

Briefing

**Land acquisition and rights;
Natural resource management**

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Policy pointers

Policymakers must ensure the new law recognises and protects the individual, collective and customary land tenure rights of rural communities, including Indigenous Peoples.

The government should work with local stakeholders, including traditional and public authorities, to ensure the reform process is inclusive and comprehensive.

The new legislation should improve land security for all holders of registered and unregistered rights, to promote social peace and inclusive economic development, increase food security and create jobs.

Reform must also harmonise and streamline sector-specific and national land laws, to ensure coherent governance and prevent the unavoidable conflicts caused by contradictions between these laws.

Land reform in Cameroon: a coherent vision from civil society

The Cameroonian government's decision to reform the land legal framework is an opportunity to provide real protection for rural land tenure rights, in a context where major investments and projects are increasing tenure insecurity across the country. Responding to an invitation from the administration to help design this new framework, civil society stakeholders have issued multiple proposals over the years on the topics they think should be included in the new land law. The LandCam project has documented, analysed and consolidated these proposals. Building on these, we also developed a comprehensive and coherent vision for the new land system and have made concrete recommendations for Cameroonian policymakers to build trust and ensure good implementation of the new law. This briefing gives an overview of key elements in this process.

In Cameroon, rural communities' rights to own, access and use land are under threat from large-scale agriculture investments, infrastructure projects and the exploitation of forests, mines and other natural resources. The process for approving and implementing such activities generally gives little consideration to local communities' and Indigenous Peoples' land tenure rights, and many have been displaced, sometimes without consultation and often with no compensation.¹

Cameroon's ageing, inadequate legal framework does little to recognise or protect customary rights — or indeed, people's land rights in general — and land-related conflicts are common.² According to the Ministry of State Property, Surveys and Land Tenure, land disputes accounted for 65% of cases in judicial courts and 85% of cases in administrative courts in 2016.³

In 2011, the government invited civil society actors and other social stakeholders to help design the new land legal framework. Civil society actors widely welcomed this decision, hoping that the new legislation would help recognise and protect the land tenure rights of local and indigenous communities, even if the president's aim was to facilitate access to land for agro-industries.⁴ Over the past nine years, civil society organisations (CSOs) have put forward proposals on various aspects of the land tenure system, which the LandCam project has documented and analysed.⁵ The complexity of the land question in Cameroon and the differences in vision and specialisations have led to some contradictions, omissions and ambiguities between the proposals. LandCam has solidified and harmonised them to present a coherent, detailed vision for the new law and its implementation in a policy note to guide land reform in Cameroon.⁶

The law is ill-suited for traditional land management methods, which are often built around collective rather than individual ownership

What needs to change?

Cameroon's land tenure system, established in 1974, recognises the rights to own and use land. The 1974 Ordinances established the

rules governing land tenure and state lands,⁷ with consequent decrees setting out conditions for obtaining title deeds, managing national lands and private state property and private property transactions.

Ownership rights.

Although the 1974

Ordinances provide for the possibility of becoming a landowner, some of the conditions for accessing ownership are discriminatory. For example, registration is only possible on land with visible evidence of development (buildings using permanent materials and visible signs of use) before 6 July 1974. This excludes Indigenous Peoples and (semi) nomadic livestock farmers, whose lifestyle generally leaves no long-term trace on the natural environment. It also excludes young people, who struggle to prove that development predates July 1974. The law is also ill-suited for traditional land management methods, which are often built around collective rather than individual ownership. The strict application of the registration provisions has increased the instability of land tenure rights for rural populations, while the high cost and complexity of the administrative process makes land ownership inaccessible to most.

Land use rights. They are granted to communities for national lands, which cover most rural spaces in Cameroon. The 1974 Ordinances recognise the right to hunt and gather on unregistered and undeveloped land, while the 1994 Law on Forests outlines the land use system for forestry, wildlife and fisheries, confirms the existence of hunting and gathering rights and extends these rights to other forest resources. But while these provisions ensure the right to use land and resources, they do not secure customary tenure rights. As a result, communities are not compensated when their customary lands are sought for registration or a state-approved project.

Incoherencies in governance. There are many contradictions between the 1974 Ordinances and sector-specific land rights and management laws, making it difficult to implement coherent governance. For example, the 2016 Mining Code states that the holder of a mining title deed must compensate customary owners for any

occupancy of their land, contradicting the land use rights set out in the 1974 Ordinances. Likewise, the 1994 Law on Forests authorises the transfer of land ownership rights, under conditions that contradict processes set out in the current land legislation. One of the main challenges of reform, therefore, is streamlining sector-specific legislations to avoid contradictions between laws, in ways that protect the rights of rural communities.

Priorities identified by civil society

In response to the government's invitation to help design a new legal framework, civil society actors — from activists to representatives of national, regional and local nongovernmental organisations, thinktanks and members of various networks (of traditional chiefs, indigenous communities, the Rights and Resources Initiative⁸ and National Engagement Strategy) — have put forward many proposals for land reform. Table 1 shows a summary of the key issues they raised, primarily around recognising and protecting collective land tenure rights and restructuring the governance model for inclusive, participatory and decentralised land management.

The LandCam vision: recommendations for land reform

Based on the proposals put forward by CSOs (see Table 1), as well as inputs from rural stakeholders and heeding lessons from initiatives in other African countries such as Mali and Burkina Faso,⁹ our five guiding principles for land reform in Cameroon propose that it should:

- **Be an inclusive process**, enabling citizens, including the most marginalised or those using land for specific purposes — such as indigenous forest communities and nomadic livestock farmers — to contribute to the new legislation
- **Improve land security** for all holders of registered and unregistered rights, to promote social peace and inclusive economic development
- **Recognise legitimate customary land rights** (see Box 1), which are often overlooked by the law and do not always match registered rights
- **Have clear terms and conditions**, providing clarity around access to land, rights and uses to prevent contradictions, disputes and conflict, and
- **Comprehensively** cover all issues relevant to land tenure rights.

An inclusive roadmap. In this crucial phase of the reform process, the Cameroonian

Table 1. CSO proposals for the new legal land tenure framework

The reform process	Rights and ownership	Governance and administration	Expropriation and compensation
<ul style="list-style-type: none"> ▪ Including all stakeholders and considering local realities and requests ▪ A clear, coherent and transparent roadmap to guide the process ▪ Mobilising different sectors to provide greater coherence between the laws governing forestry, extraction and land and environmental management ▪ Ensuring land legislation is consistent with all sector-specific laws on natural resources (forests, mining, oil, environment, etc) 	<ul style="list-style-type: none"> ▪ Simplifying the registration process and making it accessible to all ▪ Revising the requirement for visible development before 6 July 1974, and relaxing or repealing it ▪ Recognising customary rights as the basis for collective or individual ownership in rural areas ▪ Recognising collective ownership ▪ Considering the interests of marginalised groups, including Indigenous Peoples, women and young people ▪ Protecting communities' rights against acquisition of their land for large-scale investments 	<ul style="list-style-type: none"> ▪ Decentralising land administration, primarily through the participation of councils ▪ Strengthening land governance institutions with clear rules on the roles and responsibilities of national and local actors ▪ Marking out boundaries on traditional village land and providing a reliable database on the geographical information compiled ▪ Setting up clear processes to resolve land-related conflicts between different stakeholders ▪ Increasing public involvement in land management (particularly local and indigenous people) ▪ Developing tools to combat corruption and increase transparency 	<ul style="list-style-type: none"> ▪ Setting out clear definitions for key concepts, such as 'public purpose' ▪ Ensuring the compensation process covers all damage and all affected parties so that expropriation does not impoverish people or communities ▪ Creating clear and fair criteria for expropriation and compensation ▪ Implementing a major review of compensation rates ▪ Protecting those affected by expropriation — for example, with payments and rehousing before any expropriation measures are taken

government must propose an inclusive roadmap setting out the next steps. It must also multiply exchanges between stakeholders and work with traditional and public authorities to develop tools to identify, recognise and protect the land tenure rights of the most marginalised groups, including women, Indigenous Peoples and young people. LandCam organises frequent multi-stakeholder meetings to achieve this objective.

One village, one space. The new law must recognise collective land tenure rights as well as individual rights. Mirroring requests from several rural communities, CSOs proposed ensuring that each village has a recognised and protected space. 'One village, one space' could be one of the reform's basic principles, providing a non-transferable title deed in the name of the village to cover all village land. The community would be responsible for managing it, under supervision of the competent administrations, following rules that uphold the interests of the villagers and the community.

Harmonised sectoral laws. Streamlining sector-specific legislation would provide coherent links between production and conservation goals and protecting rural communities' rights. Harmonising sector-specific laws with each other and with national land legislation would help avoid the contradictions that allow the state to grant

overlapping rights or grant rights to traditional native land without consulting the communities who live on and use that land. Establishing a single land register listing all land and resource rights would help prevent conflict in this process.

Decentralised land management. In 1974, mayors — who represent inhabitants within the boundaries of a council — were not part of Cameroon's institutional structure. As such, they are not included in today's institutional land management system. Current discussions on decentralisation advocate including them in the reformed system. We recommend that land law reform grants local administrative bodies specific land management responsibilities.

Box 1. What are 'legitimate' land tenure rights?

The Food and Agriculture Organization's 'Voluntary Guidelines on the Responsible Governance of Tenure of Land' (2012) refer to "legitimate tenure rights" as including those recognised by law and socially recognised customary rights, which the law often overlooks.

The African Union's 'Framework and Guidelines on Land Policy in Africa' (2010) advocates recognising the role of local and community-based institutions in land management, and including them in a governance system that aligns and strengthens the interface between administrative and customary systems.

Both these frameworks for good practice in protecting land tenure rights can help guide land reform in Cameroon.

Investment and expropriation. To prevent new land-related conflicts between major investments and rural communities, we recommend that the state impose surface area restrictions for land concessions and a moratorium on new concessions and direct registrations until the reform is complete. To protect communities and individuals from large investors, we also recommend:

- Assessing the performance of existing land concession holders to better understand their environmental and economic impact, and their relationships with communities
- Consolidating the damage documentation and compensation process, including the value of destroyed property, existing developments and community resources, for all land, whether registered, unregistered and under collective or individual ownership, and
- Clarifying the definition and use of public purpose to ensure investors cannot pursue private interests at the expense of public interests.

Looking beyond reform

By designing an effective governance system and securing land tenure rights, the new law can support and create synergies between national

targets for food security, sustainable social peace, economic development and environmental protection. To help build trust with rural citizens and ease the implementation of the new law once it has been adopted, we recommend the government:

1. Conduct an audit of existing land tenure rights granted through direct registration, land concession or retrocession of state property, to ensure that they were granted in compliance with the laws in force at the time of the transfer.
2. Compile an inventory of all expropriations for a public purpose where no payment has been made to people affected, and create a payment schedule to settle accounts.
3. Implement a multi-stakeholder dialogue to manage spaces locally, built around councils and involving all local stakeholders, from representatives of traditional authorities, women, young people, indigenous communities to local public administrations.

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Knowledge Products

The International Institute for Environment and Development (IIED) promotes sustainable development, linking local priorities to global challenges.

LandCam works on securing land and resource rights and improving governance in Cameroon. LandCam is implemented by CED, RELUFA and IIED.

The Centre pour l'Environnement et le Développement (CED) protects the rights, culture and aspirations of local communities in Central Africa.

The Réseau de Lutte contre la Faim (RELUFA) works to address poverty, hunger, and economic, social and environmental injustices in Cameroon.

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Notes

¹ Mvondo, P (2000) La situation juridique de l'occupant sans titre d'une plot du domaine national au Cameroun. *Verfassung Und Recht in Übersee/Law and Politics in Africa, Asia and Latin America*. 33(4), 487–503. / ² Wily, L (2011) Whose land is it? The status of customary land tenure in Cameroon. Centre for Environment and Development. / ³ Journal de Cameroun (19 August 2016) Litiges fonciers: une problématique en débat au Cameroun. *Land Portal*. <https://bit.ly/2UiEQ3r> / ⁴ In a speech in January 2011, President Biya announced a land reform aimed at facilitating the development of a "second generation agriculture" (large-scale agriculture). See: <https://tinyurl.com/y63cewod> (in French). / ⁵ LandCam (2019) Civil society proposals for land reform in Cameroon: assessment of the existing legislation. <https://tinyurl.com/yajhxx8q> / ⁶ LandCam (2020) Reforming land tenure in Cameroon: avenues for action. Civil society land policy note. www.landcam.org/en/reforming-land-tenure-cameroon-avenues-action-civil-society-land-policy-note-long-version / ⁷ Ordinances No.74-1 and 74-2, both of 6 July 1974, established rules governing land tenure and state lands respectively. / ⁸ www.rightsandresources.org / ⁹ CED, RELUFA and IIED (2017) Parliament-Government Forum for sharing land management experiences in Africa — final communiqué. <https://tinyurl.com/y97emm7v>

