



Tracking changes in land governance to inform law reform in Cameroon: Methodology note

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LIST OF ACRONYMS AND ABBREVIATION

AU F&G	: African Union Framework and Guidelines on Land Policy in Africa
CED	: Centre for Environment and Development
FSC	: Forest Stewardship Council
HEVECAM	: Hévée Cameroun
IIED	: International Institute for Environment and Development
IUCN	: International Union for Conservation of Nature
NGO	: Non-governmental organisation
RELUFA	: Réseau de Lutte contre la Faim
SAO	: Société Agricole de l'Océan
SOCAPALM	: Société Camerounaise de Palmeraies
SUDCAM	: Sud Cameroun Hévée S.A.
UNESCO	: United Nations Educational, Scientific and Cultural Organisation
VGGT	: Voluntary Guidelines for the Responsible Governance of Tenure of Lands, Fisheries and Forests in the Context of National Food Security

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INTRODUCTION

Land law reform in a changing context

The last major land law reform in Cameroon dates back to 1974, when the government enacted a series of land tenure ordinances, with implementation guidelines following in 1976. At that time, the national population was one third of its current size, and the country was hosting a relatively small number of land-based investments. Land-use planning was not considered an urgent policy task, and land conflicts between external actors and local communities were few.

The national context has since profoundly changed. In 1995, a new forest zoning plan provided a spatial representation of the forest domains established in the Forest Act of 1994, designating protected areas and areas for logging concessions, small-scale logging titles and community forests. Revisions of the mining code in 2001, 2010 and 2016 set the scene for a growing number of investments in the sector. Between 2000 and 2012 the number of industrial permits (exploration and exploitation combined) evolved from 2 to 171. they now represent around a third of the territory of Cameroon, though there is little actual activity taking place.

Demand for land concessions for large-scale agribusiness plantations has also grown, even if implementation lags behind the number of concluded deals and deal-making appears to have now slowed. the size of land concessions granted since just 2008 is equal to around half the size of the total allocated land concessions in the history of Cameroon. Other forms of land-based investments include large infrastructure projects, the creation or more efficient management of protected areas, environmental offsets and proposed 'carbon concessions'.

In addition, Cameroon's legislation on land and natural resources is fragmented and affected by inconsistencies: natural resources laws contain provisions relevant to land management that may not fully align with the relevant provisions of land legislation. The major challenge faced by Cameroon is to ensure appropriate governance of land and natural resources, all shared by a diversity of actors under rules that are sometimes outdated.

Cameroon is now undergoing legal reform in the main natural resource sectors (forestry, mining, land). This process provides a unique opportunity to increase coherence and complementarity among sectoral laws, and increased overall effectiveness in land and resource governance. The choice made by the Government of Cameroon to formally request inputs from stakeholders for the land law reform provides an opportunity for civil society and local communities to submit suggestions to the Ministry of Lands.

The annual LandCam report: what it is and how it contributes to the reform process

Funded by the European Union and implemented by a consortium of organisations led by the Centre for Environment and Development (CED), the Network to Fight Against Hunger (RELUFA) and the International Institute for Environment and Development (IIED), the LandCam project aims to help improve land governance in Cameroon by facilitating dialogue among actors at the local level in selected sites, and at the national level, on options for the land law reform. LandCam also operates

a small-grants scheme to support research and action in a diversity of areas in Cameroon. Small grants serve to capture innovations in land governance, promotion of communities' land rights, and lessons generation for the land law reform. They also broaden the number of civil society actors working on land governance issues across the country.

To inform public debate on land and natural resource law reforms in Cameroon, LandCam supports:

- Action-research in three 'pilot sites', based on local-level multi-stakeholder dialogue to improve local governance and co-generate evidence for national policy making ;
- Responding to thematically based research opportunities in land and natural resource governance; and
- A tracking mechanism to monitor the evolving land governance context:
 - o At the local level, through research designed to respond to evolving local stakeholder needs and national policy debates; and
 - o At the national level, through monitoring policy developments in light of indicators based on international legal policy commitments including: the Voluntary Guidelines for the Responsible Governance of Tenure of Lands, Fisheries and Forests in the Context of National Food Security (VGGT); the African Union Framework and Guidelines on Land Policy in Africa (AU F&G); and relevant international conventions.

Key findings from these three components (pilot site engagement, local-level themed research, national-level policy tracking) feed into an annual report for use in national policy dialogue. Each year, the report will include clear recommendations for more effective, inclusive and transparent governance, and it will be presented at a parliamentary event. Reflecting the sources it draws on, the annual report is expected to be articulated in three main sections:

- Insights from engagement in the three pilot sites, distilling lessons learned from year-on-year developments ;
- Special themed research on local-to-national land governance developments, focusing on a specific theme which will change each year ;
- Systematic tracking of developments in national land policy, based on the national-level monitoring via scorecards and related commentary.

This first report elaborates on the methodological approach the project will follow to implement these activities. The report does not cover methodological issues concerning LandCam activities outside of the ones listed above, including the national-level policy dialogue itself, the small grants scheme, other research and the outreach and communication work.

COMPONENT 1: PILOT SITES

In each pilot site, LandCam supports multi-actor dialogue on key land governance challenges confronting local actors, and on current or potential strategies being to address those challenges. The dialogues pursue two aims:

- To assist local stakeholders in identifying solutions to local tenure-related problems, thereby helping to improve land governance at the local level ;
- To generate bottom-up insights and reflections grounded on field experience for relevant law reforms at the national level.

Each field site was defined as a broad geographic area typically covering multiple land use forms and initiatives, thereby enabling holistic consideration of the multiple forces that are changing pressures on land (e.g. agribusiness and forest concessions, infrastructure development projects, conservation, small-scale farming). Activities in each site are expected to last at least two or three years, providing a space for monitoring field-level evolutions in land governance year on year. Insights from the pilots will be summarised in a devoted section of the annual report.

Site selection criteria

Site selection criteria combine methodological and pragmatic considerations. They are:

1. **Cameroon's cultural, geographic, and socio-economic diversity** - one of the key challenges to the ongoing land tenure reform process, and other natural resource-related reforms, is Cameroon's considerable diversity. It is very challenging to craft policy that is prescriptive enough to accomplish concrete policy goals, while flexible enough to allow diverse customary land tenure arrangements to thrive. While not necessarily representative of the full range of subnational situations, the LandCam sites are expected to generate insights on the diverse land tenure contexts in Cameroon.
2. **Thematic governance questions** - each one of the sites answers one or more burning question in the governance of land in Cameroon, and will be generating lessons for the land law reform.
3. **Requests from policy makers** - the government agencies involved in the ongoing land tenure reform process have so far expressed interest in receiving technical input in certain thematic areas, including: i) compensation for public purpose expropriations; ii) solutions to farmer-grazer conflicts; iii) coexistence between customary land laws and State law; and iv) commercial land-based investments. The sites will enable exploring these issues.
4. **Civil society partnerships** - LandCam will work in synergy with other civil society organisations. Site selection will reflect partnerships, formal and informal, established with groups operating in the sites.
5. **Community demand** - LandCam also considers expressed needs and requests for collaboration when selecting specific villages or communities.

Overview of the pilot sites

LandCam will work in three pilot sites. The level of intervention in the sites is likely to vary over time. The three pilot sites (the Far North of Cameroon, the Ocean Division and the Dja) have multiple land uses, address multiple thematic issues and high stakes for vulnerable population groups. The selection was done in order to represent as far as possible the ecological and cultural diversity of Cameroon, and to reflect the diversity of land governance challenges in the country. More specifics follow, both on key features of the sites and on the relevant thematic focus. The thematic focus will be fine-tuned based on further consultation with local actors in the sites.

1. Forest region (Ocean Division, around Kribi) - Thematic focus on land-based investments including gender, indigenous peoples and compensation

The construction of the deep-sea port and the expansion of existing agro-industrial plantations and forest concessions has created growing pressure on land and new trends in land-use conflicts. This area is also home to indigenous Bagyeli communities whose user rights are usually not taken into consideration during attribution of natural resource concessions but whose livelihoods have been damaged due to these growing pressures on land. Additionally, the Government has funded or given licenses for the development of numerous large infrastructure projects and the expansion of existing agro-industrial plantations in the area. Some of these projects have formed the object of controversy relating to the payment of compensations for land expropriation.

The specificities of this pilot site include a fast-growing development of an area exposed to more than a century of natural resource exploitation (intensive logging, agro-industries, fishing), conservation and tourism. In the past decade, the area has started become the main port of entry for Cameroon, Chad, Central African Republic, the Northern parts of Congo, Equatorial Guinea and Gabon, with the deep-sea port in Kribi designed to replace the Douala port. In addition to this development, the area is also hosting a variety of land-based investments, generating land scarcity.

In this site, the focus will be on the following areas: (1) the Campo-Ma'an national park, and especially the involvement of Bagyeli neighbouring communities in the management of the park; (2) the Akom 2 area, with increased land scarcity and their implications for the Bagyeli communities living on lands claimed as customary lands by Bantou groups; (3) the rubber tree concessions of HEVECAM, including the extensions; (4) the rubber tree and palm oil concessions of SOCAPALM; (5) the cocoa concession of SAO; (6) communities displaced/affected by the large infrastructure projects (including intra and inter community conflicts). Attention will be paid to the cumulative impacts of the multiple projects in the area.

LandCam will research the land pressures and dispossession faced by communities and their differentiated implications (indigenous and non-indigenous, male and female, youth, and by nature of main economic activities of communities' members). LandCam will also pilot investor-community dialogues with a focus on improving voices of specific stakeholder groups like women and indigenous peoples.

The map below illustrates some of the numerous land-based investments and community land tenure in the Ocean District. These include:

- i. A great diversity of actors, from local communities to multinational companies;

- ii. Pressure on land resulting from large land-based investments involving multinational and national companies:
 - a. **Logging companies**-ranging from a former FSC-certified operation to small permits (known as sale of standing volume) with very low social and environmental standards as well as Local Council Forests.
 - b. **Mining companies**-in the early exploration phase or, in the case of Sinosteel, active negotiation of an exploitation permit;
 - c. **Offshore Oil permits.**
 - d. **Land concessions for large-scale agriculture**-two former State-owned companies, now privatised and owned by a European consortium and a Chinese company. There are also newly established plantations (Biopalm and SAO), granted in the new wave of demand for land concessions in the 2000s.
 - e. **The Chad-Cameroon Oil Pipeline.**
 - f. **Infrastructure Development**-road construction and the new Kribi deep-sea port, both built by a Chinese company and a loan from the Chinese Exim Bank.
- iii. The numerous compensation processes ongoing in the area as a result of the several projects conducted in the Ocean district, which provide LandCam with a unique learning opportunity, in terms of assessment of compliance of those processes with applicable legislation, with relevant contractual arrangements, and with the State's international commitments. The analysis of these processes will also generate lessons that can be used in the design of a set of proposal for the land law reform.
- iv. Speculation on land, given the growing economic importance of Kribi both as a touristic area and as a major economic hub.
- v. Land scarcity fuelled by investments, growing population and the presence of a protected area, the Campo-Ma'an National Park, and a proposed marine protected area.
- vi. The considerable diversity of population, as Bagyeli indigenous communities and sedentary Bantou groups conduct a wide range of livelihoods activities including farming, fishing, hunting and gathering. There are also thousands of recent migrants, attracted by the economic opportunities offered by the plantation and construction sites in the Ocean District.

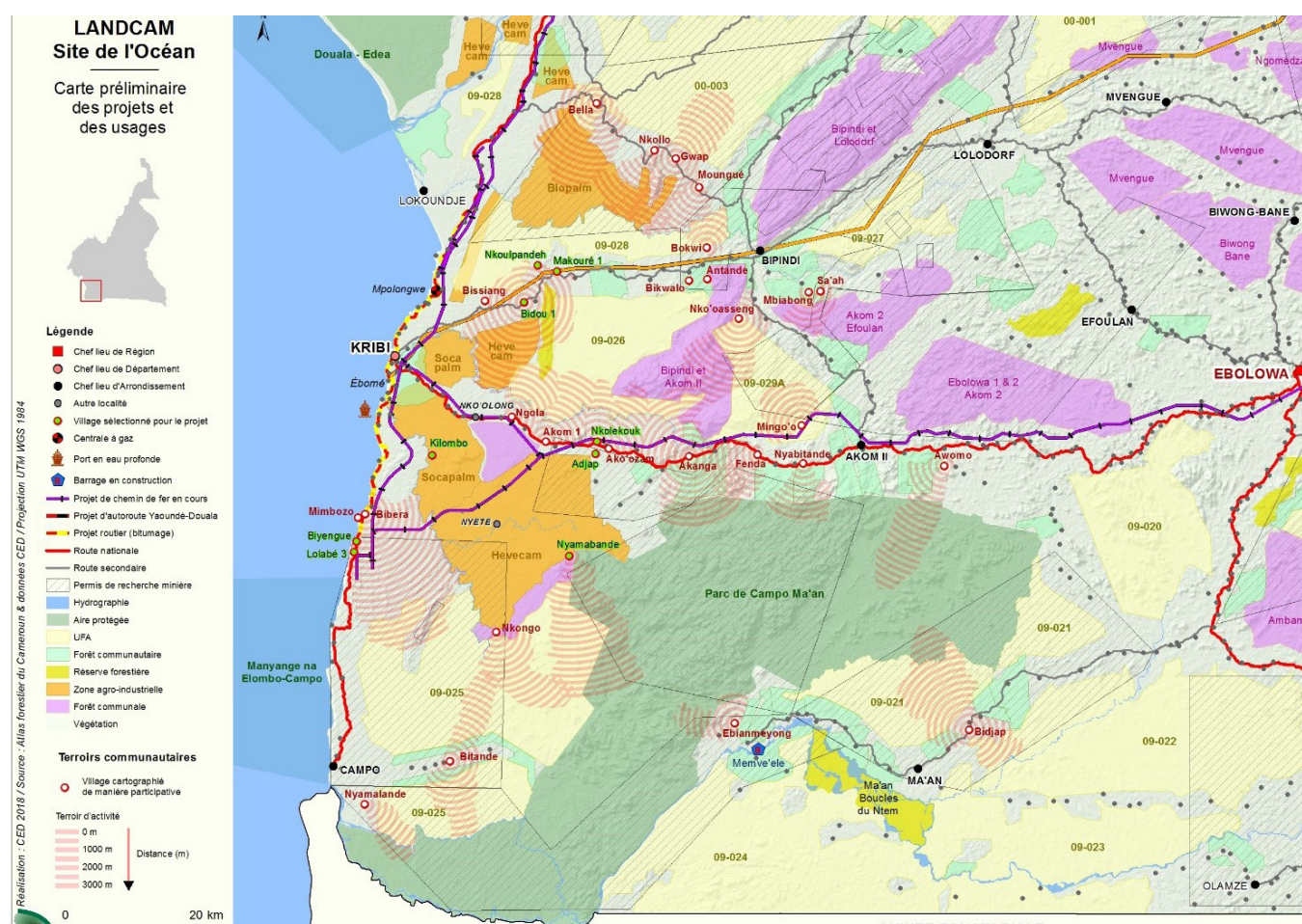


Figure 1: Map of Ocean pilot site.

This map shows all the land-based investments in the site, the location of villages and the customary territory of some of the communities. The project intends to map the territory of all the pilot villages.

2. Protected areas in dense tropical forest (Dja, around Meyomessala) - Thematic focus on the nexus of agro-industrial investments, biodiversity conservation and land governance.

The Dja reserve is one of the oldest protected areas in all of Central Africa. It is a UNESCO World Heritage site due to the universal value of its rich biodiversity and also home to species of high importance, such as great apes and other large mammals. Yet, numerous organisations including the IUCN, Greenpeace and UNESCO itself have raised concerns about infrastructure development, proposed mining projects, agro-industrial expansion and poaching as major threats to the Dja's integrity. How to protect apes, promote livelihoods, and secure community land tenure in such a biodiversity hotspot?

The specificities of the area, many of which feature in the map below, include:

- The presence of Sudcam, the multinational company controlling the largest land area granted in Cameroon in the recent wave of international large-scale land acquisitions.

- ii. The existence of the oldest protected area in Cameroon, the Dja wildlife reserve, gazetted by UNESCO as world heritage site, and forming part of a complex of biodiversity hotspots in the Tridom zone spanning into the Central African Republic and Republic of Congo.
- iii. The proximity of the largest bloc of tropical forest in Cameroon recently allocated to logging companies, of around 0,9 million hectares.
- iv. The Ouesso-Sangmelima road, under construction with funding from the Africa Development Bank, and necessitating the payment of compensation to communities.
- v. The presence of communities with diverse cultural, historical and livelihoods practices, including Baka indigenous communities.
- vi. The presence of large and small private logging concessions, and local council forest;
- vii. The presence of mining exploration permits and small-scale mining.
- viii. Infrastructure projects, including a large hydro power plant and a cement plant.

The activities in this site will focus on:

- i. Institutionalising a dialogue between the communities and actors in the area (the managers of the Dja Reserve, and the main investors like Sud Hevea).
- ii. Capacity building of communities and other State and non-state actors to effectively contribute in the implementation of the dialogue.
- iii. Capacity building of local actors to effectively engage in local management processes (consultations, participation).
- iv. Testing of tools that enhance land tenure security at the local level.

Research activities in this site will cover the following site specific questions:

- i. What are the impacts of large land concessions on the biodiversity of the protected area and in the buffer zone (wildlife, livelihood, flora, habitats), especially on the presence of great apes and their habitats and on the spatial dimensions of communities' natural resources access/use and land occupation? What are the lessons to be learned for the policy dialogue?
- ii. How do the processes directly or indirectly affecting communities' land rights comply with the legislation, contractual arrangements, international commitments of the State, and international best practices?
- iii. How does the existence of a council forest impact community land access and livelihoods practices (small-scale agriculture, hunting and gathering, deforestation)?

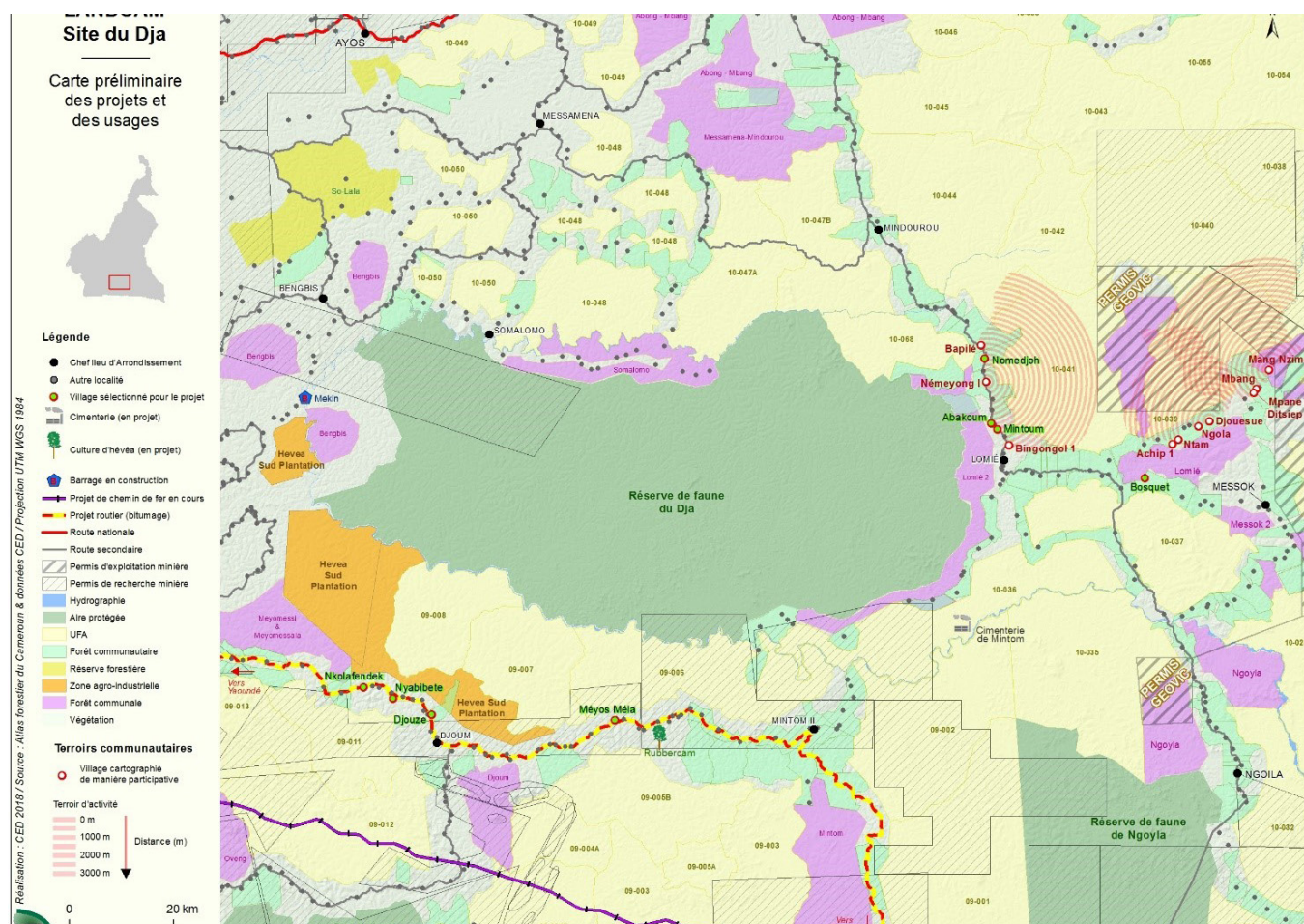


Figure 2: Map of the Dja pilot site

The map shows communities in the site, with the customary lands of some communities, and all the land-based investments in the area. The project intends to complete the maps of customary lands of the pilot villages in this site.

3. Waza-Logone floodplain, in the Far North Region-thematic focus on the migration and land rights.

Activities in this site will be implemented by a local partner based in the northern regions of Cameroon rather than by the LandCam team directly as in the above pilot sites. The thematic focus will be on land management around post-conflict rebuilding, desertification/drought and the nomadic herder-farmer land management dynamics. The action research in this area will also explore issues of access to land for women and vulnerable population segments.

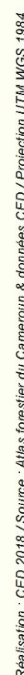
The three following characteristics of land and natural resource governance in the Far North of Cameroon are particularly relevant to LandCam:

1. It is the most populated region of Cameroon, and also the most exposed to natural stress, constraining the ability of communities to efficiently conduct diverse livelihoods activities, in a peaceful coexistence among community members (farmers, herders, fishermen), and between communities and external land-based investors.

2. The area hosts a diversity of land-based projects contributing to the increased pressure on natural resources in an already heavily stressed area. Currently, migration related to the conflicts with Boko Haram is contributing to land pressures. Also, the Cameroon Government and its development partners have decided to increase the number of interventions in the area, through direct support to communities (in agriculture and animal husbandry), cotton production, and land management (irrigation, etc.). Those interventions are likely to increase farmer's productivity by improving the quality of the soil or facilitating access to remote fertile lands, but could also increase the demand for lands by internally displaced people or within existing communities.
3. The area also hosts two onshore oil permits, one covering the Cameroonian part of Lake Chad, and the second overlapping with the approximately one third of the Waza national park. They were both granted to a Chinese company, and it is expected that the region will soon witness the development of a network of oil pipelines going from Niger and possibly Chad to the Chad-Cameroon pipeline.
4. Climate change: The area is particularly vulnerable to the effects of climate change in Cameroon, with high temperatures, instability in seasons, and increased drought, leading to the more pressure on the less affected areas.

More generally, the ecological, social and cultural differences from the southern part of Cameroon make it necessary to include lessons from the north in all the national level policy dialogue. Other defining characteristics of the area include:

- i. A long tradition of coexistence of farmers and herders, with the potential for learning lessons on how this situation has been managed in the past, and what are the new and emerging challenges with this regard.
- ii. Displacement due to climate change and conflict.
- iii. Risks to the security of communities' land rights resulting from the presence of large State or private sector investments.
- iv. Increased demand for large-scale land concessions, including from foreign companies, and the ecological sensitivity of the area, with a flood plain allowing the development of successive economic activities by communities all through the year.



The map shows communities in the site, with the customary lands of some communities, and all the land-base investments in the area. The project intends to complete the maps of customary lands of the pilot villages in this site.

COMPONENT 2: SPECIAL FOCUS ON PRIORITY LOCAL-TO-NATIONAL LAND GOVERNANCE THEMES

This component involves generating bottom-up evidence on issues that are particularly relevant to evolving national policy debates. Evidence generation rests on field visits at relevant local scales, leading to the production of research reports, or workshops to pool expertise, insight or experience. Based upon the evolving circumstances of land governance and policy reform, a priority theme will frame activities every year, typically in response to needs to bring local evidence to inform the national dialogue. Findings will feed into a “special theme” section of the annual report.

Every year, the LandCam will respond to the fast-evolving policy landscape, including shifting priorities in the reform process and specific requests for technical support on the part of the administration and other key stakeholders. This will allow the project to seize key opportunities to conduct research and/or mobilise stakeholders to solve land governance questions in a flexible manner. The overall goal of the flexible approach will be to generate knowledge on land governance outside of the project’s fixed pilot sites.

In Year 2, for example, the project will focus on the issue of expropriation and compensation. This choice reflects the priority attached to the issue of expropriation and compensation in the land law reform process. Detailed arrangements for this research were fine-tuned as part of the Year 2 planning process. Broadly, activities to feed into next year’s report entailed i) field visits to selected sites where lessons could be learned on experience with compensation (e.g. Lom Pangar, Mekin, Grand Eweng and Memve’ele dams), ii) capitalisation of existing documentation including on experience with compensation in the case of the Chad-Cameroon pipeline; iii) identification of policy reforms proposals to improve compensation processes in Cameroon.

Outside of the three pilot sites, LandCam will also conduct monitoring of formalised land transactions in one peri-urban subject to large amounts of land speculation; either Yaoundé, Douala or Kribi.

COMPONENT 3: NATIONAL-LEVEL TRACKING

LandCam will track developments in policy and practice relevant to land governance, in the light of guidance or commitments contained in applicable international instruments. To develop a list of ten major policy questions to be tracked, the LandCam team identified land-related provisions in relevant policy instruments including international agreements and soft-law instruments. The team also reviewed national laws, ordinances, regulations, decrees, strategies and other public policy documents of general application.

An analysis of international instruments – including the VGGTs, the African Union Framework and Guidelines on Land, the African Charter on Human and Peoples’ Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on Biological Diversity – led to the identification of over 300 land-related issues. Clustering issues reduced the number to close to 100. Ultimately, the team identified ten priority issues that reflect some of the most pressing land governance challenges facing rural Cameroon – challenges that tie particularly closely with the wider body of work advanced by LandCam at both local and national levels.

The ten issues cover matters such as transparency and effectiveness of the protection of affected rights holders in the compensation processes, recognition and protection of undocumented and collective land rights, and of women and indigenous peoples’ land rights, recognition of free, prior and informed consent for all land rights holders, and accountability towards affected communities of park managers, investors benefiting from large scale land cessions, traditional and local administrative authorities. Each year the LandCam team will produce scorecards with qualitative assessments of both the current state of policy and the direction of change from the previous year. Data collection will be conducted by the LandCam team, in collaboration with local NGOs and partners, and annual scorecards will be presented at national multi-stakeholder dialogue events. The exercise will also feed into a devoted section of the annual report. The section will include, in table format, data relating to each indicator, as well as brief commentary discussing trends in national policy making and practice.

The ten issues to be monitored at the national level

The ten priority issues will be monitored by tracking development in both policy and practice. Assessment of the practice will be focusing on area specific activities or projects able to provide insights on the topic investigated, on the grounds of activities conducted during the year preceding the publication of the report.

1. Recognition and protection of land rights for women and indigenous peoples, including the right to information, consultation, and participation in processes likely to impact their land rights.
2. Provision for the application of free, prior and informed consent for community land rights, including undocumented and collective rights.
3. Provision for equal protection to “formal” vs “informal” land rights and collective vs individual land rights.

4. Effectiveness of arrangements governing expropriation for public purpose to in protecting affected land rights, including individual and collective holders of informal land rights.
5. Quality of arrangements to hold accountable local governments, traditional authorities and investors involved in large-scale land acquisitions.
6. Provision for a mandatory census of all existing land rights, including undocumented and collective rights, prior to implementing a land-based investment.
7. Provision for a requirement from each land-based investor to deliver a non-judicial conflict management or recourse mechanism related to formal and informal land rights.
8. Requirements for non-State actors, including conservation groups, to respect and protect informal and formal, individual and collective land rights in the context of their operations.
9. Coherence on land-related issues among the laws on land and natural resources, and consistency in State practice of allocating land concession.
10. Quality of access to justice on land-related conflicts, including those involving holders of informal land rights, both in the legislation and in practice.

The project

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

Timeline: February 2017 – January 2022

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

LandCam promotes learning, throughout the ongoing reform, of Cameroon's land legislation and will contribute to strengthen 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 through piloting land governance innovations at the local level and contributing to workable reforms of the relevant policy. New spaces will be created, for more informed, effective and inclusive dialogue and analysis, engaging stakeholders. LandCam will monitor changes on the ground, track legal reforms, and share lessons nationally and internationally.

Who we are

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 report 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 report, the International Development Research Centre (IDRC), the Arcus Foundation and Friends of the Earth Netherlands also support some activities implemented in connection with LandCam.

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Tracking changes in land governance to inform law reform in Cameroon: Methodology note

The last major land law reform in Cameroon dates back to 1974, when the government enacted a series of land tenure ordinances, with implementation guidelines following in 1976. The national context has since profoundly changed, with unprecedented investments in logging, mining and large infrastructure building.

The major challenge faced by Cameroon is to ensure appropriate governance of land and natural resources, all shared by a diversity of actors under rules that are sometimes outdated. Cameroon is now undergoing legal reform in the main natural resource sectors (forestry, mining, land). This process provides a unique opportunity to increase coherence and complementarity among sectoral laws, and increased overall effectiveness in land and resource governance. The choice made by the Government of Cameroon to formally request inputs from stakeholders for the land law reform provides an opportunity for civil society and local communities to submit suggestions to the Ministry of Lands.

This document introduces the methodology to be used by the European Union-funded LandCam project to contribute to the improvement of land governance in Cameroon. The methodology is built on three main components : the three pilot sites hosting activities aiming at encouraging of reinforcing multistakeholders dialogue on land and natural resources management ; special focus on priority land governance themes ; and national level tracking mechanism.



In partnership with :

