Conference on Land Policy in Africa

Legislative Action and the Recognition of Community Land Rights: REPAR’s Contribution to the Advocacy Network in Cameroon

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INTRODUCTION (I)

- The major and fundamental role of the legislative branch in Cameroon; legislate and control government action—Article 14 (2) of the 1996 constitution.

*Observation:* LA played little or no role in channeling recommendations from NGOs, Civil Society and research institutions. Thus the practices and the downward accountability of legislative representatives became highly questionable and finally, discredited.

- Today, we can risk asserting that things have changed positively, even though Cameroon still abides by the same Constitution.
INTRODUCTION (2)

- **Why this assertion?**
  - With the emergence of new challenges such as sustainable development, climate change, the recognition of Indigenous Peoples' rights, community participation, gender equality; the legislative representation is required to play a more substantive and dynamic role.

- **How?**
  - By engaging in productive interaction with other actors, more specifically those who possess in depth information on community expectations.
  - Build a strong collaborative framework is needed between legislative representations and Civil Society organizations, Governments, NGOs and research organizations as well as local communities.
INTRODUCTION (3)

- **The overall objective of this presentation:**
  - Examine legislative action and the recognition of community land rights via the strategic alliance between REPAR and the RRI’s Coalition of NGOs in Cameroon.

- **More specifically:**
  - Present the importance and outcomes of such an alliance in promoting advanced tenure reforms which secure community land rights;
  - Identify the challenges faced by the alliance; and
  - Recommend a way forward.
THE ALLIANCE: Institutional Background (1)

- What is REPAR?

- COMIFAC
- CEF DHAC
- REPAR-Afrique Centrale
- REPAR-Cameroun
THE ALLIANCE: IB (2)

- Regional Network was created in 2001 in Libreville.
- REPAR Cameroon was created on March 14, 2008.
THE ALLIANCE: IB (3)

- **Vision:** Parliamentarians become key players in the conception, development, implementation and monitoring of national and international policies, related to forests and ecosystem management.

- **Its goals:**
  - Ensuring environmental protection and sustainable development;
  - Ensuring that the interests and rights of indigenous people and local communities are taken into account when drafting national policies;
  - Promoting the sustainable use of natural resources, good governance and the equitable redistribution of benefits derived from their exploitation;
  - Promoting and enhancing capacity building of Parliamentarians;
THE ALLIANCE: IB (4)

- Contributing to reform processes (land tenure, forestry law, mining code, the National Allocation Land Plan, etc.);

- **What is RRI Coalition?**
  
The Rights and Resources Initiative (RRI) is a global coalition of fourteen (14) core partners and more than one hundred and forty (140) Collaborator organizations, engaged in forestry and land policy reform in Africa, Asia and Latin America.

Created in 2011, the RRI coalition in Cameroon is made up Civil Society and Networks namely: CED, IUCN, GDA, FPP, CIFOR, OKANI Association, Cameroon Ecology, World Agroforestry Centre, CAFT, REFACOF, REPAR, CNCTC.
THE ALLIANCE: IB (5)

- The mission of RRI coalition in Cameroon is identical to that of the RRI coalition at the global level, which is, “to support local communities and Indigenous Peoples’ struggles against poverty and marginalization by promoting greater global commitment and action towards policy, market and legal reforms that secure their rights to own, control and benefit from natural resources, especially land and forests”. Anderson White

**Implications**

There is a convergence of strategic views between the RRI Coalition and REPAR. This is unprecedented within the sub-region; for the first time, Members of Parliament and Members of Senate have formally joined efforts with advocacy organizations, on an issue of national interest.
THE LAND POLICY REFORM IN CAMEROON (1)

- Ordinance N°74 -1 of 6 July 1974 lays down rules governing land tenure in Cameroon. Adopted fourteen (14) years after independence, its main objectives were to **promote Cameroon’s economic growth** and **redefine land property rights by registration**.

**Characteristic**

- Current land and forestry legislations confer on the State, the role of ultimate “master of land and the forest”. Local communities have become mere users, and no longer have property rights over their land.

**Setbacks**

- Disregard of customary tenure which has contributed to the disempowerment of many local communities;
- Insufficient data on land management; and
THE LAND POLICY REFORM IN CAMEROON (2)

- Long, expensive and complex registration procedures, which facilitate bribery and corruption.

**Efforts made under the 1994 forestry law**

The creation and management of community forests by local communities.

- **Why a reform?**
  - Address issues and challenges such as the energy and food crisis, REDD+ (Reducing Emissions from Deforestation and Degradation), Climate change, Vision 2035, sustainable development…;
  - Carter for new types of land rights (Indigenous People, local communities, Women, Youth).

**Conclusion**: The current land policy no longer suits the cultural, socio-economic and environmental context in Cameroon.
THE LAND POLICY REFORM IN CAMEROON (3)

- **What** kind of reform and for whom?
- **How** can environmental, economic and socio-cultural needs be reconciled?
- **How** can the reform ensure social justice and equity?
- Considering the ambition to become an emerging nation by 2035, is the reform to focus on boosting economic growth (increasing investment) or reinforcing and protecting the rights of local communities, or both?
- **When** will the reform take place?
- Attempts to answer these questions have given room to discussions, consultation meetings and most importantly, dialogue between different stakeholders. An example to buttress such collaboration is that between REPAR and the RRI Coalition in Cameroon.
OUTCOMES OF THE ALLIANCE (1)

- General perception:
  - The land rights of most communities are not adequately recognized, protected or secured by national laws, and as a result threaten their economic and cultural security.
  - Their lands are vulnerable to the “great land give away” by governments to concessionaries, or other land investors, who willingly, at times unwillingly, misconstrue such lands as unoccupied.
- The strategic alliance officially commenced in 2012, four years after RRI’s establishment in Cameroon. The major objective of this alliance is to build strong advocacy partnerships, and to set up strategic linkages between local, national, and regional government officials, journalists, traditional rulers, Indigenous People and women networks, to collectively promote, customary and community tenure rights.
OUTCOMES OF THE ALLIANCE (2)

✓ **Policy and Legislative Dialogue:** First Parliament-Government dialogue on land tenure reform in Cameroon was organized by REPAR in 2012.

*Objective*: foster discussions between the different stakeholders, so as to formulate recommendations likely to inspire the reform.

✓ **Promotion of land rights and interests of vulnerable groups**

- Review of the 1994 forestry law: REPAR member of the working group made significant recommendations to this effect. *First draft-YES! Final draft-*?

- **Indigenous Peoples**

  a. Pymies (Baka, Bagyeli, Bedzang and Bakola). Make up 0.4% of the population and live mostly along the forest borders with Gabon, Congo and the Central African Republic.
OUTCOMES OF THE ALLIANCE (3)

b. Mbororos are pastoralists, estimated to be about 5% of the population. They live primarily along the borders Chad, Central African Republic and Nigeria. They belong to the Fulani tribe which is one of the largest ethnic communities in Central and West Africa.

c. The Kirdi communities live in the Mandara mountain range, in north of Cameroon. Their exact number is not known.

- Major requirement to claim ownership is **effective occupation, use and control**. IPs’ dwellings are usually temporary and they live from activities which differ from permanent forms of agriculture such as hunting, collecting and gathering. It is, therefore, impossible for them to comply with the law.

**Recommendations**

- implement the principle of free, prior and informed consent (FPIC) for all activities that are likely to affect Indigenous Peoples’ right to land;
OUTCOMES OF THE ALLIANCE (4)

- Eliminate or review any legislative provisions that discriminate against indigenous people, especially those that refer to the land registration procedure, access to forest resources, establishment of community forests and hunting grounds, and the distribution of annual forest tax;

- guarantee the rights of Indigenous People to restitution and other forms of remedy, for any violation of their rights over ancestral lands that may arise from the creation of protected areas and other activities.

• **Women**: virtually impossible to register land, because customarily they are not recognized as potential owners. Government having opted for gender equality, the alliance suggests that the reformed laws secure specific land rights for women (urban, rural and indigenous).
OUTCOMES OF THE ALLIANCE (5)

- **Youths:** Ownership is not an option for the vast majority. The issue is aggravated by land grabbing, orchestrated by local elites, usually under the guise of community forests or group registration.

- It is believed that only the State can secure their rights. By (i) redefining the status and mode of management of rural land; (ii) limiting the amount of land an individual may register; (iii) pursuing the fight against illegal land biddings.

- **Capacity building of Parliamentarians:**
  - New legislature in 2013. A parliamentarian awareness workshop on environmental and land use planning issues. *It enhanced the awareness of parliamentarians on land use planning, sustainable management of natural resources and their relation with other issues such as agrarian justice, community rights and vulnerable populations. It gave REPAR an opportunity to showcase its vision and goals.*
  - REPAR’s contribution to the advocacy network
    Parliamentarians are involved at the very conception of policies and are no longer just at the receiving end, to validate them is new.
a. **Relations between the executive and the legislative**

Legislative representation has shown very little performance and has been described as the “sounding board” of the executive power.

- Legislative representation is most cases are cut off from their constituencies concerns and aspirations: “*politiciens et non des hommes politiques*”

- The extreme alignment with the views (government bills) of the executive power has become a venerated tradition in the Parliament.

- **Article 25** of the Constitution allows bills to be tabled either by the President of the Republic or by Members of Parliament; and as such Parliament may empower him to legislate by way of ordinance for a limited period and for given purposes, **Article 28**. The 1974 ordinance governing land tenure in Cameroon was adopted in this manner.
**LIMITS/CHALLENGES (2)**

**b. The Government’s priority: foster economic growth**

- Average economic performance illustrated by stagnant GDP growth rates; 4.9% in 2013 below the targeted 6%.

- Land (large scale agriculture) is the cornerstone of economic growth and development.

- The Growth and Employment Strategy Paper which is the framework for economic growth from 2010-2020 does not really focus on recognizing and securing community land rights, but rather portrays land as an economic asset that shall enable the State achieve its development goals.

**c. Advocacy strategy**

- The alliance’s strategy is not very clear as to the type of advocacy.
LIMITS/CHALLENGES (3)

- The strategy is not adequately structured, there is no specified or scientific means of evaluating and assessing impact.
- The lack of available and reliable information or data further weakens the strategy.

**d. Common but differentiated goals**

- Existence of a common objective-recognising and securing community land rights. However the nature of both entities may be an obstacle in the mid or long term.
- REPAR has no financial autonomy as it receives annual grants from the Government and the Parliament.
- The ruling party has a large majority of seats at the Parliament. REPAR is made up of a fraction of MPs. As such its views are not a reflection of views shared neither by all MPs nor by the ruling party.
THE WAY FORWARD (1)

• From National Advocacy to Regional Advocacy: Congo basin countries

*Why the Congo basin countries?*

- Considered as the Green Heart of Africa, it is a haven for Indigenous People (Baka), elephants, gorillas and a bewildering array of other amazing wildlife.

- Economic, social, political and cultural ties that bind the Congo basin countries. RRI currently active in two countries; Cameroon and DRC.

- However, we strongly believe that for irrevocable legal recognition of community tenure rights this effort should be extended at the regional level, thus creating a mass movement by forming alliances with the RRI and the different REPAR branches. It is a challenge that should be considered, and which could yield interesting and significant results, once certain institutional and governance issues are resolved.
THE WAY FORWARD (1)

LE DEUXIÈME BLOC FORESTIER TROPICAL, APRÈS L'AMAZONIE

Les forêts du bassin du Congo couvrent environ 2 millions de km², dont 1,3 en République démocratique du Congo (RDC). Elles représentent 8 % de la surface forestière mondiale.

Selon l'organisation pour l'alimentation et l'agriculture (FAO), les pertes annuelles en superficie sont de 8 000 km².

Population : environ 60 millions de personnes vivant dans ou à proximité de la forêt.

Faune et flore : plus de 30 000 espèces végétales, 400 espèces de mammifères, plus de 1 000 espèces d'oiseaux, 200 espèces de reptiles, 900 espèces de papillons.

Économie : le secteur forestier représente environ 10 % du PIB des pays concernés, et emploie 300 000 travailleurs.

Source : Ecotac, programme régional de l'hôte européen
CONCLUSION

- The alliance between REPAR and the Cameroon RRI coalition is an innovation in the advocacy network in general and recognition of community land rights in Cameroon, in particular.
- Issues related to land are very complex and sensitive, thus the work undertaken by this alliance is commendable.
- The alliance is yet to reach its major goal which entails considerable effort to ensure satisfactory results.
- REPAR has changed the perception of the role of Parliamentarians; who have proven that law makers can work with the Civil Society despite their differences to make significant change.
- REPAR is in total support of any reform that abides to the principles of sustainable development and thus secures community land rights to a realistic and politically acceptable extent.
THANK YOU FOR LISTENING