A PROPOSAL BY 
TRADITIONAL RULERS ON LAND TENURE 
REFORMS IN THE RURAL AREAS OF CAMEROON

Ratified during the brainstorming workshop on Rural Land Tenure by Traditional Rulers and leaders of indigenous Communities. Yaounde, December 11-12, 2013
Rural land tenure: Traditional Rulers come into the picture

The document that I have the pleasure to present to you in my capacity as President of the Cameroon National Council of Traditional Rulers (CNCTR) is the outcome of three years of intense work aimed at proposing a contribution by Traditional Rulers to rural land reform in Cameroon. Why focus solely on rural land tenure? Do urban areas not also require deep reflection on the land tenure problems they face? Or, do we not have Traditional Rulers in towns? These are some of the questions that we heard as we prepared these proposals by Traditional Rulers in view of the rural land reform in Cameroon. As a Traditional Ruler myself with jurisdiction over men and land part of which is located in an urban area (the beautiful city of Garoua), I have been able to assess daily the different ways in which land issues are felt in these two areas (urban and rural) in our country. The fact that rural lands are largely unregistered makes them the object of everyone’s desire, a situation that is exacerbated by the growing short supply of land. Farmers, the real users of rural lands, need to be protected by the law, which is primarily the responsibility of the State, but also our responsibility as Traditional Rulers to cater for the future of our peoples. It is as a result of such shared responsibility that we seek to give an opinion on this issue of rural lands management by proposing our contribution to the reform. Our sole motivation is efficient land management in the interest of the people, peace, social cohesion and development for an emerging Cameroon by 2035.

We wish to extend gratitude to our Traditional Ruler colleagues, indigenous leaders and all those who participated in the brainstorming that lasted throughout the Rural Land Week in Cameroon (SFRC), for the work accomplished.

Special thanks to the Network of Traditional Rulers for the Conservation of Biodiversity and Sustainable Management of the Congo Basin Ecosystems (ReCTrad) which, under the coordination of his Majesty Bruno Mvondo, addresses land issues within the CNCTR. Lastly, I want to extend my gratitude to those organizations that supported us in this process: the Centre for the Environment and Development (CED) and the Rights and Resources Initiative (RRI).

My profound gratitude goes to the Network of Parliamentarians for the Sustainable Management of Central African Moist and Rainforest Ecosystems (REPAR), coordinated by Honorable Jean-Jacques Zam, for hosting within Parliament a particularly fruitful working session between Traditional Rulers and Parliamentarians (MPs and Senators).

The Minister of State Property, Surveys and Land Tenure has permitted that land reform be conducted in an inclusive manner, and did us the honor of receiving us in an audience during which she paid keen attention to our proposals. I wish to extend to her the warm gratitude of Cameroon’s Traditional Rulers, and reassure her of our full support for the successful performance of the delicate though fascinating task entrusted to her by the Head of State.

I cannot wrap up without expressing hearty thanks to the President of the Republic, His Excellency Paul Biya, who initiated land reform in Cameroon through his opening speech at the Ebolowa Agric-Show in January 2011.
When Traditional Rulers talk about land, rural land and propose solutions for the careful management thereof in the interest of the people under their tutelage, it may sound like a revolution. Yet it is simply a cry from the heart of these custodians of tradition, who are reflecting on how to efficiently reconcile our country’s aspiration to economic development with the need to preserve land for rural communities that depend thereon. The issue is prophetic and shows that Traditional Rulers’ entrenchment in culture (some would say in the past) does not in any way inhibit their ability to project into the future and to look beyond their sole communities to embrace the national interest. Coming from different geographical, linguistic, religious, cultural and ethnic backgrounds, Traditional Rulers have once more demonstrated to us that Cameroon’s diversity is a priceless treasure.

We also note the commitment of Traditional Rulers to strive to give a human face to certain aspects of habits and customs, by aligning them with the provisions of national and international law relating to the protection of human rights, with a special focus on the rights of women and vulnerable people.

It seems useful to recall that the Traditional Rulers’ position paper on rural land reform is a summary of intense work initiated three years ago and will be continued in the months ahead.

I wish to extend my gratitude to the President of the Cameroon National Council of Traditional Rulers (CNC-TR), His Majesty Alim Hayatou and, through him, to the entire Bureau and Council. I also thank His Majesty Bruno Mvondo, Coordinator of the Network of Traditional Rulers for the Conservation of Biodiversity and Sustainable Management of Congo Basin Ecosystems (ReCTrad). The entire team of the Centre for the Environment and Development and the Rights and Resources Initiative (RRI) had great pleasure working with them. We learned a lot on the solutions proposed in customary law to tackle current land management challenges, and we believe that the proposal by Traditional Rulers will be a source of inspiration for many African countries facing the same challenges as Cameroon.

We thank Honorable Jean-Jacques Zam and, through him, all members and Secretariat of REPAR-Cameroun, for their commitment and assistance in the process. We also heartily thank the Minister of State Property, Surveys and Land Tenure for encouraging non-governmental stakeholders to give an opinion on the land reform process.

Samuel Nguiffo
PREAMBLE

We, Traditional Rulers of the 10 Regions of Cameroon, meeting within the auspices of the National Council of Traditional Rulers in Cameroon (NCTRC),

Mindful of our role as Custodians of Tradition and managers of land in our various Communities as part of the larger Rural Community land in Cameroon;

Cognisant of the need to evolve certain aspects of our customs and usages that require an update and integration in line with current National and International Laws that protect Human Rights (women and other vulnerable groups of people);

Highlighting the pivotal position of Traditional Chieftaincy in the Cameroon Society with attributes as a socio-cultural entity with a constituted territory, a population and distinct traditional practices, usages, common customs and beliefs.

Highlighting the role land plays in social stabilisation, peace keeping and in local and national development;

Soliciting for a reinforcement of the role played by Chiefdoms in Land and Natural Resource management.

Take advantage of the opportunity offered in the on-going land reforms ushered in by the Head of State, President of the Republic and supervised by the Ministry of Housing, Land Tenure and State Property, to forward our under-mentioned suggestions for an inclusive management of rural lands in Cameroon.

These proposals are a culmination of reflections and surveys carried out in all the regions of Cameroon in the last three years.

Recommend forcefully that the following measures targeting the management of rural lands and property be examined and taken into consideration within the framework of ongoing Land reforms in order to guarantee justice, equity and fairness in the protection of the Rights of Rural Communities in land use, which is our responsibility:

Point 1

**Heighten and locate the village at a level (bottom) in Cameroon’s administrative organigramme.**

- In this way, the suggested new organisational hierarchy should look like this: The State - Regions - Divisions - Sub-divisions – The Village.

- **As advantage:** Each village will henceforth find its place and be known by the administration, and will have a defined territory, bordered and mapped.
As a setback: Sometimes, the borders may not be clearly and precisely defined, or may be contested (but the possibility of having a legal right to their piece of land may be a strong reason for villages to quickly settle their border conflicts. And in cases of persistent disagreements have recourse to the Administration through the Ministries of Territorial Administration and that of Land Tenure, Survey, and State Property for their appeal for a quick solution.

As a challenge: How do we resolve land issues concerning natives and indigenes living in the forest (pygmies) or nomadic cattle rearers (mbororos) who are mobile settlers? Traditional Rulers are aware of the difficulty in finding a lasting solution to the issue of land rights of mobile native Communities and Settlers and are opting for a dialogue to be engaged within the members of such Communities in a bid to find a lasting and equitable solution to land management in such spotted places. Some jurisprudence and precedence exist on such efforts (the product of some Civil Society organisations and Universities) that can be emulated for a starting point.

Point 2

Recognise the Right of a Village to ownership of the Land where it is settled.

It is about recognising the right to collective ownership of village lands without any particular formalities. By dint of a Government Act/decision, the property shall be given to the villages as a whole,

The marked out territory delimiting the village shall be recognised as a collective property which will be indivisible and non-transferable in order to protect the present and future generations of the said Community. Leasing shall be the only transactions permitted on these lands and shall be under the supervision of the Administration.

A precondition for this recognition of land ownership by villages shall be the determination/delimiting of their borders with neighbouring villages.

Point 3

Recognise the validity of customary law in the management of rural/village lands

Customary laws shall be applied to the members of the territories that have been granted to various villages. People may enjoy individual rights but this must be in accordance with applicable provisions of the customary laws. It would be useful within this context, to arrive at a maximum surface area of land that can be ceded to an individual for ownership.

As is the practise nowadays: Most of our village lands are managed following customary rights, though this partitioning remain informal and not registered as required by the Nations existing land laws.
Advantages: (1) Communities are registered and maintained in a legal logbook which they are already used to; (2) the Collective Rights of Village’s are protected; (3) Weak and vulnerable social groups are protected against the strong and rich. In this way, the rich are stopped from taking advantage of their mastery of the procedures and their financial ability to obtain village land registration to their advantage at the expense of the poor.

Point 4

Not linking Community property rights to the demands of its exploitation, but recognising proprietary Rights based on customary laws

- Nowadays, prior exploiting and development made by beneficiary on land ceded by Government on its national domain is a prerequisite for registration and ownership. Developing such land will entail the destruction of nature and vegetation which are indispensable elements in the traditional production chain. Production methods within rural communities are a combination of individual and collective means. By collective, we refer to - edible, medicinal, etc.).

- Customary law recognises methods of land acquisition for individual use, and also recognises collective land ownership, for a village, in its entirety.

- Participative mapping of lands and customs are instruments that enable the identification of traditional practices on lands, resources and natural landscapes. The use of these tools should be institutionalised and generalised in the traditional/rural communities in Cameroon.

Point 5

Clearly define the place and role of Traditional Rulers in the management and administration of lands and resources

Traditional Rulers should be involved in all the processes of ceding land rights and transfer within the rural areas under their authority, as well as be a part in the implementation mechanisms of projects executed in their various villages.

Point 6

Recognising women’s right to land ownership

Based on the discussions between Traditional Rulers and women, it has been observed that the violations on female rights to land ownership has been as a result of wrong interpretations and practices in some customs. The original customs of the forest zones of Cameroon are protective of women’s’ rights to land ownership. The situation may be different in other Regions of Cameroon. For this reason, the National Council of Traditional Rulers intend to carry out a detailed investigation and dialogue with women of other regions in Cameroon on the subject which should culminate in making out proposed solutions to an effective recognition and respect of female rights to land ownership.

The Traditional Rulers are equally aware that women face more complex problems than that of land ownership alone for which an all embracing and global solutions should be sought for.
Suggestions made by Traditional Rulers (1)

- The powers exercised by the Traditional Authorities over village lands should be reinforced, with respect to controls and local Governance.

- Conditions for the occupation of village lands should spur the development and progress of the Community, the village and the emergence of the Nation as a whole.

- The village, our common platform, requires to be uplifted to occupy a place at the base as starting point in the Administrative hierarchy with well defined boundaries.

- The collective proprietary Rights of the village on its customary lands needs to be recognised without any prior formalities and pre-conditions (no prior land development requirement or the obligation for registration to be needed, etc.

- The State should issue a collective Title Deed for each village Community.

- The validity of customary law regulating the management of lands and resources should be recognised and upheld as well as enforced within the borders of the collective land titles. The same needs to be updated and humanised in some Regions to make this Law and Rights commensurate with present day evolution and demands (on female land ownership for instance).

- Village land should be inalienable, like that of the State or of Council Municipalities. They will only be allowed to be used within the strict framework of the customary laws and requirements as well as for LEASE only, under the supervision of the State in both the surface area and the pricing.

- The State should maintain its Republican role and competence over matters relating to planning and the regulatory framework on natural resource management in order to guarantee and ensure sustainable management of land.

- Consulting communities should no longer be a simple formality in terms of land management but rather an obligation for they must provide their consent to any activity in their area.

- Benefit sharing should be done through taxation and services rendered to the administration.

- Customary Rights to land for vulnerable communities (pygmies, Mbororo...) should be recognised through local arrangements/agreements with neighbouring/host tribes (Bantus, Bamilekes, Fulanis...) validated by the administration following a participative mapping exercise.
On 12 December 2013, a meeting between a delegation of the Cameroon National Council of Traditional Rulers and Honorable Minister Jacqueline Koung à Bisseke was held in the conference room of the Ministry of State Property, Surveys and Land Tenure (MINDCAF). The meeting was the opportunity for Traditional Rulers to submit their proposals on rural land reform in Cameroon. Attendees at the meeting included Traditional Rulers from various regions of Cameroon, civil society organizations (Centre for the Environment and Development, COMINSUD, Foi et Justice, REFACOF), representatives of indigenous forest peoples (Bagyeli and Baka) and the main collaborators of the Minister of State Property, Surveys and Land Tenure.

Prior to the audience, a two-day meeting was held in Yaoundé to enable Traditional Rulers and indigenous communities finalize their position paper on rural land reform. The recommendations formulated during the said preliminary meeting constitute a coherent guideline for rural land management, using the village as the basic level of administrative organization in Cameroon, while giving pride of place not only to securing a vital space for communities but also to customary rights as the building block for the design of a rural land law.

In his introductory remarks, His Majesty Balla I, Vice-President of the Cameroon National Council of Traditional Rulers (CNCTR), representing the President who was unavoidably absent, thanked the Minister for accepting to grant them the audience on an issue of such importance for Cameroon’s development. He then introduced his delegation before giving the floor to His Majesty Bruno Mvondo, member of the Council Bureau and spokesperson of the delegation for the audience. His Ma-

REPORT OF THE AUDIENCE GRANTED BY THE MINISTER OF STATE PROPERTY, SURVEYS AND LAND TENURE IN THE CONFERENCE ROOM OF HER MINISTRY
Jesty Bruno Mvondo gave an exhaustive presentation of the proposals formulated with his peers. The main articulations of the proposals are the following: recognition of a village’s collective and inalienable ownership right over its traditional lands without any special formality; ownership shall be granted to the village by an instrument enacted by Government; recognition of the validity of customary law in the management of village lands; the disconnect between the development requirement and access to landed property that should only be based on the existence of customary rights over the land.

Thereafter, the document containing the proposals of Traditional Rulers was handed to the Minister of State Property, Surveys and Land Tenure.

In her address, the Minister expressed satisfaction with the content and the relevance of the document presented. She promised that it will be considered in the land law reform process initiated by her Ministry. She recalled the participatory and inclusive nature of the process and reassured her guests of the interest she attaches to rural land concerns. The Minister then cited some activities already undertaken by her Ministry: the setting up of a committee responsible for updating the State land regime, the organization of Government-Parliament dialog, just to name a few. Besides, she promised to spare no effort to ensure harmonious co-existence between modern law and customary law. Lastly, she extended her heartfelt encouragement to the Cameroon National Council of Traditional Rulers (CNCTR) and to the Centre for the Environment and Development (CED) that is supporting them.

The meeting between the Minister, her main collaborators and Traditional Rulers lasted a little more than an hour in a very convivial atmosphere.
WORKING SESSION BETWEEN TRADITIONAL RULERS, MEMBERS OF PARLIAMENT AND LOCAL LEADERS ON RURAL LAND REFORM IN CAMEROON

Final release

Organized jointly by REPAR-Cameroun, the Cameroon National Council of Traditional Rulers (CNCTR) and the Centre for the Environment and Development (CED), the working session on rural land reform in Cameroon was held in the Committee Room of the National Assembly (3rd-floor) on Friday, 13 December 2013.

The session was chaired by Honorable Martin OYONO, representative of REPAR-Cameroun and participants included the following stakeholders:
Parliamentarians (MPs and Senators)
Traditional rulers
Local leaders
Representatives of the civil society

The overall objective of the working session was to build awareness among parliamentarians on the importance of the rural land issue and on the need to acknowledge and promote the land rights of rural communities and thereby permit their incorporation in the ongoing land reform.

Deliberations were conducted as follows:
- Opening ceremony marked by two speeches;
- Presentation of meeting objectives and introduction of participants;
- Reading and adoption of agenda;
- Presentations;
- Discussions and brainstorming;
- Wrap-up and recommendations

OFFICIAL OPENING CEREMONY
The official opening ceremony was marked by two highlights, namely welcome remarks by REPAR and a word by Traditional Rulers.
In his address, Honorable Martin OYONO, representative of REPAR Coordinator, welcomed participants to the Committee room of the National Assembly and underscored the importance and challenges of rural land reform in Cameroon.
His Majesty Balla I, Vice-President of the Cameroon National Council of Traditional Rulers (CNCTR), speaking on behalf of his colleagues and on his own behalf, expressed gratitude for the opportunity afforded them to give their view on the issue under discussion.

PRESENTATION OF THE OBJECTIVES OF THE MEETING
The objectives of the meeting were presented by Mr. Samuel NGUIFFO from the Centre for the Environment and Development (CED).

PRESENTATIONS ON LAND REFORM IN CAMEROON
After introducing participants, eliciting their expectations, adopting the working methodology and the meeting agenda, thematic papers were presented on the following:
- The position of women on the issue of access to land;
- Local lands mapping;
- Proposals for mainstreaming customary rights in rural land reform in Cameroon.

The presentations were followed by an intense debate bearing essentially on the issues below:

1. The importance of land issues, particularly rural land tenure, even as the problems faced by natives of major urban centers and their peripheries also call for urgent reflection thereon.
2. Lessons drawn from efforts on rural land planning, especially within the framework of the 1995 forest zoning exercise. While the initiative at that time constituted an undeniable breakthrough in land management, its limits emerged with the growing demand for resources not taken into account in the zoning exercise (mines and lands for agro-industry). Accordingly, it is important that land management plans to be designed take account of all resources and all stakeholders, by laying great emphasis on the need to recognize and secure vital community lands.

3. The issue of women’s right to land. Participants unanimously recognized the complexity of women’s land rights and their challenges with regard to customs, which vary from one region of the country to the other. Sometimes, religious influence overlaps with customs, which further compounds the problem. Women wish to have their right to land ownership recognized, including at customary level. Dialog has been initiated between Traditional Rulers and women on this issue and Traditional Rulers have demonstrated commitment to give customs a human face by recognizing the rights of groups likely to suffer from land-related discrimination.

4. Issues not comprehensively addressed in the proposals made by Traditional Rulers. Participants identified the following issues:
   a. the land rights of animal breeders that seem not to be given the same importance as those of non-migrant populations;
   b. the land rights of rural populations neighboring major urban centers;
   c. the peculiarities of Cameroon’s northern regions.

5. Content of customary land practices in Cameroon. Participants pointed out the diversity of customs in the country and the difficulty of grasping the substance of such practices in the different regions. Since the proposal by Traditional Rulers is based on the need to incorporate customary rights into land management, it would be important for them to clarify their point of view by providing elements for a common national customary land tenure platform to decision-makers.

**RECOMMENDATIONS**

The dialog between women and Traditional Rulers is to be continued and stepped up;

2. The proposals by the CNCTR should take account of the customs of all regions of the national territory;

3. Given the great diversity of national customs, the CNCTR should identify a common national customary land tenure platform to facilitate government’s assessment of their proposals;

4. The Ministry of State Property, Surveys and Land Tenure should establish a clear distinction in the reform between rural land tenure and urban land tenure, in order to better highlight the peculiarities of rural land tenure;

5. To ensure participation by all and sundry, it would be desirable that in the future, organizers of
meetings on this issue provide documents in advance and in the two official languages to invitees;

6. The village should be established as the first level of regional and local authorities in Cameroon;

7. Recognize the right of a village to ownership of its traditional territory;

8. Recognize the validity of customary law in the management of village land;

9. Not link ownership right to the land development requirement, but determine ownership based on customary law;

10. Define clearly the place and role of Traditional Rulers in the management of land and resources;

11. Recognize women’s land rights.

Yaoundé, 13 December 2013
Participants
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Yaounde, December 11-12, 2013

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