildable space for general activities and meeting the present and future housing and public amenity needs. Since land is essential for housing development and land registration is a prerequisite for housing development, the following land laws are used: the 1974 Land Ordinance to define the three areas of land management, Decree No. 76/165 of 27 April 1976 to lay down conditions for obtaining land certificates, and Decree No. 2005/481 of 16 December 2005 to supplement the provisions of 1976/167 of April 1976. In addition, the 1996 Environmental Management Law, 1998 Water Code, 2004 Laws of Decentralisation and Deconcentration in accordance with the Penal and Civil Codes all address sectoral aspects of housing and town planning (Table 1). The national regulations empower and charge various Regional, Divisional and Municipal (local) authorities with their enforcement. North [18] looks at these institutions as the rules of the game in the society that shape human interaction.

Individual seeking to embark on housing development, must first apply for a land certificate which is granted on the recommendation of the different delegations and the Land Consultative Board. This is to ensure that the said land is suitable for housing development and has little or no impacts on the environment and the well-being of the individual. This is followed by the application of a building permit which is also issued after serious scrutiny. A majority of houses in the Bamenda Urban Space have been constructed without complying with these policies and regulations guiding housing. In

2015 the MINH DU Delegation of Mezam issued 905 permits (while annual growth was over 16,000 people). In 2011 in the whole North West Region apparently only 62 landowners obtained a land title. The actual built up areas are much higher

and these numbers clearly reveal widespread illegal ownership, a weak administration, deficits in reliable data collection/ interpretation or a combination of those three factors.

Table 1. Institutions role playing in Housing Management in Bamenda.

Institution	Responsibility	Operational tool
Regional Delegation of Housing and Urban Development (MINH DU)	Responsible for the development and implementation of housing policies, monitoring the application of these regulations and provides technical and financial support.	Law No. 2004/003 of 21 st April 2004. The 2004 Law (Section 1) and its subsequent Decrees of Modifications.
Regional Delegation of State Property, Surveys, and Land Tenure (MINDCAF)	Reserves the right to pass an Order to delimit the exact boundaries and public properties. Ensures effective management of land for housing development, with its line ministries and departments.	The 1974 Land Ordinance to define the three areas of land management
Survey Department	Demarcate building plots for registration and entitlement purposes. Also aimed at producing cadastral plans for human settlement.	Decree No. 76/165 of 27 April 1976 to lay down conditions for obtaining land certificates
Regional Delegation of Public Health	This unit works within the local councils with its main objective to ensure the habitability of all residential structures.	Decree No. 2008/0737/PM of 23 April 2008 to lay down safety, hygiene and sanitation regulation in construction
Senior Divisional Office (SDO)	Following the provisions of Decree No. 76/165 of 27 April 1976 of the land laws, the SDO is the legal custodian of all state lands in the division and receives all applications for land registration.	Decree No. 76/165 of 27 April 1976 of the land laws.
Sub-Divisional Office	Its main aim is to review the application of handing occupancy right over state land through a land certificate.	Decree No. 76/165 of 27 April 1976 to lay down conditions for obtaining land certificates
Land Consultative Board (LCB)	The board is made up of members of all the ministries related to housing development. The board meets to review and make recommendations for land certificates and settle land disputes.	Decree No. 76/165 of 27 April 1976 to lay down conditions for obtaining land certificates
Municipal Councils (BCC and Sub-divisional councils)	It regulates and control housing development, responsible for reviewing building plans, issuing building permits, authorize building and demolition permits, developing and servicing housing estates and punishing defaulters of housing regulations.	Law No. 2004-18 of 22 July 2004 to Lay Down Rules Applicable to Councils under the Decentralisation and Deconcentration law
Ministry of Environment, Natural Resource And Sustainable Development (MINEPDED)	Ensure that human settlements, urban and rural centres irrespective of their type and size, must be sound and decent existence for their inhabitants	Law No. 96/12 of 05 August 1996 Relating To Environmental-Management
Ministry of water and energy (MINEE)	Implementing policy on water an energy, improving quality and quantity of water and energy production, transportation and distribution, monitoring the regulatory companies in the water and energy sector	Law No. 98/005/ of 14/04/98) National Water Code

Source: Field Survey (2023)

3.2. Interwoven Stakeholder Roles in Housing Management

Varied roles are played by MINH DU, MINDCAF, MINEE, MINEPDED and the Municipal Councils, and other public

sector actors that play important roles in the enforcement of housing and town planning regulations, namely, Architects of the National Order, Engineers of the National Order, Town Planning firms/agencies, LABOGENIE (National Civil Engineering Laboratory) and the National Fire Brigade. Section 109(1) of the 2004 Law and Article 25(2) of Decree No. 2008/0739/PM of 23 April 2008 to lay down land use and

construction stipulate that the production of building plans/architectural designs used in the procurement of a Building Permit must be undertaken by Architects enrolled in the National Order of Town Planners of Cameroon. Similarly, Engineers of the National Order of Engineers are charged with the responsibility of producing Structural Plans for the case of storey buildings. Members of the National Fire Fighting Brigade and LABOGENIE are represented in the Building Permit Commission to advise the Mayor and Building Permit applicants on fire and structural risks respectively.

The Cameroon Real Estate Corporation (Société Immobilière du Cameroun, SIC) created in 1952 is one of the principal structures for the promotion of social housing in Cameroon. The Institution makes provision for the construction of low-cost housing in the Bamenda Urban Space; example of such housing is located at New Road in Nkwen. The provision of low-cost housing is a good strategy to meet up with the increased demand for housing. Paradoxically, low-cost housing in Cameroon is actually high-cost housing; since they are not being occupied by the low-income urban dwellers for which they are originally intended.

Urban and Rural Land Development and Equipment Authority (Mission d'aménagement et d'équipement des terrains urbains et Ruraux, MAETUR) created by Decree No. 77/193 of 23 June 1977 has as main objective to achieve operations of planning and equipment of areas, as well as to promote housing and real estate across Cameroon. MINDCAF supervises the activities of MAETUR. MAETUR in Bamenda is involved in preparing and servicing public land for housing development, through land prospection, sales of land parcels, developmental work, the realisation of site and service schemes and the upgrading of quarters. MAETUR execute all projects in accordance with the town planning and architectural designs. The impact of MAETUR is not well felt in the Bamenda as the land market is still dominated by the customary owners who sell land parcels without land certificates and developmental plans, but only through conveyance.

In addition, Crédit Foncier du Cameroun (CFC) is a government agency in charge of providing housing loans to developers through short, medium- and long-term low interest loans for housing projects. The Special Council Support Fund (Le Fond Spécial d'Équipement et d'Investissement Intercommunal, FEICOM) created by Law No. 74/23 of 5 December 1974 by the government to provide councils with technical and financial assistance for the realization of urban development projects such as water supply, site and service plans and slum upgrading. The Cameroon Development Bank (Bank Camerounaise de Développement, BCD) is a state-owned commercial bank, which participates in the funding of private residential development projects.

Private housing developers are the most important housing suppliers in Bamenda, but they depend on non-public funding sources. These non-public funding sources include commercial banks, credit unions, Non Governmental Organizations, Civil Society Organization and other informal credit associa-

tions. They have served as the most dependable route for private housing developers to save money for housing development. Their role in granting loans is limited due to very high rigid conditions such as the high interest rates to the inflexible collateral requirements which are very difficult for an average middle or low-class resident to afford.

The effectiveness of these institutions depends on the elements of good governance, that is, how well each of the structures performs their duties and their interaction with each other, especially through the exchange of information and the cooperation of activities for effective collaboration.

There is a lacuna in the housing sector in Cameroon due to the fact that the system is a duplicate of the Western bureaucracy which emphasized vertical inter-organisation rather than the necessary horizontal inter-organisational interaction [16, 17]. Awareness of housing policies, the non-compliance with housing laws and regulations and the housing conditions in the Bamenda were examined to determine the effectiveness of these institutions.

3.3. Assessment of Effectiveness of Housing Institutions

The housing laws and regulations spelled out in the different articles are very lofty. The issue at stake here is the implementation of the instruments put in place. The instruments seem to be paper work because the level of implementation appears to be farfetched. If the rate of implementation was as elaborate as on paper, then the cities of Cameroon and Bamenda in particular would have long attained the SDG 11 thus making Bamenda smart and liveable. Assessing the effectiveness of these instruments despite the clarity and the numerous articles to emphasize its importance, it is discovered that these instruments are not very effective. The ineffectiveness of housing institutions is seen through the houses constructed outside laws and regulations governing housing development.

3.3.1. Construction of Houses without Land Certificates

Land certificate is a document issued by the Regional Delegation of State Property, Surveys, and Land Tenure (MINDCAF). It is a legal document that provides the right to land ownership with a detail description of the property stating the boundary, name and address of the owner and the covenants affecting it. Land registration is essential due to the high incidence of land insecurity and conflict. The housing regulation requires that prior to embarking on a housing development project; the developer must obtain a land certificate with approval for the proposed building plan. In order to ascertain the degree to which housing developers complied with housing regulations, house owners were asked if their lands had land certificates. Field survey through questionnaires revealed that 61.6% of respondents did not own land certificates, 21.9% owned land certificates

while 16.5% said their land registration process was still on-going. The ineffectiveness of housing institutions is seen by the fact that 78.1% of residents in the Bamenda do not comply with housing laws and regulation on ownership of land certificate as a prerequisite of quality housing development. The number of house owners without land certificates is an indication of the non-compliance of land management laws and the ineffective implementation of housing policies.

3.3.2. Non-Compliance with Building Permits

Findings revealed that 57.4% of the population did not own building permits, while 42.6% owned building permits. Survey through questionnaires revealed that many residents in the low-class neighbourhoods (Abangoh, Mulang and Sisia) were

located on marginal lands where building permits were not issued, while some constructed on suitable sites which were liable to building permits ownership but did not acquire it. This contravenes Chapter V, Section 107 (2) of the 2004 town planning law which stipulates: “Any person seeking to put up a building, even without a foundation, must obtain a building permit from the Mayor of the relevant council.” It is very common to see houses constructed in violation of the standard setback space from one another, no access roads, the verandas of some houses are used as footpaths, narrow footpaths winding between houses which also serve as drains for domestic waste water and fences constructed less than one meter from the road. It was further observed that, some developers still continue construction in violation of the injunctions placed by the council authorities (Figure 2).



a) Construction without building permits



b) Violation of setback space by fence

Source: Field survey (2023)

Figure 2. Forms of stakeholder illegality.

As stipulated in the building regulation, whenever any provision is violated, a contravention notice shall be served to the land developer or his agent. The service of a contravention notice immediately stops the development. This is contrary to what obtains in the Bamenda as it is very common to see injunctions on houses such as “Stop work” and “Demolish” in which people are already staying in. Furthermore, some housing developers go as far as attaching sharks to already existing structures either to accommodate tenants or family members. Some of these structures are constructed on drainage ways that blocked water passage, and without the approval of the sub-divisional councils. This implies that the structures put in place to regulate housing development are ineffective in carrying out their duties and in coordinating their activities.

3.3.3. Constructions on the Flood Plains in Bamenda II and Bamenda III

Bamenda is drained by a number of rivers and streams with River Mezam as the main and its tributaries which flow from the escarpment through the city. The streams take their rise from the high plateau and flow in a dendritic pattern. The streams are at the youthful stage and flow rapidly and are re-

sponsible for all flood hazards in Bamenda. The main flood plains (swamps or wetlands) in the Bamenda Urban Space are found in Mulang, Ntamulung, Lower Ngomgham, Ntaghem, Atuazire, Ntenefor, Menda, Lower Bayelle and Old Town. These flood plains show good qualities for construction especially in the dry season, they are relatively flat, lie close to water sources and have an added advantage of fertile soils. Flood plains are among the most valuable and productive ecosystem offering wetland products and services, natural filter, reserve lands for vegetation and regulate flood waters. Sensitizations with the use of sign posts are ignored and flood plains are reclaimed for housing development though 70% of respondents were aware of the dangers in living in such zones. Though afraid during heavy rainfall many remain due to lack of finances, material and technology to move to a better housing site. Instead of the construction of bridges, wetlands have been encroached upon for housing development up to river banks, in contravention of the construction guideline of the Bamenda Master Plan which stipulates that building lines and the layout of buildings shall be 5m from the drainage course (Figure 3). Some inhabitants tend to dump waste into nearby stream courses, drainage channels and culverts that constitute an ob-

stacle to the flow of water especially during heavy rains. The proportion of urban dwellers living in such illegal settlements is increasing rapidly and the municipal and government authorities are doing little to control these developments [15].



Figure 3. Houses Constructed along River Banks

3.3.4. Houses Built on Risky Slopes of the Bamenda Escarpment

The steep escarpment of Bamenda separates the two major relief units of the highland (Up Station) and lowland (Down Town) zones. The slopes along the Bamenda Up-Station escarpments are very steep and susceptible to landslides. The undulating and gentle slopes with gradients less than 35 ° are

suitable for housing development, while steep slopes above 35 ° are susceptible to slope failures and high mass movements, therefore, not suitable for housing development. This implies that as slope angle increases, the rate, the frequency of slope movement and the risk of slope failure also increase. The steep slopes of the Bamenda escarpment that stretch down to Sissia, Ayaba, parts of Old Town, Atuzaire, Abangoh and Bamendakwe are not suitable for housing development. Contrary to the provisions of Chapter 1, Section 9 (1) of the town planning law that prohibit housing development on steep slopes, many people have occupied the steep slopes through undercutting which reduces the shear strength of the slopes. The probability of slope failure in the Bamenda Urban Space increases as a result of the ineffective implementation of town planning policies. Field observation revealed that some houses are constructed without taking into consideration the inclination of the rock in the same direction as the slope, which is prone to slope instability than rocks in which the orientations present a contrary direction to the bedding planes. Houses constructed on these slopes are generally unstable and vulnerable while other houses have been constructed between or beside massive boulders (Figure 4).

The construction of houses on illegal and unauthorized sites implies that the structures in charge of housing regulations and town planning are not effective in implementing housing policies.

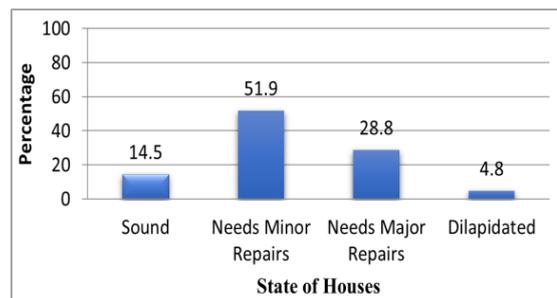


Source: Field Survey (2023)

Figure 4. Houses constructed below rock boulders along the Bamenda escarpment.

3.3.5. Population Perception of Urban Housing Conditions

Housing conditions perception by the urban population focused on the physical, environmental and satisfaction level of a particular housing unit measured against the housing regulations at a particular time. In order to examine the housing conditions, variables such as age of the building, types of building materials used for construction, adequacy of social amenities were taken into consideration (Figure 5).



Source: Field Survey (2023)

Figure 5. Population perception of housing conditions in Bamenda.

Some 51.9% of the population perceive that houses need minor repairs, while 4.8% of houses are dilapidated. Houses in need of major repairs and dilapidated houses are characterised by a high degree of obsolescence, cracked walls, floors,

and steps, broken window louvers, leaking roofs, weak door frames, peeling paints, and inadequate and poor sanitation facilities (Figure 6).

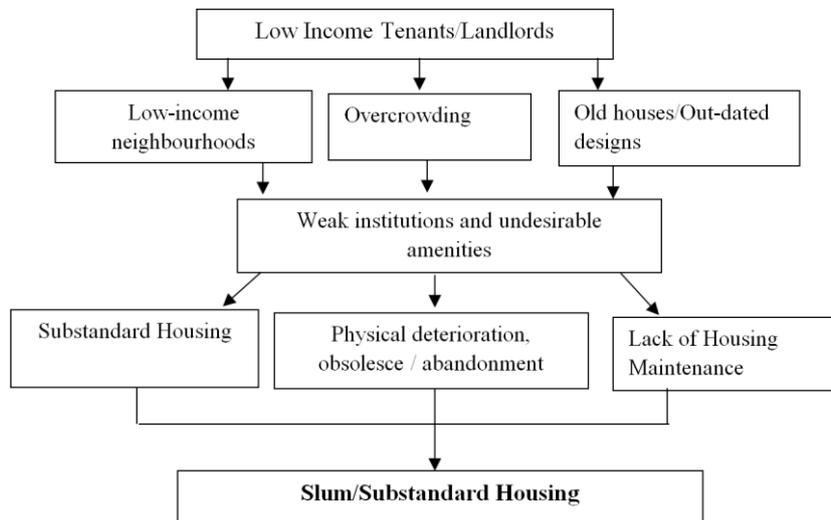


Source: Field Survey (2023)

Figure 6. State of housing conditions in Old Town and Ntamulung.

The poor housing condition implies ineffective enforcement of the hygiene and sanitation, and construction and maintenance regulations of the 2004 town planning law. Such blight indicates neglect by the house owners, disregard by tenants and the ineffective follow-up by the structures responsible for housing development, resulting in serious

structural deterioration. These old inner-city settlements which are now becoming slums and squatters clearly portray the phenomenon of “Spiral of Decay” with the development of substandard housing, low quality building material and lack of maintenance (Figure 7).



Source: Field Survey (2023)

Figure 7. Model of housing decay in the Bamenda Urban Space.

4. Conclusion

The legal institutional framework of housing management

in Bamenda and their evolution as well as the legal instruments (laws, decrees, and orders) and their effectiveness were identified. To show how housing management in the Bamenda operates. The assessment showed ineffectiveness of the legal instruments in the Bamenda Urban Space. Find-

ings generated from the institutional framework and regulatory instruments reveal that the policy directives that call for proper legislative and regulatory framework on housing development are more of principles than practice. These instruments show how houses are constructed without land certificates, the non-compliance with building permits, the illegal occupation of flood plains and risky slopes and the poor housing conditions. As the governmental institution is the key actor of action among all stakeholders, the Cameroon government should start on institutional restructure and strengthening as the first step for the sustainable development of housing. The major recommendation is that an effective policy environment to enforce housing laws and regulations, be made while allowing sufficient flexibility to align to local conditions.

Abbreviations

MINHDU	Ministry of Housing and Urban Development
MINDCAF	Ministry of State Property, Surveys, and Land Tenure
MINEPDED	Ministry of Environment, Natural Resource and Sustainable Development
LABOGENIE	National Civil Engineering Laboratory
SIC	Cameroon Real Estate Corporation
MAETUR	Urban and Rural Land Development and Equipment Authority
FEICOM	Special Council Support Fund

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Nfomi Beatrice Maluh is the sole author. The author read and approved the final manuscript.

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Conflicts of Interest

The author declares no conflicts of interest.

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