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NATIONAL ENGAGEMENT STRATEGY ON LAND GOVERNANCE IN CAMEROON

# LAND REFORM IN CAMEROON: COMMON POSITION PAPER OF CIVIL SOCIETY ORGANIZATIONS





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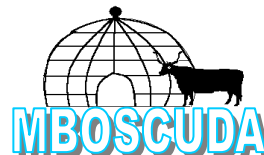
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## NATIONAL ENGAGEMENT STRATEGY ON LAND GOVERNANCE IN CAMEROON

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<sup>1</sup> This list is not exhaustive. It does not specify the names of all the members of the NES National Platform, nor all the participants at the November 2015 dialogue workshop.



- ACDIC** : Association Camerounaise pour la Défense des Intérêts Collectifs
- APIDER** : Association pour la Promotion des Initiatives de Développement Rural
- CAGF** : Cadre d'Analyse de la Gouvernance Foncière
- CAMORIF**: Cameroon Movement on Right to Food
- CED** : Centre pour l'Environnement et le Développement
- CEMAC** : Communauté Economique et Monétaire d'Afrique Centrale
- CEW**: Cameroon Environmental Watch
- COMAID**: Community Assistance in Development
- COMINSUD**: Community Initiative for Sustainable Development
- RLA**: Regional and local authorities
- FAO**: Food and Agriculture Organization
- ILC**: International Land Coalition
- MBOSCUDA**: Mbororo Social and Cultural Development Association
- MINDCAF**: Ministry of State property, Surveys and Land Tenure
- OCS**: Organization of the Civil Society
- Plateforme DESC-CAM** : Plateforme des Organisations de la Société civile sur les Droits Economiques Sociaux et Culturels du Cameroun
- PROPAC** : Plateforme Régionale des Organisations Paysannes d'Afrique Centrale
- ReCTrad** : Réseau des Chefs Traditionnels pour la conservation de l'environnement et la gestion durable des écosystèmes du Bassin du Congo
- REPAR** : Réseau des Parlementaires pour la Gestion durable des Ecosystèmes de Forêts denses et Humides d'Afrique Centrale
- RNHC** : Réseau National des Habitants du Cameroun
- NES**: National Engagement Strategy
- AU**: African Union

## I.A. Methodology and relevance of the document

This position paper is the result of the following contributions:

- The reflections of the Working Group of the civil society on the on-going land reform in Cameroon. This Working Group is a high-ranking strategic and operational framework for reflection on the revision of the Land Law and its impact on the living conditions of people in Cameroon. It was established as one of the governing bodies of the NES, and it is made up of nine (09) independent experts; or experts from organizations, networks and platforms of the civil society who have valuable experience on land issues.
- The early proposals of CSO members of the National Platform of CSOs on land reform, who initially stated their proposals on the Land Act of 1974, namely COMINSUD, CED, CAMORIF, COMAID, REPAR, and APIDER.
- The discussions which took place during the consultation meetings of the NES National Platform held in Yaoundé, from October 16 to 17, 2014 and those of the regional hubs of Adamawa, Centre, North-West, Littoral, East, West, South, South West, North, and Extreme -North.
- The results of the studies and consultations carried out by the NES and other stakeholders on land issues such as the RRI Platform, DESC Platform, PROPAC, CEW, UICN National Committee, RNHC, traditional rulers, and parliamentarians (REPAR).
- The results of the working sessions and recommendations from the workshop on dialogue between stakeholders who made proposals to the Government on land reform, held in Yaoundé, at Tou'Ngou Hotel, from November 25 to 26, 2015.

Its relevance is built on specific concerns raised by citizens from vulnerable groups: as stated by the latter, and recorded by CSOs, opinion leaders, and their legitimate representatives (parliamentarians). It is in line with the provisions of international frameworks for land matters and judicial mechanisms, which Cameroon is a party, and international instruments ratified by Cameroon namely:

- The Declaration of Heads of States of the African Union (AU) on land issues and problems in Africa, during the 13<sup>th</sup> Ordinary Session of the Assembly of Heads of States and Governments of the African Union, in July 2009, in Sirte, Libya;
- The AU Framework and Guidelines on Land Policies in Africa adopted in this very circumstance, with a call by the Heads of States for their effective implementation (2009);
- The Voluntary Guidelines on Responsible Governance of Land Tenures applicable to Fisheries and Forests in the Context of National Food Security (2012);
- The Guiding Principles on large-scale land investments in Africa, of the African Union (November 2014).

This edition of Position Paper, reviews and consolidates the various proposals made by civil society organizations, which have been submitted so far to the attention of the Ministry of State Property, Surveys and Land Tenure.

This document is fully in line with the consultation and participation mechanism set up under the land reform. It was reviewed and validated in a Working Group meeting held in Yaoundé, on January 26, 2016, and during a Steering Committee meeting held in Yaoundé on February 17, 2016.

<sup>2</sup> COMINSUD, CED, CAMORIF, COMAID, REPAR and APIDER.

<sup>3</sup> The Parliamentarians Network for the Sustainable Management of Ecosystems of Thick Forests and Rainforests of Central Africa (REPAR) is a member of the Steering Committee of NES Cameroon.



## I.B. Words from the Presidents of the NES Steering Committee

### OUR CITIZEN DUTY

By Samuel NGUIFFO and Musa NDAMBA, Co-Chairpersons of the NES Steering Committee in Cameroon



In February 2015, a year ago, the stakeholders of the ILC's National Strategy of Engagement in Cameroon presented to the Government and Parliament, a Position Paper on Land Reform in Cameroon, grouped into eight points.

At the time, some stakeholders; members or non-members of our platform, had followed or preceded us by presenting twenty proposals on land reform to the Government.

This abundance of proposals is a proof that non-State stakeholders are interested in land issues, and that after studying those issues, they are fulfilling a challenging task; a civic duty, by making proposals to the holders of issues. However, by its abundance and contradictions, it can also have the opposite effect to that which was expected: shedding light on unanswered questions in the proofreading of the Land Act.

We therefore took the opportunity of the ILC's annual tour in Cameroon, in 2015, to suggest a dialogue workshop between stakeholders who made proposals to the Government on land reform.

The dialogue workshop, which held in Yaoundé on November 25 and 26, 2016, enabled the civil society that is fully engaged in the reform process of the Land Act and policy, to interchange, in order to give more consistency, clarity and strength to proposals which were previously made in a scattered manner. This dialogue workshop also engaged the said proposals in centripetal dynamics that will be as legitimate as relevant.

We went about it by engaging the NES as a participatory dynamic, thereby minimizing any risk of misunderstanding: since our purpose was to fulfill our civic duty namely, by providing a synthesis of our previous (numerous) proposals in an easy-to-read document, with operational content.

We are aware of the commitment of the Government of the Republic in considering carefully such proposals, to give them the proper result.

Nevertheless, having stated these twelve (12) positions, we do admit that they do not respond to all questions raised by:

- ♦ the populations who need land for various uses and who desire social progress;
- ♦ investors to whom Cameroon is the best assets;
- ♦ traditional chiefs who are guardians of traditions and land at the customary level;
- ♦ parliamentarians whose activism on the management of natural resources has lasted for more than ten years;
- ♦ those who hold the helm of the ongoing reform and who must find ways to reconcile the requirement of the Head of State; at the Agropastoral Show in Ebolowa, with international instruments ratified by Cameroon, while ensuring the relevance, a peaceful applicability and sustainability of the selected legal and policy options.



The NES and its stakeholders in Cameroon will continue to contribute to the emergence of a pro-poor and people-centered land governance namely, through dialogue, action-research, sensitization of stakeholders at the local level, and assistance to defenders of land rights and communities in distress due to the violation of their land rights.

We are highly indebted to all those parliamentarians, members of the Executive, journalists, and heads of international organizations, who from far and near, have been following-up our work.

Our special gratitude goes to the Head of State, His Excellency Paul Biya, who showed great solicitude towards us by accepting that Her Honorable the Minister of State Property, Surveys and Land Tenure be part of a large delegation that participated at the World Forum on land tenure in Dakar, where she opened the proceedings.

Thanks Sirs/Madams.

## I.C. An inaugural discourse by His Majesty MAMA Jean Marie (Senator), at the opening of the dialogue workshop between stakeholders who made proposals to the government on land reform in Cameroon

### "DIALOGUE FOR AN EQUITABLE AND INCLUSIVE MANAGEMENT OF LAND AND NATURAL RESOURCES: A CIVIC DUTY"

*The Inspector General, Personal Representative of Madam the Minister  
Of State Property, Surveys and Land Tenure,  
The National President of MBOSCUA,  
The Secretary General of the Centre pour l'Environnement et le Développement  
Madam the Representative of the European Union  
Your Majesties the Traditional Rulers,  
Ladies and Gentlemen, Dear Participants; all protocol duly respected,*

The National Engagement Strategy (NES) and its key partners, organizers of this workshop, kindly asked the humble participant that I am, to speak under the theme: **"Dialogue for an Equitable and Inclusive Management of Land and Natural Resources: A Civic Duty"**.

I feel honored to have been found worthy to do a presentation before such eminent experts that you are. However, I still wonder how this can be considered an inaugural discourse, given that the term "discourse" may refer to a lecture or to a teacher-learner relationship! Especially as my intervention comes after those of the speakers who preceded me at this podium, and who have said everything related to the subject of the workshop that has brought us together; and will keep us here in Yaoundé, for two days.

If I must run the risk of bothering you with repetitions, I cannot however, avoid the civic duty that is incumbent to me; in my dual capacity as traditional ruler and parliamentarian, whenever I am given the opportunity to talk about problems related to land management.



*"Dialogue is when several people come together to agree on a common project (...) It differs from negotiation in that it does not necessarily lead to a decision but aims at preparing for it."*

The soil is at the center of everything: it is the soil and sub-soil. It is a source of conflict between families, communities and States. Nevertheless, it can also be a factor of peace when it is well managed. Good management, based on well-developed texts adapted to the environment and social context, ensures a fair and sustainable development.

Talking about the theme: **"Dialogue for an Equitable and Inclusive Management of Land and Natural Resources: A Civic Duty"**, we learn from the encyclopedia "WIKIPEDIA" that "dialogue is when several people come together to agree on a common project "; "It differs from negotiation in that it does not necessarily lead to a decision but aims at preparing for it."

It seems to me that this definition fits the central theme of our meeting that is: "Dialogue Workshop between Stakeholders who Made Proposals to the Government on Land Reform", which should lead to a sharing of proposals among the various stakeholders involved in the long-awaited land reform process.

We should always remember that this ongoing land reform process is the execution of an important instruction given by the Head of State, in January 2010; and strongly expressed during the agro-pastoral show in Ebolowa, on January 17, 2011.

The said process has therefore been implemented by the Government through the MINDCAF, which carried out an extensive consultation program that involved the participation of all groups of citizens interested in, or affected by the subject.

We can still remember the dialogue between the Parliament and the Government (through the REPAR) on land reform held on June 11 and 12, 2013 at the National Assembly, out of which a consensus emerged on the need to continue and refine thinking on the various perspectives



and options of the reform.

It is also necessary to make mention of all the meetings held between the Government, the Parliament and the National Council of Traditional Rulers in Cameroon, involving organizations of the Civil Society (NES, CED, International Land Coalition, MBOSCUDA, REFACOF Cameroun, RECTRAD, Cameroon Ecology, RRI coalition in Cameroon, etc.).

These encounters received support from partner organizations including the RRI, GIZ / PRO PSFE, etc.

We are therefore made to believe that so far, on collective or sectorial basis, proposals were made such that in the ongoing reform process, closest attention should be given to the concerns related both to land issues and natural resources.

However, as long as the said process has not got into completion; especially with the adoption by the parliament of the relevant texts, it still seems appropriate to continue the treatment of the said proposals, in order to harmonize them even better, so that they will be more relevant and convincing. Hence, the great interest and relevance of the workshop organized by the NES, which has the merit to have become a force of proposals and synthesis within a very short space of time.

*My purpose is therefore to enjoin all of us to a listening and sharing spirit, and to effective participation in the discussions and debates (...) for an equally inclusive management of land and natural resources, taking into account; in an equitable manner, the interests of all communities, especially the most vulnerable.*

My purpose is therefore to enjoin all of us to a listening and sharing spirit, and to effective participation in the discussions and debates, in order to give meaning to the main subject of this workshop, which is dialogue or consultation.

There is need for consultation, which will lead to proposals of reforms for an equally inclusive management of land and natural resources, taking into account; in an equitable manner, the interests of all communities, especially the most

vulnerable.

When all these proposals have had the desired positive impact on future laws on land reform, each one of us will have the satisfaction of having fulfilled his/her civic duty.

Thank you for your kind attention

Yaoundé, November 25, 2015.

### I.D. Background of land reform in Cameroon

The regulation of land tenure in Cameroon is characterized by several flaws, which render it generally obsolete and unresponsive to the needs of various vulnerable groups such as women, small farmers, and indigenous peoples.

These flaws are also largely responsible for the outbreak in land related conflicts, resulting from pressure from international and local large scale investors, and speculators who are taking advantage of the state of the land governance framework to “grab” large expanses of arable land: to the detriment of poor rural communities and other vulnerable groups. Other sources of pressure on land include large-scale projects such as the construction of large dams, the intensification of mining activities, and large commercial plantations; which are amplifying major land use changes to the detriment of local communities. Many communities feel systematically detached from their land because of the inappropriateness of the current land governance system, which has failed to protect their land rights and interests.

Since 2012, the Cameroon's government, through the Ministry of State Property, Surveys and Land Tenure is leading a process of land policy reform, which is expected to improve the land governance framework of the country, and render it more adapted to the present global and national context.

### I.E. Preliminary remarks

Cameroon has the ambition of becoming an emerging country by 2035. The strategy for growth and employment drawn up for this purpose, confers a central place in the development of energy, road, port, and railway infrastructures, diversification of economic and trade exchanges, increase of agricultural production, and exploitation of natural resources.

These objectives cannot be achieved without a Land Act capable of meeting the requirements of the economic policy and the expectations of all stakeholders (administrations, regional and local authorities, national and foreign investors, civil society organizations, local and indigenous populations).

At the opening of the agro-pastoral show in Ebolowa, in January 17, 2011, the President of the Republic, Head of State, instructed the Government to prepare a land reform in order to meet up with the requirements of the second-generation agriculture, and in line with the expectations of the Cameroon's economic development program. Eventually, the goal is to provide the country with a new legal, institutional and political framework for land management. The MINDCAF initiated the reform in 2012, and the related proposed texts are under development and study in relevant public administrations.

*At the opening of the agro-pastoral show in Ebolowa, in January 17, 2011, the President of the Republic, Head of State, instructed the Government to prepare a land reform in order to meet up with the requirements of the second-generation agriculture, and in line with the expectations of the Cameroon's economic development program.*

In the light of the spirit of texts, legal and social practices, we can make the following preliminary observations:

- The land reform of 1974, which was the prolongation the land decree of July 21, 1932, was not made by a law but by an Ordinance, which is a Decree with an Act Force.
- The concept of private ownership that this reform induced; thereby making the State the sole guardian and distributor of the land, has had only limited receptivity. This is obvious when one considers the ratio of registered plots (less than 10% of occupied or developed land), and the fact that 80% of the land market is still controlled by informal channels.
- This reform has favored land exploitation to the detriment of the presumption of customary ownership. This does not allow the legitimate titleholders to enjoy their rights, nor protect them against threats and violations.

- At the time of its entry into force, the role of the traditional ruler or village chief as an administrative actor and administrative unit had not been clarified by the Constitution.

Added to these remarks are, more specifically, the inconsistency of the protection framework for property rights and access to land for vulnerable communities. In Cameroon, this has resulted into:

- The duality of customary property standards and positive land law;
- Insecurity of tenure within rural areas, which, in the absence of a land title, fall into the category of forests pertaining to the National Estate, as they become re-colonized by forest; even after a long-time development;
- Excessive densification in non-constructible areas, as well as in informal sub-urban areas in cities. This results into illegal occupation of urban space, insufficient supply of viable and equipped lands, and high prices;
- The importance of informal land market, which represents 80% of the total supply of the national land market, and sometimes serves as a preliminary step to any land acquisition;
- Malfunctioning in the operational institutional framework;
- Insufficient efforts in the settlement of land disputes;
- Lack of preventive initiatives in the management of land disputes namely, through relevant transparency in land occupation;
- Inability for young people to apply for a land title, due to the 1974 deadline for the recognition of development of sites;
- Loss of credibility of the land title in the financial and commercial transactions;
- Lack of land reserves for family farming and indigenous populations;
- Unclear boundaries of the regions, divisions, subdivisions, and villages.





## II.A. Preamble

The representatives of civil society organizations, and local and indigenous populations, united in the National Engagement Strategy for Land Governance in Cameroon;

Committed to the success of land reform: given the effects and impacts that will result in life, and for the well-being of the populations and producers; as well as on the activities of the private sector and on the national economy as a whole;

Concerned with bringing their consensual contribution to the on-going process of reform on land regulations and policies;

Support and encourage the Government to carry out and implement the reform on the land tenure in Cameroon, and plead with him to consider the following relevant concerns in the texts of the reform.

The concerns raised by the representatives of civil society organizations, local and indigenous populations have to do with: (1) the nature of the land reform to be set up, (2) the form of legal instrument governing land reform, (3) the recognition and protection of the rights of local and indigenous populations in land management, (4) the establishment and sustenance of land areas in village communities comprising among others, lands belonging to village communities as well as territorial estates, which co-exist alongside the national estate, (5) the establishment of suitable habitats for primary and basic needs of all social, local and indigenous communities, (6) the emergence of new territoriality in terms of land governance which will be in line with the spirit of decentralization laws, to bring about a harmonious territorial development, (7) the establishment of a transitional period of eviction for spontaneous occupants of the public domain or of the private domain of the State, (8) participation of indigenous, local populations, and civil society organizations in land governance, and in regulating land management, (9) repression of crimes committed by officers of the Ministry of State Property, Surveys and Land Tenure, (10) fair application of the law without discrimination, (11) coherence between land tenure taxes and forestry, mining and land laws, and pastoral code, and (12) reduction of the costs of land titles.



## II.B. The 12 common positions on land reform

### 1. The nature of the land reform to be set up

*Establish a land reform that will be inclusive, just, fair, pluralistic, transparent and consistent.*

The reform of land policy and land tenure concerns all individuals who make the national community. It is both a sensitive and a delicate issue.

- 1.1 It must therefore mobilize and take into account the needs, expectations, aspirations and concerns of all stakeholders involved in the land issue in Cameroon.
- 1.2 It must be pluralistic. That is, it must balance the land laws and regulations of the country, legitimacy and legality, modern land laws and customary land rights.
- 1.3 It must be inclusive, non-discriminatory and strengthen national identity in order to ensure the economic, social and cultural harmony, and social peace.
- 1.4 It must be fair and equitable, by facilitating access to land for all social categories including the poorest, most vulnerable, unprivileged, and needy people in urban and rural areas of Cameroon.
- 1.5 It must be consistent; that is, it must be in harmony with the policies and management laws of other natural resources, to avoid conflicts and overlaps observed today in the legal texts governing the management of natural resources in Cameroon (forests, mining, land, oil, etc.), legal texts governing town housing (law governing town housing), rural and agropastoral development, and mining code.
- 1.6 Finally, it must be transparent, so that information on land occupation is available to all, and updated monthly in online databases.





## 2. The form of legal instruments governing land reform

*The State land reform must include (1) a document on land policy, National Estates and cadastral issues, and (2) a draft law on land policy and land tenure in Cameroon.*

Land planning requires that legislative or regulatory instruments governing land issues be preceded by the development of a policy that gives the overall vision of land management within a country. For forty (40) years now, land tenure has been governed by an order. Hence:

- 2.1 Popular and democratic legitimacy of the process suggests that a law that is passed by the Parliament of Cameroon governs the reform of land policy and land tenure.
- 2.2 The liberalization of politics and the progressive construction of a democracy, dictate that this law be fulfilled, in due form, via the consent of the National Representation. Any other thing could help to improve on the content and quality of the documents of the reform.

## 3. The recognition and protection of the rights of local and indigenous populations in land management

*The new land policy should recognize, protect, and fulfill a set of fundamental rights of local and indigenous populations to land management.*

These rights have to do with the following:

- 3.1 A clearer and more precise definition of concepts related to land management, such as: riparian populations, living space, village, traditional chiefdom, indigenous populations, rural land tenure, obvious influence of man on earth, prospective use of land, etc. based on international instruments that the State of Cameroon has ratified.
- 3.2 Recognition of customary ownership of land, according to on-going customs and practices in the communities, in order to ensure a long-term improvement of the living conditions to the populations;
- 3.3 Institution of tools to be implemented by traditional authorities for the recognition of customary land ownership of individuals or communities;
- 3.4 Institution, by regulation, of campaigns and operations of collective and collaborative demarcation and registration in cities and countryside;
- 3.5 Supervision, by regulations, and establishment of a harmonized list of fees payable by an applicant during a demarcation process;
- 3.6 Broadening of the base for compensation of riparian communities and households evicted, and confer it prior character;
- 3.7 Institutionalization of a public information mechanism for consultation, and obtention of free and informed consent of indigenous and local communities, prior to any land transfer involving their property;
- 3.8 Recognition and institutionalization of the rights to land ownership for all, including the most vulnerable and marginalized people in society like women, youth, and indigenous populations ("Pygmies" and Mbororos);





3.9 Establishment of an effective payment and resettlement principle before executing any decision for expropriation from the public domain or any eviction from an illegally occupied land.

3.10 Formalization of the modalities for the management of the land tax.

**4. Institutionalization and sustenance of land areas in village communities, which comprise among others, lands belonging to village communities as well as territorial estates, which co-exist alongside the national estate.**

*Establish a land area in village communities which comprises among others, lands belonging to the village communities, which will be recognized as customary land and governed by the innovative provisions of the new land law.*

According to custom, ownership is evidenced by the approval of neighbors who testify that the occupant and / or his family have been settled there peacefully for a long time; whether the land is developed or not.

Most land conflicts between different stakeholders in rural areas are in the National Estate. Although the latter is administered and managed by the State; according to the ordinance of 1974, it has been occupied and used in daily life for thousands of years by the village communities, under customary and family devolution.

4.1 The law to be voted must therefore incorporate, at the request of the occupants, their ownership right over customary possessions, ancestral lands, residential lands, farming lands, plantations, grazing lands, ground paths, cultural and traditional sites, whose use is peaceful.



4.2 Recognition of customary ownership to any individual of Cameroonian nationality or his descendants or assignees, once it has peacefully occupied a portion of the national domain for a period of 20 years, and that this right is recognized by the traditional authority.

4.3 The recognition of a well-defined territory for each village, for a clear and integrated management with its traditional authorities; to avoid risk of encroachment on customary ownership of the neighbouring villages, according to the definition of "village", which will be included in the forthcoming law.



## 5. Establishment of suitable habitats for the primary and basic needs of all communities

*Establish in the law on land policy and land tenure in Cameroon, provisions that enhance the limitation of usable spaces for primary basic needs such as family farming, habitat, sacred places, hunting, mining, traditional forest production and biodiversity conservation.*

This enhancement requires essentially:

- 5.1 The taking into account of the needs expressed by all operational strategies of sectorial ministries responsible for economic, social, and cultural development.
- 5.2 The recognition of the validity of local practices and the role of local management institutions.
- 5.3 The delimitation of living spaces in villages and countryside, which must not suffer any land expropriation for land allocation or transfer to multinational companies and corporations for agro-industrial purposes.
- 5.4 The accuracy of the modalities for retrocession of the land to the former owners and their assignees, at the end of the concession.



## 6. The emergence of new territoriality on land governance which will be in line with the spirit of decentralization laws, to bring about a harmonious territorial development.

*Establish in the law on land policy and land tenure in Cameroon, provisions on decentralization of land management at the local level.*

All regional and local authorities in Cameroon have been experiencing operational difficulties in access to, and management of land resources in their jurisdictions. Most often, they face all kinds of conflicts between local indigenous populations, private operators and central administration, to the point where the implementation of community projects is sometimes compromised.

The emergence of new territoriality in terms of land governance mainly involves:

- 6.1 The establishment of a national and decentralized mechanism for conflict management related to the use, allocation, and management of lands, with a fostering of community and traditional approaches to conflict management.
- 6.2 The definition and clear formalization of all institutions, structures, and jurisdictions, which are involved in the resolution of land disputes.
- 6.3 The setting up a national committee for land allocation, where the main stakeholders will be represented; including the agency for the promotion of investment, to ensure the relevance of the projects, their compliance with the legal standards, and the interests of stakeholders.
- 6.4 Decentralization of land management at the level of the local governance, by providing the municipalities with actual legal and institutional means of action.
- 6.5 The taking into account of the needs expressed in the Communal Development Plans (CDP) of Regional and Local Authorities (RLA) in the process of granting land concessions.

- 6.6 Clarification and enhancement of the legal status of traditional rulers and village communities, in order to enroll them in the institutional, legal, administrative, and territorial architecture of the republic.
- 6.7 Clarification and a better supervision of the status of traditional rulers and local village notables, and their role in land governance.

## 7. Participation of indigenous and local populations and civil society organizations in land governance, and in regulating land management

*Integrate mechanisms for the participation of local and indigenous populations and civil society organizations in the consultative frameworks and processes of land governance and land regulation.*

Several concordant studies have found a large gap in the national land legislation, in terms of participation of indigenous and local communities, and CSOs in processes of governance and land regulation. The necessary mechanisms have to do with:

- 7.1 Facilitating access to information for local and indigenous populations, and CSOs through publication of information related to land transactions in the concerned communities. This publication should make use of modern communication media (Internet, intranet, social networking, SMS, etc.);
- 7.2 Delimitating the areas to be allocated in the framework of large scale acquisitions of agricultural land on large scale for economic reasons, while involving Local Farmers' Organizations in the allocation process;
- 7.3 Integrating community leaders into the advisory committee, and elected citizens, representatives of civil society organizations established at the local level, and farmers' organizations;
- 7.4 Increasing the accountability of traditional authorities in the advisory committees, as well as the competences of these committees with regard to local management of land disputes, and allocation of financial and logistical means to Consultative Boards, for their effective functioning;
- 7.5 Creating a National Council for Consultation and Regulation of Land Governance with local branches;
- 7.6 Instituting by legal means one-stop counters for granting land concessions to nationals and foreign investors;
- 7.7 Ensuring the centralization of data collected by the divisional one-stop counters at the regional and central offices;
- 7.8 Establishing the independent and local observatory for land management;
- 7.9 Supplying information for the administration and users of the plots granted (registered, assigned, transferred, and under concession) and their occupants.





## 8. The establishment of a transitional period of eviction for spontaneous occupants of the public domain, or the private domain of the State

*Establish in the law on land policy and tenure in Cameroon, a provision granting a transitional period for the actual eviction of people who spontaneously occupied the public domain or the private domain of the State, to allow them to relocate, with the support and guidance of public authorities and civil society organizations; and with a shared schedule.*

In the urban setting, many people occupy spontaneously, plots belonging to the public estate or to the private National Estate.

Most often, they acquire these plots in sales under private seings; with no legal status under the law.

When eviction operations are undertaken, it should be that they have got; according to the regulations concerning the right to suitable housing: (1) a transitional period allowing them to find a place of resettlement, (2) there are land reserves so that plots are available for allotment, (3) there is a support from the government and civil society organizations for the resettlement process.

8.1 The said transitional period should be at least two (02) years, and it should be decided upon, only after an exhaustive survey of households, corporations, and individuals affected by the eviction process;

8.2 Wherever possible, the process of creation of land reserves should take the form of concerted urban development operations, involving local residents as partners, instead of massive expropriations;

8.3 The desired support (follow-up) should be governed by laws organizing the National Council for Consultation and Regulation of Land Governance, and the independent and local observatory for land management.

## 9. Repression of acts committed by officers and professionals of the private sector who work in the areas of land surveys and tenure

*Establish in the law on land policy and land tenure, provisions against acts committed by officers of the Ministry in charge of State Property, Surveys and Land Tenure on duty.*

Some land users have been complaining of slowness in procedures; in violation of legal texts, bribery, and fluctuations in the fees to be paid to advisory committees.

Similarly, a significant number of conflicts related to land management in Cameroon are consecutive to faults committed by officers of the Ministry in charge of State Property, Surveys and Land Tenure on duty.

However, because the repressive legislative framework for this type of offense is weak, they reoffend and perpetuate their acts, to the detriment of the interests of the State and users.

9.1. The new land regime should solve this problem by prescribing a set of sanctions that will be applied to this class of workers of the Ministry in charge of State Property, Surveys and Land Tenure.

9.2. Those penalties should also prosecute for complicity or co-action, members of other ministries, public services, professional of the private sector and commissions involved in land management.



## 10. Fair implementation of the law without discrimination

*Establish in the law on land policy and land tenure in Cameroon, a provision on non-discrimination, to ensure its fair application for all.*

Many stakeholders suspect discrimination in the treatment of issues related to land transactions or to related litigations thereto.

This is the case for instance, of women, indigenous populations and small producers.

The situation of youth is even more worrying due to the obsolescence of Articles 9 and 11 of the Decree No. 76 / 165, which imposes prospective use of land that is traced back to before August 5, 1974, as a pre-requisite for direct land matriculation.

- 10.1 The law to intervene must therefore suppress any situation in which, on the basis of membership or non-membership, real or assumed, of an ethnic group or race, religion, belief, age, disability, sex or place of residence, a person is treated less favorably than another is, has been, or would have been in a similar situation.
- 10.2 The law to intervene should put in place means of recourse towards decisions related to land tenure, which are simple and efficient; as well as citizen-oriented control mechanisms to validate land allocation, and ensure a rigorous follow-up of the commitments of each stakeholders during the signing of conventions.
- 10.3 Revise the restrictive provisions of the Decree No. 76 / 165 of April 26, 1976, which was modified and completed by the Decree No. 2005 / 485 of December 16, 2005, establishing the conditions for obtaining a land title; which require that the prospective uses of lands be traced back to before August 5, 1974.



## 11. Coherence between land tenure taxes and forestry, mining and land laws, and pastoral code

*Aligning the texts that govern ownership, tenure, and cadastral tax, with other related texts governing access to natural resources, forestry, mining and grazing.*

The diversity of texts and practices in collecting ownership taxes, tenure taxes, cadastral taxes, forestry taxes, mining taxes, and grazing taxes lead to overlap of rights over the same space.

Similarly, the notion of "actual ownership" which enables individuals who have acquired a piece of land according to customary laws to pay the land tax; just like titleholders, institutionalizes the rights of ownership over non-registered lands. It thereby gives room to the creation of new ways of securing land property apart from the land title, or to serious land disputes, in case the taxpayers who are using the said land are of bad faith. The new land law should therefore considers:

- 11.1 Establishing by legal means, harmonized mechanisms of payment and redistribution of forest royalties, mining, land, and grazing.
- 11.2 Maintaining consistency in state and property tax revenues by establishing single points of payment, and by removing the notion of "common owner" and curatorship in the stamp registration code, which is inconsistent with the right to property, according to the law in force.

## 12. Reduce costs of establishment of establishment of the land title

*Making acts accessible by reducing the costs of registration procedures*



During land transactions, the assessment of a square meter (m<sup>2</sup>) of land is set at minimum, with respect to land tenure, tax code, the directory of the Directorate General of Taxes, and according to the Decree No. 2014 / 3211 / PM of September 29, 2014; which fixes the minimum price applicable to transactions on the land in the private domain of the State and other texts and documents of the same register such as mercurials. This diversity of texts leaves discretion to the Tax Inspector, to assess and fix at will, the amount applicable to the corresponding field, thereby unleashing overpricing and corruption.

One of the reasons why public officials defraud users is the continuous lack of logistics for the processing of files (computers, desks, photocopiers, vehicles, etc.).

The law No.76/25 of December 14, 1976 on the organization of land tenure provided in each department, administrative commissions for cadastral mapping, whose activity is still difficult to assess today. The new land law should consider:

- 12.1 A review of costs and practices that increase the prices of land titles and limit access to registration, by setting down fees for advisory committees and initiating collective registrations campaigns for disadvantaged populations.
- 12.2 Establishment by regulation, of a measure designed to limit overpricing in the assessment of areas on which land transactions are going on. This will require the establishment of a key chart for a given period (five or ten years), the value of m<sup>2</sup> of land by category, with the relevant criteria, and on the entire national territory.
- 12.3 Institutionalization and protection of the principle of easing fees or allowing free access to land and land title for people living with physical disabilities, the poor and / or the unprivileged.
- 12.4 The provisions of the Decree No. 79-97 of March 21, 1979 that fixes the composition of the Administrative Commission of cadastral boundaries and the modalities of its functioning.



### III.A. Background of the NES process in Cameroon

The national legal and legislative frameworks that govern land rights are instrumental to the well-being of rural women and men in many African countries. These frameworks are thus crucial for the work of the International Land Coalition (ILC), whose mission is to promote secure and equitable access to, and control over land for the poor; namely through advocacy, dialogue, sharing of knowledge, and capacities building. In this respect, the ILC's National Engagement Strategy (NES) serves to engage like-minded partners, in a coordinated manner; at the national level, in order to obtain land-related laws and policies that benefit the vulnerable and marginalized.



The ILC's NES in Cameroon currently has nearly 300 stakeholders from CSOs and CSO platforms, INGOs, parliamentarians, traditional leaders, farmers' organizations, trade unions, jurists and practitioners who work on land issue. They are organized into a platform for national civil society for land governance, represented locally by regional hubs present in the ten regions of the country.

These stakeholders work together to solve problems of land rights, including the lack of recognition of property rights for the holders of customary rights, the exclusion of women and indigenous peoples, increased conceded surfaces resulting from increased mining and shift to the second generation agriculture.

The NES process is led by a steering committee made up of ten members, and it is co-chaired by two members of the coalition: the MBOSCUDA and the CED.

#### III.A.1. Mission of the NES process in Cameroon

To ensure good land governance and advocate for land rights for the poor and vulnerable communities.

#### III.A.2. Objectives of the NES process in Cameroon

Contribute to creating an environment and a land policy that responds to, and protects the land rights and interests of vulnerable groups such as smallholder farmers, women and indigenous peoples: thereby guaranteeing their socio-economic and cultural well-being.

More specifically, the ILC's National Engagement Strategy for Cameroon seeks to:

- Influence the on-going policy reform process initiated and spearheaded by the Cameroon's ministry of State Property, Surveys and Land Tenure, in order to ensure that the resulting policy framework is more responsive to the needs and interests of the vulnerable groups of the population;
- Contribute to the improvement of pro-poor land rights administration within the framework of the new land policy environment;
- Strengthen the capacity of communities in playing a frontline role in negotiating, protecting and defending their land rights;
- Strengthen the capacities of the Cameroon's civil society in organizing and acting, in order to ensure good land governance, and advocate for the land property and ownership rights of poor and vulnerable communities.
- protection et la défense de leurs droits fonciers ;
- Renforcer les capacités de la société civile camerounaise à s'organiser et à agir pour assurer la gouvernance des terres et défendre les droits d'accès et de propriété des communautés pauvres et vulnérables.

### III.A.3. Key activities of THE NES

#### Capacity building

The establishment of self-help groups at the community level, trainings on land and related rights, mapping of land use and follow-up steps for implementation of the legal framework and land policies.

#### Policy Advocacy

Community mobilization, campaigns and dialogue with government and other stakeholders, to formulate people-centered policies and laws on land issues and related domains.

#### Sensitization

Information sessions for rural women and men, so that they can realize their land rights and related laws; and also dissemination of good and bad practices in land related issues to the public, media, and policy makers.

#### Knowledge Management

Studies, databases, guides, assessments and alternative reports of CSOs at international conventions, etc.

### III.B. The governing bodies of the NES process: nature and mandate

#### III.B.1. The Steering Committee

##### Nature of the Steering Committee

The Steering Committee is the body that is responsible for the implementation of the NES process in Cameroon.

It consists of ten (10) members from organizations, networks, and platforms of the civil society, with proven experience on land issues.

##### Mandate of the Steering Committee

- To provide leadership in the implementation of the NES process;
- To recruit staff and ensure the operation of the NES Secretariat;
- To recruit consultants and ensure effective delivery of services by them;
- To ensure judicious use of material, human, and financial resources of the NES;
- To ensure the effective and efficient implementation of the actions recommended under the NES;
- To support the secretariat of the NES in mobilizing additional resources for the implementation of the NES activities;
- To review and approve action plans, budgets, and reports submitted by the Secretariat.

#### III.B.2. The Working Group

##### Nature of the Working Group

The Working Group is a high-level strategic and operational framework of reflection on the revision of the Land Law and its impact on the living conditions of people in Cameroon.

It is made up of nine (09) members from organizations, networks, and platforms of the civil society with proven experience on land issues. This is an instance of technical contribution in support of the Steering Committee. It could be experts appointed as individuals or commissioned by their respective structures. In either case, no voice is prominent within the Committee.

### Mandate of the Working Group

- To collect information on land reform and concerns of residents on the occupation site at the national, regional and local levels;
- To meet quarterly or as needed to assess the progress of the reform;
- To make recommendations to the Steering Committee based on indicators of strategic and operational analyses of the current reform.



### III. B.3. The national Platform

#### Nature of the Platform

The National Platform of the civil society is the main decision-making body of the NES process in Cameroon. In the flow chart of the NES, it constitutes a type of General Assembly. It is made up of networks, platforms, and organizations of the civil society and other non-governmental stakeholders involved in promoting land governance (trade unions, faith communities, etc.). An elected president, representing an ILC member organization in Cameroon, chairs this platform. The person elected must be a statutory member of the NES Steering Committee.

#### The Mandate of the Platform

To meet quarterly to :

- Discuss the advances in the situation of land governance in Cameroon in general, and in the NES, specifically;
- Determine the overall direction and joint actions to improve the situation;
- Participate in the operation of the monitoring-assessment system of the NES.

The Platform is represented in each region by a regional Hub, which is its representative at the regional level. Each Hub is headed by a leader elected by the member organizations of the Hub. At the local level, the Hub takes care of the monitoring of land governance and administrative actions related thereto.





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