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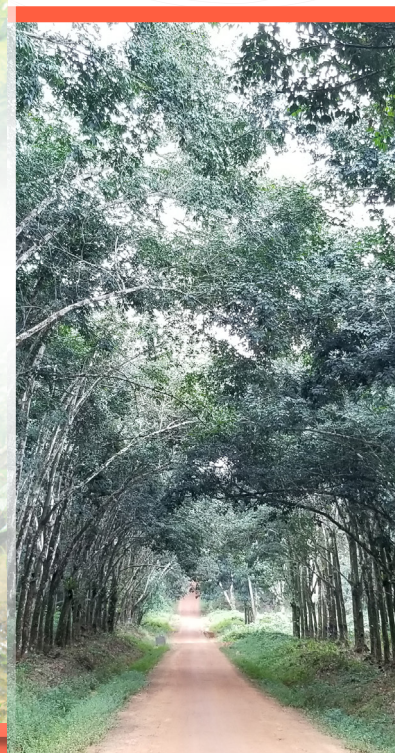


Centre pour
l'Environnement et
le Développement



LandCam

a CED, RELUFA and IIED project



Reforming land tenure in Cameroon: Avenues for action

Civil society land policy note

2020



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INTRODUCTION

What is the purpose of this policy note on land?

This policy note aims to express the position of a group of actors on the Cameroonian land reform initiated in 2011. Many different actors were consulted during the preparation of this note, and it is based on civil society's proposals to the land administration. The editing team processed the information to ensure that the proposals are coherent, easy to read and compatible with the particularly fast-moving context in Cameroon. Sources of inspiration for this document include a number of relevant international laws.

Why change land laws?

The reform was initially announced in order to adapt land laws to demand for “second-generation agriculture”, including the demands of new agro-industrial firms wishing to gain easy access to Cameroon's arable land. It soon became clear that the legislation required a general overhaul. This led to a number of other subjects being added to the reform agenda. The signatories of this document are firm believers in the need for reform, and hereby provide the vision and content for a new legal framework for Cameroonian land management, to protect holders of unregistered rights, provide protection for land right holders of all kinds, and promote effective land management.

OUR GUIDING PRINCIPLES FOR REFORM

1. Inclusivity

Land is a key issue which directly affects the lives and survival of millions of inhabitants, and its management has a direct impact on our production and consumption methods. The reform debate has therefore attracted many proposals, from politicians, traditional authorities, women's groups, indigenous communities, young people and civil society organisations. This frenzy of interest shows that citizens are willing to help prepare the content of the legislation. Furthermore, we must take into account the concerns of the weakest in society, those with specific needs and insecure land tenure rights, in order to prevent these communities from becoming marginalised.

2. Land Tenure Security

In Cameroon, the management of land is a major source of conflict. The courts are flooded with land disputes eligible for legal ruling, which account for at least half of cases brought before the judge. A lack of land tenure security hinders investment and constitutes an ongoing threat to social harmony. The new legislation must aim to achieve land tenure security for all of the country's rights holders, for both registered and unregistered rights.

3. Legitimacy

The granting of concessions is a major cause of disputes over tenure rights—including large-scale land leases—on unregistered customary land for which ownership is claimed by people who do not appear on land grants made by the Government. Rights are very often registered by parties who do not hold prior customary rights over the land in question. This situation makes communities feel that their land has been stolen by the “elites” with the support of the Government. This causes conflict and, sometimes, prevents registered landowners from exercising their rights. The new legislation must seek to reconcile legality and legitimacy in this area.

4. Clarity

The new legislation must clarify terms of land access and withdrawal, as well as land and use rights. Gaps and oversights in the current legislation have led to highly contestable rights being registered. It is difficult to challenge these rights due to the permanent nature of the title deed.

5. Comprehensiveness

Land is a vast and complex issue. Current legislation does not cover all of the issues raised by land management, and indeed some of these issues have only very recently entered the public domain. One of the challenges for the new legislation will be to ensure that all aspects of land management are regulated.

BACKGROUND

Land is ambivalent. It is both a springboard for growth, and it can also be a source of conflict and poverty. Land management is an ongoing challenge for developing countries. These issues have now become increasingly pertinent due to the wide range of actors involved and challenges surrounding land issues. The circumstances are exacerbated by demographic growth and multiple land-based investments. Against this backdrop, optimising the use of space is both a public policy issue and a crucial prerequisite to achieving harmonious development in a State-led society. It is now urgent to give greater priority to elaborate the rules governing land access (ownership and long-term use) for all members of society (particularly the most vulnerable, usually based on the outskirts of towns or cities or in rural areas). Citizens must also be involved in land management decisions and in creating the rules used in order to determine order of importance between incompatible uses of the same area. It is also crucial that an independent justice system can quickly and competently manage any land issues, securing the rights of all, including the most vulnerable.

The real challenge for the reform consists of ensuring that land is a source of progress for all, ensuring that it forms part of the basis for political stability and equitable development of the country.

What lessons can we learn from the countries which are ahead of Cameroon in terms of economic growth and development? There are four key lessons to be taken from these countries:

- Small-scale producers are the driving force behind all countries' food security. In 2017, Cameroon imported 526 billion CFA francs of food products (11% of the national budget for that year). In all countries, investments by small-scale producers outstrip the cumulative investments of agro-industrial companies. A land policy which does not place family farming businesses at its core runs the risk of weakening the country, and increasing its dependence on costly imports of food products;
- Rapid economic growth consumes large amounts of land, generating wealth, which at least partially results in restricting community access to land and resources. The degradation of local community and indigenous livelihoods caused by large-scale investments constitute a hidden subsidy to investors, provided by the country (and communities with the customary rights to the land in question);
- Revenue generated by growth is not always fairly distributed. The share of revenue which the poorest in society receive, generally communities located on the outskirts of towns and cities and in rural areas, does not cover losses suffered as a result of the dispossession of their land. The land acts as a safety net, providing small-scale producers with basic food products and possibly also a stable source of income. Such security is a crucial basis for stability and social harmony, and without it farmers are exposed to risk. In Cameroon, 60% of workers are farmers;
- Land tenure security can only be viable if it is approached in an inclusive manner and in a way that does justice on the one hand to holders of registered, legal rights, and on the other to holders of legitimate rights, even when not registered.

VISION

Based on lessons learned from nearly half a century of implementing land legislation, and taking into account the positions of various actors developed over the past 10 years, we propose the following vision for the new legislation, so that in Cameroon land can become:

1. A source of strength rather than conflict, which enables all communities to uphold the traditional values of their native land;
2. A basis for food security and cultural identity for all communities;
3. A tool which serves its development strategy, boosting local production for domestic consumption and exports, the distribution of natural wealth and the reduction of greenhouse gases.

This policy note seeks to promote a vision for land laws created on a participatory basis, which covers individual and collective, registered and unregistered land tenure rights, all of which would be recognised as property. Rights would be secured both by a competent, fast and cost-effective justice system, and closely monitored by the government to protect the rights and interests of both formal land rights holders and legitimate land tenure rights holders, enabling them to peacefully co-exist. The legal frameworks governing land tenure and the management of other natural resources should be developed in a coherent manner to optimise land and resource use for local and indigenous communities, and for the nation as a whole. This would ensure the land's effective contribution to food security, upholding cultural identity, reducing greenhouse gases and the creation of stable employment through the promotion of responsible investment.



1

**REFORM AS AN OPPORTUNITY
TO PLACE LAND AT THE
HEART OF CAMEROON'S
DEVELOPMENT STRATEGY**

1.1. Opportunity to elaborate a land policy in Cameroon

The last major land reform in Cameroon took place 45 years ago. The implementation of the resulting legislation and (often major) changes in the national context have provided us with lessons which should be taken into account in the new, ongoing reform. The world has changed, with new legal standards and international policies, and experiences which are likely to influence domestic laws.

The new reform comes at a time of, on the one hand, huge demographic growth (a threefold increase in population from 8 million in the mid-1970s to 25 million in 2020 - which could become 50 million in 2050 at the current growth rate), and on the other, increased demand for land and natural resources such as timber, minerals, agro-industry, intensive livestock farming, so-called “elite” plantations, and major transport and energy production infrastructure. There is considerable pressure on the most popular areas for land investment (the outskirts of large urban centres and large-scale investment sites), creating a shortage of land in these locations.

In Cameroon, there is no land policy document setting out the Government’s land management vision. Given the fact that the land issue overlaps with a number of other areas including the management of mineral resources, forests, fauna, water, livestock breeding, farming and actions to reduce greenhouse gases, it is imperative that the Government sets out land management objectives to guide government agencies and other actors in all sectors.

1.2. Opportunity to ensure that land policies and national legislation are consistent with the Government’s international commitments

One of the difficulties in finding a solution to land-related issues is the lack of a global normative standard and of recognised legislative objectives. The legislator and indeed all actors may use the Government’s international commitments as a guide for Cameroon’s land legislation reform. Although there is no international convention on the topic, there are at least two relevant categories of international commitments to inspire and guide the reform:

(1) International conventions ratified by Cameroon which contain provisions on land management-related issues; (2) International policy instruments which, albeit not mandatory, reflect the dominant position of global society, and provide potential solutions to adapt (or even adopt) for equitable land governance. Some of the proposals contained in this policy note are inspired by these international sources.

1.3. Opportunity to ensure that land policies and legislation are aligned with the relevant national legislation

Land is inextricably linked to other resources, acting as a sanctuary for underground resources, a conduit for rivers and streams and a platform for vegetation. Traditionally there was no distinction between all of these resources, and a village’s “land” or “forests” referred to the subsoil, the ground and everything on it. However legislation has fragmented these resources,

setting out a specific regulatory system for each, which differs from the others. Streamlining these different systems is one of the main challenges of our time, which is a prerequisite for the effective management of all resources against a backdrop of the rapid erosion of global biodiversity, a concerning rise in greenhouse gases and an inefficient use of space and resources. Increasingly, we recognise the need to streamline legislation and regulations relating to these various resources, even though there is often a lack of clear reflection and consensus on the solutions required. Cameroon initiated reform processes for forest, land, mining and environmental legislation virtually at the same time, providing an opportunity to propose a holistic solution which would be compatible with all of these areas.

National policy guidelines should serve as a source of inspiration for the legislator. Some key policy objectives for the management of space and natural resources should involve: (1) establishing food security and sovereignty in Cameroon, which is under increasing threat; (2) creating decent and sustainable jobs, including in rural areas; (3) reducing greenhouse gases, to help to achieve Cameroon's nationally determined contribution.

1.4. Opportunity to prevent land conflict in Cameroon

“Alongside religion, land is one of the only reasons which causes humankind to act violently without remorse”.

A Cameroonian traditional leader and privileged land observer.

Land management is one of the main causes of conflict on the African continent, including inter- and intra-community conflict, and conflict between various claimants to land tenure rights. These conflicts are sometimes centuries-old and hinder both peace and production. In the light of Cameroon's specific circumstances, the reform should work towards promoting peaceful land management, by taking into account the following:

- Land is particularly crucial to Cameroon's development strategy. Half of the population still lives (and will continue to live) in rural areas and is essentially dependent on the land for its subsistence;
- The complexity of the land issue is linked to its multiple roles and uses. It acts simultaneously as a production platform, an intrinsic resource and a crucial component of communities' cultural and even spiritual identities. Seemingly the legislator does not always grasp this multifaceted role, and applies a greater weighting to the economic considerations. The ambivalence of the land issue can make it difficult to develop a legal framework, and can contribute to adding to ongoing misunderstandings and aggravating conflict between Government authorities (and the investors to whom they allocate land tenure rights) and communities. The current reform should be an opportunity to incorporate this ambivalence into land law;
- With increased demand for land and more investments requiring land, together with demographic growth, conflicts over land are common and on the rise. This context highlights the inextricable links between the interests of the Government, investors and communities, and underlines how crucial inclusiveness is in the process of securing land rights. The reform should help to prevent and reduce conflict, and provide more peaceful societal relations in Cameroon.



2

PROPOSALS FOR THE CONTENT OF THE NEW LAND LEGISLATION

2.1. Recognise that collective land tenure rights apply throughout the country

Collective land tenure rights are a constant in Cameroon's customary rights system. Indeed, all communities have undivided space and resources that cannot become private property. These spaces and resources are managed based on rules which the whole community is aware of, and people outside the community are excluded from decisions on how they are managed. One example is hunting areas in Cameroon's forests. These areas co-exist with privately-owned spaces (e.g. those which contain houses or farms). During the initial years of the German protectorate, the colonial administration demonstrated its willingness to dismantle collective rights, by creating the concept of vacant, ownerless land, and by only recognising individual ownership rights of communities over their customary lands. However, over a century later, collective rights survived, and remain alive and well in all regions of Cameroon.

Nowadays, collective rights are recognised as an effective means of managing land, and are deemed to afford better protection for forests and biodiversity than any land management system which marginalises local or indigenous communities. It is increasingly acknowledged that recognising and protecting these land and resource management methods provides a guarantee to reduce greenhouse gases produced by deforestation.

The Voluntary Guidelines highlight the importance of collective rights in land and resource governance, and draw on the major international legislation in this area:

"Where indigenous peoples and other communities with customary tenure systems have legitimate tenure rights to the ancestral lands on which they live, States should recognize and protect these rights. Indigenous peoples and other communities with customary tenure systems should not be forcibly evicted from such ancestral lands."

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, FAO, 2012 (article 9.5).

Proposal

In order to recognise collective land tenure rights, the new Law must grant property rights to each village on its traditional territory, without any requirement or prerequisite to register these rights. Thus, the new Law should:

1. Recognise that each village, by virtue of its very existence, has a legal personality, without further requirement or formality;
2. Ensure that the village is the lowest level of decentralisation and that it is able to determine its own land management terms, under the supervision of the Government authorities, based on rules which secure the land tenure rights of the weakest members of the community;
3. Recognise that each village owns its native land and issue a title to each village in its name. The land title would confirm that

collective land is the inalienable collective property of the community;

4. *Establish a process to identify customary lands and their boundaries with oversight by the competent government ministries, based on a methodology which they have defined;*
5. *Help the government define land management rules. Prior government approval should be required for all transactions impacting land rights to ensure the respect of legal procedures and the interests of communities.*
6. *Generate tax revenue for government agencies so they can continue to fulfil their regulatory and inspection duties in various domains, including the environment.*

2.2. Guarantee secure land tenure rights for all actors

This involves recognising the land tenure rights of all local community actors, and improving the security of registered rights and investor rights.

2.2.1. Recognising and protecting the full range of community land tenure rights

Communities which hold collective or individual customary rights do not always register these rights, either because they cannot be registered (individuals are too young, impossible to register all collective tenure rights due to registration systems not being fit for purpose), or because they do not have the means or see the point of doing so. It is estimated that 85% of land in Cameroon is unregistered. A considerable section of this land is found in rural areas which are governed by customary rights. However, land governed by customary rights alone is particularly vulnerable. Customary lands are neither recognised nor afforded any specific protection. If a demand is made by a third party, they are deemed to be available and can be sold with no compensation for their traditional owners. The increase in investment and infrastructure projects drives dispossessed communities to move to resettlement sites which they or the Government have identified. Sometimes, whether at their own initiative or on the instruction of Government authorities, these communities settle on the native lands of other communities, which therefore sparks intra-community land conflicts.

The most vulnerable members of the community are often women, young people and indigenous communities who lead a different lifestyle to the dominant communities (forest hunter gatherers and nomadic herders). They often see their customary rights over land and resources restricted; they consider that traditional and public authorities are responsible.

2.2.2. Ensuring that the land tenure rights of women, young people and indigenous communities are recognised

Women, young people and indigenous communities are groups with specificities which prevent them from fully exercising the majority of land tenure rights, which are awarded to men by custom and practice. Therefore one of the main challenges of the new legislation will be to ensure that the rights of these groups are recognised and protected.

The issue of access for women, young people and other vulnerable members of society remains an ongoing challenge. Although the legislation does not discriminate, practice and sometimes traditional rights dictate that their rights to exercise land ownership – or use land securely – are, to a greater or lesser extent, restricted. Women, who are recognised as the driving force behind national agricultural production, particularly for subsistence foods, and as the main people affected by the allocation of family farming land outside the family estate, deserve far more secure land tenure rights. Meanwhile young people are concerned about the greater risk of land shortages, which could considerably reduce their production capacities, and make them more vulnerable in the near future. Under the current legislation, access to land ownership is subject to “proven development” of the land, prior to July 6th, 1974, on which date the “Ordonnances” came into force. Anyone who, by this date, could not prove that they were of the required age to individually make productive use of the land over which they claimed ownership were excluded from direct registration.

The system penalises indigenous forest communities, due to the fundamental differences between their lifestyles and the dominant model on which the law was based. The closeness of this community to nature and the lack of impact that their traditional way of life has on the environment has deprived them of any means of providing evidence for their presence through visible development, as this criterion is entirely irrelevant to them. As hunter gatherers, they occupy land which may span up to several thousands of hectares, but where there will be no lasting evidence of their presence.

There are two types of nomadic herders in Cameroon: (1) the first remain within a specific area, and move their livestock around this area for pasture; (2) the second practice linear transhumance over a far wider area than the first. The first group has a very real land ownership claim, at least for the lands on which they are permanently based, and claim of secure land use rights in grazing areas at the very least. For the second, access to transhumance corridors with ready water and grazing supplies seems to be the priority, with land ownership being of a lesser importance. Both groups have specific, very distinct land-related needs.

2.2.3. Improving the security of registered land titles and investor rights

Registered rights are usually contested, particularly if they have been registered directly. Similarly, when the Government grants land concessions or long-term leases for lands which it classifies as the private property of the state, communities continue to claim customary rights over the areas in question and therefore the peaceful enjoyment of these rights cannot be guaranteed.

Proposal

7. *Recognise the specificities of Indigenous communities and the protection of their land tenure rights;*
8. *Set up a system to recognise women's customary land tenure rights, which guarantees their secure access to applicable land;*
9. *Organise access to land for minority and marginalised groups within traditional native lands owned by villages. The*
- inalienability of customary land should allow villages to grant land access to minorities and if/when the land is no longer required, it would be returned to the village estate;*
10. *Integrate into the Government's management terms specific provisions on recognising the land tenure rights of women, young people, migrants and indigenous peoples.*

2.3. Ensure that communities are fully involved in land management

Land management is characterised by the diversity of actors involved, some of whom may have their lives turned permanently upside down due to decisions taken by the Government, and the resulting measures. It is therefore crucial that all of the actors involved, and particularly holders of tenure rights (including customary rights), are kept fully informed, are consulted, and are involved in the decision-making process. In the absence of information from the Government or investors, customary land tenure right holders often have to make do with unreliable sources of information, resulting in misunderstandings which can cause conflict between users co-existing within the same space. Yet, well-led consultations provide an opportunity to understand the constraints, expectations, rights and interests of local land management actors. In this way, it is possible to uphold rights which are crucial to the survival of communities living near planned investments, and to adjust investment designs accordingly.

Proposal

11. *Require all actors whose activities result in restrictions to land tenure or land use rights, to provide communities with relevant and comprehensive information in advance;*
12. *Condition the right of outside actors to operate on customary land on the assessment of the quality of information provided to communities, and on communities' ability to express their free, informed and duly formalised consent;*
13. *Strengthen mechanisms for non-governmental actors to participate in land management decision-making, primarily by setting out participation rules, and strengthening the powers of bodies that currently act in an advisory capacity;*
14. *Set out rules detailing responsibilities and terms for land management in the village, ensuring that non-transferability is guaranteed and that the rights of the most vulnerable members of the community are upheld.*

2.4. Improve community access to justice on land-related matters

Land-related disputes are by far the most frequently occurring cases processed by national courts. In 2016, the Minister of State Property, Surveys and Land Tenure stated that land-related matters accounted for 85% of cases in administrative courts, and 65% in judicial courts. Disputes related to unregistered land cannot be brought before these courts. We can therefore conclude that registered land (estimated to be approximately 15% of all lands in the country) generates over 50% of cases brought before the national courts. It would be fair to assume that any increase in the registration rate would have the logical effect of increasing the proportion of land-related cases brought before Cameroonian courts. The sheer volume of land-related disputes processed by the national courts has two main consequences: (1) the efficiency of the judicial system is reduced, as judges spend a great deal of time processing land cases; (2) land tenure security is jeopardised by constant challenges to the validity of land titles, despite these deeds supposedly being “unassailable, irrevocable and final”.

Proposal

15. Set up a mechanism for amicable settlements of land-related disputes, which must be used before the case is referred to a judge;

16. Where parties originate from the same village, instil the customary court as the competent body to hear land-related disputes for land within National Lands, or for land under customary tenure within the village's territory, recognised by a collective title as proposed under

the vision laid out here (one village, one territory). Where this is the case, the land consultative board shall act as the appeal body;

17. Change the composition of the land consultative board when it sits as a court of law, by including a judge with the required regional jurisdiction, appointed by the Presiding Judge of the Court or Presiding Judge of the Court of Appeal.

2.5. Improve the land administration's effectiveness

This involves ensuring that the land administration is working more closely with land rights holders, and providing better coordination between ministries which manage land and natural resources.

2.5.1. Ensure that government ministries are working more closely with land rights holders

The administration is still rather isolated from users on the ground. Departments of the Ministry of State Property, Surveys and Land Tenure are only devolved down to the provincial capitals of each Division (Cameroonian country). Therefore users from each district and village have to travel sometimes long distances to access these services. Better links between the land administration and local government would help to overcome these weaknesses, while also involving local councils in land management.

2.5.2. Decentralise land management

The 1974 Ordinances and their implementation texts do not provide mayors with any specific land management jurisdiction. Yet the local council is the closest government body to the surrounding rural communities. Mayors were not part of Cameroon's institutional structure at that time. Then, the sub-divisional officers were entrusted with the primary responsibility for managing National Lands. Traditional leaders often challenged this role, claiming that the representatives of the administrative authority, unlike the locals, often relocated according to their assignments, and therefore, do not stay in the district for long enough to experience the consequences of their decisions. The mayor, who is mainly responsible for preparing and implementing the local council development plan, is embedded in his/her council for the long term and remains committed for his/her entire term of office.

Given the current context, mayors should be entrusted with land and tenure responsibilities devolved from the sub-divisional officer, and these new responsibilities could be exercised under the supervision of the divisional officer. This system would have two advantages: it would ensure that a local elected representative could be involved in land management, and it would create an additional level of control in the land governance system. Corruption risk could be mitigated by dividing up decision-making authority between the village as a whole, the traditional authorities, mayors, local administrative authorities and central authorities, which would regulate the appropriateness and legality of each decision.

2.5.3. Improve coordination between the land administration and the administrations managing natural resources

Land forms a platform for many other production and conservation activities. A number of public bodies are responsible for managing activities which directly or indirectly affect the land. Land management effectiveness therefore depends on the optimal interconnection of these different sectors, and on the legislation and regulations which govern them. Legislation and policies on land, forests, mineral resources, water and climate change must be consistent, in order to provide effective integrated management of land and other natural resources.

Proposal

18. *Nominate a land administration representative in each council. Staff will work with this representative under the supervision of the council's executive and under the devolved departments of the land administration. The council's duties might include collecting and initial processing of files, which would be approved by the conservation departments. It could also help with the initial identification of the people affected by expropriation and destruction;*
19. *Define a national land policy which stipulates how land management will be linked to other natural resource sectors;*
20. *Ensure coherency of land-related provisions in legislation governing the management of land and natural resources;*
21. *Create a central land register, including all land tenure rights and natural resource permits, to ensure coherency and to prevent the granting of conflicting rights in the same area.*

2.6. Protect community land for future generations

Applications for land registration are most common in rural areas, which is also where the most land-dependent communities live. The demand for land is broadening: i.e. for medium-sized plantations, agro-industry, construction of large infrastructure, mining and logging, licensing of community or communal forests, creation of Government land reserves, or gazettelement of Land within the Private Property of the State, the creation of protected areas and, certainly, (future) carbon concessions. Demand for land is also increasing: the surface area of Cameroon for which rights have been transferred represents around three quarter of the national territory, if you add up all of the areas with land-use restrictions (protected areas) and those used for major infrastructure. However some of these areas overlap each other. This upwards trend is continuing. Global demand for agricultural produce, the proximity of the European market, the cost of land and labour in Asian countries and the relatively easy access to land in African countries are all factors which drive the demand for land. There is also a concurrent pressure on land from local users due to demographic growth and the need to feed urban and rural populations. It is therefore crucial that governments with an abundance of land manage such land as effectively as possible, to ensure that they do not deprive the weakest in society.

Proposal

- 22. *Conduct a rigorous assessment of land applications from investors, to ensure they are realistic;*
- 23. *When land is ceded for investment or infrastructure, Government should identify and delimitate lands sufficient to fulfil the needs of communities, taking demographic growth into account;*

- 24. *Ensure that communities are meaningfully involved on large-scale land deals, and that they fully participate in the decision-making process.*

2.7. Review the system for large-scale land lease

The registration of large areas of land, visibly on the rise based on recent data, is simultaneously one of the main causes of the loss of land rights and of land conflict. The current system was designed at a time when this phenomenon was smaller in scale. This has revealed a number of weaknesses in the Cameroonian legislation. For example, the Government has not taken reasoned decisions on where agro-industrial projects should be located prior to investors submitting their land applications. The process works on a case-by-case basis, based solely on fertility, accessibility and profitability criteria. The main plantations requiring land are rubber and palm oil, which encroach on forests, and we are therefore witnessing the gradual conversion of forests into agro-industry areas. There are a number of factors to be considered, and they are not always properly regulated. These include social issues (such as identifying and assessing the land requirements of local communities and indigenous peoples), environmental considerations (protecting sites of high conservation value, such as great ape habitats and the habitats of other protected mammals, and wildlife corridors between protected areas and their buffer zones),

and even benefits for the Government and communities (land rental price, job creation, tax and customs breaks, etc.). These legal loopholes provide extra leeway for businesses. The contracts entered into with investors do not provide sufficient protection for Government and community interests. Some companies seeking land do not use the whole of the surface area in question, and companies very rarely optimise their productivity. Keeping unused or under-used land under concession simultaneously deprives resident communities of the opportunity to operate their own productive activities in these spaces, and deprives the Government of the chance to allocate the land for uses which are more beneficial to the public purse or the community. Given the current pressure on land, large-scale land transactions should be approached with the greatest caution.

Proposal

- 25. *Implement a moratorium on land transactions for agro-industry, until the performance review of concessionary companies is complete and the new legislation comes into force;*
- 26. *Limit the surface area allocated to agro-industry. The national palm oil policy, which is currently being finalised, sets out a maximum surface area of 20,000 ha per operator (not necessarily in a single block). However the most recent palm oil land sales have not complied with this limit. The maximum surface area should thus be revised downwards;*
- 27. *Create a system for Government to mediate between different uses of land in the same areas, in order to optimize its allocation;*
- 28. *Apply greater stringency to applications to convert temporary concessions into permanent concessions. A number of companies have received permanent agreements without providing proof of their ability to implement the projects for which the land was granted;*
- 29. *Implement monitoring systems for large-scale land investments, to ensure that companies are complying with their commitments;*
- 30. *Introduce dissuasive sanctions.*

2.8. Improve the expropriation, compensation and retrocession system

By law, the Government may carry out expropriations in the public interest, in order to implement public purpose projects. Those affected by expropriation should receive prior and fair compensation. There are a number of weaknesses in Cameroon's compensation system the land reform should address to ensure that the Government is in meeting its international commitments. Complaints by those eligible for compensation generally revolve around the following issues: (1) information on exact surface areas for expropriation; (2) comprehensive identification of people affected; (3) comprehensive identification of property destruction; (4) damage covered by the compensation; (5) compensation amounts; (6) payment terms; and (7) the dispute resolution process.

It is also notable that the public interest compensation rate is very often used for property destruction in rural areas, even when destruction is caused by companies acting outside the scope of public interest.

Proposal

31. Clarify what is covered by the public interest, and set out terms and conditions for its use by the administration and by beneficiaries;
32. Ensure that all property and rights compromised by the expropriation are taken into account (comprehensive damage assessments, including legitimate yet unregistered land tenure rights);
33. Take into account all collective and individual land tenure rights, even those which are unregistered. Currently, collective rights are excluded from the assessment. This oversight can only cause greater impoverishment for the affected communities;
34. Conduct a major review of compensation rates, and revise the terms used to calculate value. Replacement value should be used by default;
35. Make a clear distinction between the expropriation systems for destruction in the public interest and for destruction in the scope of public interest. In many cases, the destruction of community assets outside the scope of public interest gives rise to compensation payments based on the rates applied to expropriations in the public interest, which are far lower than the market rates;
36. Prioritise compensation in kind where possible, in order to prevent situations in which communities are handling large sums of cash, but are not able to rebuild their destroyed assets;
37. Prior to destruction, set out terms for fast and suspensive appeals for the benefit of those affected;
38. Ensure that prior compensation becomes standardised, and implement systems to enable those affected to benefit from a fast appeal process in the event of an expropriation dispute, or to receive compensation.



3

THE WAY FORWARD

Immediately after the reform legislation has come into force, a series of measures must be implemented to restore trust between communities and the Government on land administration:

- a. Perform a land ownership audit by analysing title deeds for large surface areas (over 10 hectares for rural areas, and over 3 for urban areas), to verify compliance with the laws in force when they were issued.**
- b. Perform an audit of land concessions for agro-industry, to analyse their compliance with the relevant legislation.**
- c. Perform an audit of all retrocessions of private land from the Government to communities.**
- d. Conduct an audit of Public Lands to assess the respect of its integrity.**
- e. Create an inventory of all expropriations for public purpose where those affected did not receive compensation for all of their rights, and implement a payment schedule.**
- f. Implement multi-stakeholder dialogue processes to manage land at a local level, to effectively manage resources, and to prevent conflict between different users (holders of granted rights and holders of land use rights). These processes could be built around local councils, and would bring together traditional authorities, representatives of marginalised groups within communities, and the main investors using the land in the council.**

It is crucial to implement a more participatory discussion process at the current stage of the reform. Organising wider consultations at all preparatory stages will increase the legitimacy of the new land legislation.

The Government could redefine the reform's objectives, by seeking greater alignment with its political commitments on natural resource management, reducing greenhouse gases, boosting food sovereignty and job creation. The need to recognise and protect community rights could also be reaffirmed, by taking a clear stance in favour of collective land tenure rights.

About the project

LandCam: Securing land and resource rights and improving governance in the Cameroon

Timeline: February 2017 - January 2022

The LandCam project aims to develop innovative approaches to facilitate inclusive dialogue at the national level, based on lessons learned from past experiences, to improve land governance.

LandCam promotes learning, throughout the ongoing reform of Cameroon's land legislation and will contribute to building the capacity of actors at the local, regional and national levels. LandCam works with key stakeholders across Cameroon to improve customary and formal rights to land and natural resources by piloting innovations in land governance at the local level and contributing to sustainable policy reforms.

New spaces will be created for more informed, effective and inclusive dialogue and analysis, with the participation of stakeholders. LandCam will monitor changes on the ground, monitor legal reforms and share lessons learned nationally and internationally.

Who are we?

IIED, CED and RELUFA are the organisations implementing the LandCam project, working closely with a wide range of partners in Cameroon and internationally.



International Institute for Environment and Development (IIED)

IIED promotes sustainable development by linking local priorities to global challenges. IIED supports some of the world's most vulnerable populations to make their voices heard in decision-making.



Centre for Environment and Development (CED)

CED is an independent organisation working to promote environmental justice and protect the rights, interests, culture and aspirations of local and indigenous communities in Central Africa. As an active member of several networks, the CED has succeeded over the years to mobilise allies to influence positively legal frameworks, monitor natural resource exploitation activities, sustainably build the capacities of dozens of local communities, and produce important scientific and advocacy documentation.



Réseau de Lutte contre la Faim (RELUFA)

RELUFA (Anti-hunger Network) is a platform of civil society and grassroots community actors created in 2001, which aims to address systemic problems that lead to poverty, hunger and social, economic and environmental injustices in Cameroon. The RELUFA's work is based on three programs: Equity in Extractive Industries; Land and Resource Justice; and Food and Commercial Justice.

This document was produced with the financial support of the European Union. Its contents are the sole responsibility of its authors and can in no way be perceived as reflecting the views of the European Union.

While not involved with the production of this publication, the International Development Research Centre (IDRC), the Arcus Foundation and Friends of the Earth Netherlands/Milieu Defensie also support some activities implemented in connection with LandCam.

These organisations support the development of this land policy note



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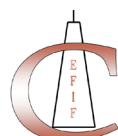
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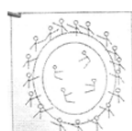
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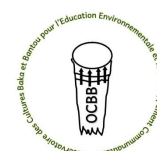
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Reforming land tenure in Cameroon: Avenues for action

Cameroon has committed itself to a process of law reform in the main sectors of natural resources (forests, mines, land). This process offers a unique opportunity to increase coherency and complementarity amongst sectoral laws, and to increase the overall efficiency of land and resources governance. At the request of the Government of Cameroon, stakeholders, including civil society organizations, were invited to contribute to the land reform process. Expressing the position of a group of organizations and citizens interested in land management in Cameroon, this document is based on the lessons learned from forty-five years of land management since the last major reform in 1974 and on new developments in this domain. It also draws inspiration from proposals made by civil society to the land administration and from international law. Five principles are proposed to guide the reform, with the vision that land law should be constructed in a way that is both participative and inclusive of individual and collective land rights, secured by an efficient, prompt and inexpensive justice system, and an administration that protects the rights and interests of beneficiaries and communities holding legitimate land rights. In addition, measures are proposed to restore a climate of trust between communities and the administration in charge of land management after the texts resulting from the reform are implemented.



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