

Briefing

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

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Policy pointers

Cameroon's law reform is an opportunity for policymakers to respond to major challenges, such as the recognition of customary and collective land ownership, and the rights of indigenous peoples and (semi-) nomadic groups.

Land management bodies, including local and village authorities, need stronger mandates, with clearer roles and responsibilities for managing rural lands, enabling inclusive, participatory and accountable governance.

Decentralised governance institutions must embed the use of dialogue and include locally adapted mechanisms to resolve land use conflicts between different stakeholders.

Decision makers should harmonise land and sectoral natural resource laws into a coherent legal regime. This would strengthen tenure security for rural citizens, and enable the responsible governance of land and natural resources.

Securing land rights in Cameroon: what hasn't worked and what should be done

Land in Cameroon is under growing pressure for many reasons — powerful commercial interests, changing climate conditions and shifting demographic flows including mass migration and increasing population density. The rights of rural communities and indigenous people to access and use land for farming and grazing have been eroded — primarily due to failure to recognise customary land tenure rights, land use conflicts and lack of effective local governance. The country's land legislation is indeed outdated and not compatible with customary law and local realities. To resolve these challenges, since the 1980s both governmental and non-governmental organisations have trialled several initiatives. These have had mixed results, reflecting gaps in the legal framework. This briefing assesses these initiatives, and draws out recommendations to guide the current land reform process and ensure the rights of all are protected.

Cameroon's rural and indigenous communities hold customary rights over the vast majority of forests, pasture and land, which support their livelihoods — and survival. However, these rights are inadequately recognised in legislation and have been gradually eroded. Since the 1980s, the government, non-governmental organisations (NGOs) and development agencies have launched various initiatives to strengthen land tenure rights across Cameroon. These have made limited progress though, severely hampered by an outdated legal framework.

The dramatic increase in large-scale land-based investments over the last 15 years, including logging and agro-industrial concessions, has led to the incursion of commercial interests onto

community land. This has sparked conflicts between communities and companies, threatening the livelihoods, food security and cultural survival of these communities. The lack of effective local governance systems also gives rise to intra-community conflicts, which jeopardise the rights of local land users, in particular pastoralists, hunter-gatherers and farmers. Indeed, Cameroon's current land and sectoral laws fail to recognise and properly protect the rights of rural communities, particularly marginalised groups such as indigenous communities, women and youth.

This briefing summarises a recent review by the LandCam project of land rights initiatives in Cameroon's Greater North and Greater South regions.^{1,2} It draws lessons and makes

recommendations for the country's ongoing reform of land legislation.

Threats to rural land rights

Land tenure insecurity is a problem across much of rural Cameroon, largely due to a misalignment of customary and statutory land management systems. There is an urgent need to strengthen the legal

recognition of customary rights to meet a range of new and old challenges.

Failure to recognise customary land rights.

Prior to colonialism, Cameroon's land management systems were based on collective customary arrangements.³ Despite significant dispossession of lands during the colonial period, customary practices still largely govern land tenure in rural areas, even though customary law is not statutorily recognised. All unregistered land (the vast majority of rural areas) was placed under State control in 1974, when traditional land rights of communities were reduced to "land use rights." Still today only individual registration is permitted, if that land shows "visible development", which excludes indigenous communities and nomadic pastoralists from owning land.⁴ Because current laws do not reflect the reality of socially legitimate land tenure, complications can arise when there are added pressures, such as commercial interests and climate change-induced droughts.

Growing conflict over land use. In certain rural areas, pressures on land fuelled by population growth and the scarcity of arable land are increasing competition between stakeholders.⁵ This is often exacerbated by a lack of agreed rules governing land ownership and use.

When land use and ownership rules become unclear or inadequate, conflicts often arise between groups such as pastoralists, farmers, fisherfolk, and hunter-gatherers. Previously, although punctuated by small-scale conflicts, these groups coexisted, with local rules governing access to and use of collective resources.⁶ The shift towards more fragmented and individualised private spaces, as well as population growth and the increasing scarcity of arable land, have disrupted those arrangements and caused the non-respect of these rules, leading to a rise in conflicts

between the different groups. The arrival of migrants and refugees fleeing conflict zones and the effects of climate change have also increased competition for pasture, forcing nomadic pastoralists to change their routes. These rapid changes require clearer rules for local land ownership, access and use.

Lack of effective local governance and accountability.

Local governance structures vary greatly across Cameroon, due notably to a lack of clarity in the decentralisation process. Traditional chiefs hold central positions in customary land management, having a dual role of safeguarding traditional land governance while also being expected to enact the government's land allocation decisions. This dual role can be problematic for members of their communities.⁷ Their decisions may exacerbate land insecurity, and demonstrate a lack of transparency and accountability in land transactions.⁸ Since local land governance bodies do not always represent or include broad swathes of the community, chiefs can gain too much power. For example, in the north, without written rules for land management, chiefs have at times unilaterally levied land taxes and allocated land rights with little accountability.⁹

Decentralising land management of course requires building on existing institutions and involving traditional authorities. However, broad inclusion, transparency and accountability in decision making are essential, to ensure the protection of everyone's rights.

Women in particular are often absent from decision-making bodies, meaning they cannot attend or participate in the settlement of land disputes, nor contribute when area boundaries are defined. Therefore, women's land use needs and rights are often overlooked, despite their being the primary users and workers of land, for both farming and subsistence activities. This increases their vulnerability to land dispossession and threatens food security.

Evaluation of three strategies for securing land rights

The challenges discussed above demonstrate the need to secure improved land rights for all communities in Cameroon. This begins with updating the current legal framework.

Three approaches adopted since the 1980s are reviewed below. Although their outcomes were inadequate, they do shed light on potential ways to reform Cameroon's land laws.

Formalising individual land rights. The Cameroonian government, NGOs and some communities have attempted to formalise

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individual land rights across northern and southern regions. In general, the registration process is long, complex and extremely costly, therefore only accessible to powerful individuals who reap the benefits at the expense of other villagers, exacerbating inequalities. To address this, in certain projects, community members were given technical and financial support to officially register land in their name. However, there was generally low uptake for “pieces of paper” that contravened established social relations.¹⁰ Since registration only grants rights to specific individuals, often to land that was previously used and owned collectively, it goes against forms of land use and occupation on the ground.

Additionally, the introduction of land titles creates a land market, whereby individuals from outside the area can apply for such titles, and this can lead to the dispossession of legitimate tenure holders.¹¹ Individual titling is even less appropriate for (semi-)nomadic communities, whose lifestyles are based on mobility and shared resources.⁶ Historical sociopolitical organisation across Cameroon reflects collective arrangements, and land-securing strategies should be based on the recognition of collective dynamics. Individual titles contradict such forms of organisation.

Using dialogue platforms to clarify land use rules. Dialogue platforms are multi-stakeholder forums that can help resolve conflicts between bordering communities, between farmers, pastoralists and fisherfolk, and between communities and investors. The approach is often combined with participatory mapping to identify and understand different modes of land tenure/use and to define borders. The mapping exercise facilitates the preparation of local (village-level) and council plans that better regulate land use and access. With traditional authorities' participation, written agreements can be prepared, following approval by government authorities (see Box 1).

Since dialogue platforms bring stakeholders together around a common problem, they can in theory enable marginalised groups such as indigenous peoples, women and youth to defend their interests in decision-making processes. However, there are cases where establishing such forums has not improved long-term land tenure security, due to their lack of institutionalisation and local ownership; dependency on external funding; insufficient monitoring; and major commercial interests skewing the process. This was the case in Figuil, where a local policymaker created a multi-stakeholder platform to overcome issues

Box 1. Inclusive governance charter to resolve conflicts and clarify rules

In Bangangté, West region, population growth and incoming migration increased pressure on land, sparking conflicts between farmers and cattle herders. In 2009, the National Participatory Development Programme joined forces with municipal authorities to facilitate the development of a Land Use and Sustainable Management Plan.⁵ Participatory processes were used to demarcate land boundaries according to farming, grazing and forestry activities, and initiated discussions between those claiming land rights to reach consensus. The plan was then compared to a detailed map of local resources and climatic conditions to ensure that livelihood activities were sustainably managed. This led to recommendations and regulations reflecting the needs of all land users in a ‘governance charter’. It included the demarcation of livestock corridors for pastoralists and exchanging animal feed for manure to fertilise the fields. An easing of tensions between users, who now actively collaborate in land management decisions, was reported. To ensure long-term success, the governance charter requires the sustained involvement of local authorities and the institutionalisation of the approach with high-level government support.

caused by mining in the area, but its scope for success was constrained by the powerful commercial interests at play.¹²

There are also challenges associated with ensuring that nomadic groups are included in local dialogue processes, due to their mobility.

Community forest model. Cameroon's Forestry Law¹³ includes a provision to secure the rights of communities to use forest resources through community-based management. Establishing community forests is promoted as a way to reduce deforestation and increase local socioeconomic development. Based on collective management, the approach should in theory be tailored to local needs but many such initiatives have failed. Setting up an association or cooperative, which is a prerequisite, is overly bureaucratic and costly. With limited local management capacity, there is often a lack of transparency, inclusion and accountability. Above all, there are inconsistencies between the forest and land tenure regulations governing these territories.¹⁴ Forestry Law only grants temporary use rights to forest resources, without addressing rights to the land itself.

In the Ocean Division, land inside the community forest of indigenous communities in the villages of Moungue, Gwap, Nkollo and Bella has been handed over to an agro-industry, threatening the community's means of subsistence and therefore their existence.¹⁵ These communities, despite being the legitimate tenure holders and managers of the forest, were not consulted about the transaction. The community forest model therefore fails to protect customary land

tenure claims, since commercial interests can override them.

Way forward for legal reform

Against the backdrop of mounting commercial pressures on land, current measures to protect the rights of rural and traditional communities in Cameroon are woefully inadequate. None of the initiatives trialled so far have provided durable solutions, but they do offer important lessons to guide Cameroon's land reform and ensure that the rights of all are protected.

Cameroon's legislation needs to:

- Recognise customary land tenure rights, through a collective ownership system, and protect the land tenure rights of (semi-) nomadic groups to access and use land
- Provide better support for traditional authorities and strengthen existing governance institutions to ensure greater inclusion and accountability for the communities that they represent, particularly

women and disadvantaged groups such as indigenous peoples, migrants and refugees

- Promote the creation of local multi-stakeholder platforms for dialogue supported by local authorities (traditional, council and administrative), so that all land users and tenure holders can agree on land governance rules and resort to locally adapted dispute resolution mechanisms, thereby helping to avoid conflict
- Harmonise land, forest and other sectoral laws to coordinate a single ownership regime, which adequately protects rights to, and includes legitimate rightsholders in the local management of land and natural resources.

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Knowledge Products

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

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.

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

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Notes

- ¹ Kossouma, N (2018) Revue des expériences de reconnaissance et sécurisation foncière des communautés Nord Cameroun. IIED, CED, RELUFA. www.landcam.org/fr/revue-des-experiences-de-reconnaissance-et-securisation-fonciere-des-communautes-nord-cameroun/
- ² Bassalang, M and Acworth, J (2019) Review of initiatives to recognise and secure the land tenure rights of communities in Southern Cameroon. IIED, CED, RELUFA. ³ This refers to all (generally unwritten) rules and procedures that a rural community uses to govern land-based relationships between its members, and with neighbouring or linked communities. This includes the collective rights of a community's members to natural heritage, as well as the private rights of members of a community over their farming and residential plots. It varies between different regions and ethnic groups, and is also influenced by economic, social and political changes over time. ⁴ Wily, L (2011) Whose land is it? The status of customary land tenure in Cameroon. Centre for Environment and Development. ⁵ International Land Coalition (2017) Rangelands. Sécuriser davantage les pâturages au Cameroun : une revue des bonnes pratiques. https://cgospace.cgiar.org/bitstream/handle/10568/99429/rangelands_8_fr.pdf?sequence=1&isAllowed=y ⁶ Moritz, M (2017) Misreading a pastoral property regime in the Logone floodplain, Cameroon. *Ecology and Society* 22(1) 13. <https://doi.org/10.5751/ES-09055-220113> ⁷ Bios Nelem, C (2018) Le pouvoir traditionnel en contexte pluraliste au Cameroun: la déconstruction des liens familiaux entre «frères» Bamoun à partir des clivages politiques. *SociologieS*. ⁸ Lado, H (2017) Predation and Expropriation for Public Interest in Cameroon. *Revue internationale des études du développement* 231(3) 33–55. ⁹ Teysier, A, Hamadou, O, Bachirou, S and Toukrou, A (2003) Expériences de médiation foncière, entre pratiques coutumières et Code foncier. Cirad. ¹⁰ Seignobos, C, (2003) Sortir de l'oralité: un moyen de reconnaissance des droits fonciers au Nord-Cameroun. ¹¹ Yaro, JA (2010) Customary tenure systems under siege: contemporary access to land in Northern Ghana. *GeoJournal* 75(2) 199–214. ¹² RELUFA and CANADEL (2016) Etude de base sur la transparence et la participation des communes et communautés dans les processus attribution et de gestion des concessions foncières et minières. <https://bit.ly/334T9LU> ¹³ The Forestry Law of 1994 (Loi forestière de 1994), the Decree Implementing the Forestry System (décret d'application du régime des forêts), and the Cameroon Forestry Policy (Politique Forestière du Cameroun) adopted in November 1995. ¹⁴ CED, Fern, FPP, IIED and Okani (2017) Community forestry in Cameroon: a diagnostic analysis of laws, institutions, actors and opportunities. IIED, London. <https://pubs.iied.org/G04191> ¹⁵ Declaration by NGOs and Associations about the Land Grabbing by the Government and Biopalm Limited. www.forestpeoples.org/sites/default/files/documents/NGO%20AND%20ASSOCIATIONS%20DECLARATION.pdf