



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
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THE IMPACT OF POOR LAND GOVERNANCE ON THE REDUCTION OF RURAL POVERTY IN CAMEROON

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Abstract

The strong demand for arable land, especially in Africa, has provoked a rush of investors and speculators in the land sector, targeting especially countries witnessing governance deficits. This situation has not only increased the value of land but it has also paved the way to corruption and its devastating effects particularly on vulnerable and marginalized populations (poorest). Land is a very important factor in the development of Cameroonian economy as it is crucial for agriculture. According to a survey conducted by TI-Cameroon on land governance in regions of Cameroon, up to 99% of respondents admitted to have paid a bribe to institutions involved in land tenure procedure in Cameroon to acquire land titles. Therefore, Failure to secure land in rural areas in part due to corruption has been commonly reported as the main catalyst of poverty. The purpose of this paper, gathering evidence from activities and reports emanating from the “Land and corruption in Africa” project, is to demonstrate how land tenure corruption in Cameroon can foster poverty especially in rural areas. This paper also presents the importance of land tenure security for people in rural areas and the necessity to address it as a means to alleviate poverty.

Key Words: Corruption, Governance, Land, Land Tenure, Poverty



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INTRODUCTION

The issue of Land governance has become a major preoccupation in the World today. The global development drive has generated much pressure on land as there is increasing need for the extension of urban areas, exploitation of natural resources, the multiplication of development projects (water and energy) and the expansion of agriculture. This pressure on land has resulted in challenges patterning to people in connection to their land and ownership rights. These land-pressured occurrences have strained the rules, procedures and institutions which decide which land resources are to be utilized, who to utilize them and under what conditions. (Transparency International, 2011)

In Africa, access to land and other natural resources is very vital for subsistence. Land in Africa is very important for food production, provides space for shelter, essential for socio-economic development and is fundamental in cultural beliefs and practices. For this reason, since the 1990s till date, agendas for development policies in Africa have highlighted land reforms. The African Union and other international development agencies, recognizing the importance of land reform have currently embarked on academic research and forums to discuss land policy subjects. Central to these discusses on land are the questions on access, regulation and control, investment and equity. (Kojo. S. A., 2012). Thus, securing land tenure is of great importance in Africa. However, in recent times it is evident that the land rights of the rural poor is adversely affected by increase in population, expanding urbanization, climate change, social unrest and development cooperation projects.

Land is a very important factor in the development of Cameroonian economy as it is crucial for agriculture and contributes vitally to other sectors such as tourism, mineral resources, conservation and forest areas (Up to 60% of the Cameroonian population derives its livelihood and income mainly from agriculture). Coupled to this, is increasing Urbanization which has further led to increase in the value of land in Cameroon, and making it a target for investors and land speculators in Cameroon. Notwithstanding, the coming of agro-industrial investments, biofuels, environmental and mining projects, carried out by elites or foreign investors which affects customary land users.

In rural areas, customary land ownership is mainly confined to agrarian economies, i.e societies where agriculture and other uses of land, rather than employment, are the main source of subsistence and income. However, Cameroonians living in rural areas are in an extremely precarious situation in terms of land tenure. Furthermore, the laws and practices in the country do not simplify issues for customary land-



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owners who wish to register and protect their property despite the environment where the registration process is obscure, complex, costly and tainted with corrupt practices.

Lately, a survey conducted by TI-C in shows that rural areas in Cameroon have witnessed a rising threat to local peoples' land tenure security which had a direct impact on socio-economic development. This could be explained by the fact that 80% of households in rural areas do not own land titles. 52.42% can lose their land partially because of the costly process of land registration and/or corruption practices faced during the purchasing and registration process of their land at the advisory panel (25.8%) or active bribery by civil servants or public institutions in the registration process and issuance of land titles (17, 5% said to have paid bribes only to obtain information related to the registration process).¹ Moreover, despite the fact that rural women account for close to 60% of the food production and have agriculture as their only mean of income, there is still evidence of gender inequality in regard to land ownership. (TI-C, 2016). Consequentially, poverty in the rural areas has been commonly catalyzed by the difficulty or failure to secure land in these areas.

The purpose of this paper is to demonstrate how corruption in land governance in Cameroon can foster poverty especially in rural areas. The paper will rely on the results from the ongoing “**Land and corruption in Africa**” project implemented by Transparency International Cameroon. Data used in this paper are collected from studies that have been conducted within the framework of the above-mentioned project which research results led to the publishing of two reports titled: “**the challenges of land governance in Cameroon**” and “**Women and access to land in Cameroon**”. Focus group discussions and information gathered in workshops also contributed to data sources.

¹ The survey responses came from households in Cameroon living in Urban, suburban and rural areas of different regions of Cameroon. The survey was a face to face interview by local regional NGOs trained and educated on land governance in Cameroon and its challenges. In all efforts to get peoples' perception of land governance and express their problems, in each household; (1) up to two respondents who were either land owners or land user owner;(2) Both women and men;(3) youths of above 18years were surveyed.



I- LAND TENURE LEGAL FRAMEWORK IN CAMEROON

THE LAND TENURE SYSTEM IN CAMEROON

In order to better understand the current land tenure system of Cameroon, it is necessary to look at the current legal framework for land tenure in Cameroon, which is better understood from its historical background.

HISTORICAL BACKGROUND OF LAND LEGISLATION.

Before colonization, the indigenes of Cameroon practiced communal land ownership, where land was owned by families or whole villages. Traditional heads were the trustees or custodians of the land. Every community/family member benefited from what the communal land yielded. Land was handed down from generation to generation within the family lineage and outsiders were only granted temporary use of land for specific purposes.

With the coming of colonialism, and having three different colonial masters, Cameroon adopted a number of colonial legacy institutions which influenced the current land legislation. This era saw the introduction of state ownership of land with the 1896 CROWN LANDS ACT introduced by the German colonial masters which approved of their ownership of all land. German colonial masters had the right to reallocate land and made local farmers wage laborers on plantations. This was closely followed by the 1927 and 1938 British and French legislations which granted them control over areas of Cameroon. Subsequent to state ownership of land was the introduction of individual land ownership procedures which began with the French Decree of 1932, where they could declare their right on land usage. With these new laws, local indigenes began losing their grasp over land especially communal land.

Furthermore, Cameroon history brings out the relation between customary and statutory law. The 1896 Crown Land Act in its Article 1 recognized the place of customary law by upholding the “vacantes et sans maître” land over which “private individuals or corporate bodies, chiefs or indigenous communities may be able to prove ownership rights or other real rights over.” This was later supported by Article 3 of the June 17, 1959 land law which stipulates that “the customary rights exercised collectively or individually on all land are confirmed, apart from land which forms part of public and private domains...and land which has been appropriated according to the regulation of the civil code or registration system”. It further states that “no collective group or individual can be forced to cede their rights unless for a state-approved purpose and for which they receive fair compensation”.



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In 1922, the French Civil code propagated for a system where ‘NATIVES’ were governed by customary law and ‘ASSIMILES’ by French metropolitan administration (FISIY,1992). With this system, the law encouraged disparity as ‘NATIVES’ had inferior rights to ‘ASSIMILES’. This similar governance structure seems to have been adopted by Cameroon. Though customary ownership rights later reduced with the 1974 land tenure ordinance, the indigenous people still retain some usage rights, specifically recognizing resident populations’ entitlement to exploit fauna and fish products in the forest, apart from protected species for their own personal use. Land negotiations in pre-colonial and colonial Cameroon were mostly done with traditional leaders as colonial administrations depended on traditional authorities to use customary laws to administer access to land. (Nach Mbak, 2000). As a result, very few people in the rural areas formally registered their land.

According to Decree No. 77/249 of July 15, 1977, traditional chiefdoms with local customs are central to their structure and internal operations but Article 6 of the said decree holds that written law prevails in any situation where conflicts exist with customary practice or claims.

These laws in some way do not favor rural populations which are predominantly governed by traditional laws and customs. Also, the current Cameroon legislation seems to have maintained the colonial practice by continuing to uphold state land ownership and establishing complex and expensive procedures for private land ownership claims². These expensive and complex procedures limit many poor land owners especially in the rural areas from having legal claims over land. (TI-C, 2016).

CURRENT LAND TENURE LEGISLATION FRAMEWORK IN CAMEROON

Today, the most comprehensive land governance legal framework is the 1974 land tenure ordinance which clearly states that all land in Cameroon belongs to the state. This implies that individuals or communities are only granted access to land. According to the above mentioned law, land registration is the only way of acquiring land ownership in Cameroon. Subsequently, decree No. 76/165 of April 27, 1976 showcased the process of registering land to acquire a land title. This process requires many supplementary documents and usually takes time. Apparently, these procedures, accompanied with the time and cost of acquiring land certificates leaves the rural poor unable to protect their land from future encroachment, leaving them vulnerable to land rights infringement. The 1974 land ordinance also establishes rules governing land and divides state property into three domains: National domain (land which is state property by the fact that it lacks a land certificate), private domain (land which has been registered and has an access certificate) and public domain (collective land of the country like roads).

² Annex 1.



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Notwithstanding, due to the costly and time consuming process of acquiring a land certificate, only 11% of land is estimated to have been registered as private domain.(Belibi, 2010).

After the 1974 land tenure ordinance, many measures have been taken to fortify the Cameroon land sector. One of such is the public relations campaign of 2008 by the ministry of State Property and Land Tenure to educate people on their rights and make them aware of procedures to secure land titles. Despite these efforts, the procedures, cost, cultures and illiteracy still limits many rural people from acquiring and/or securing their land (through land titles).

II- WHY LAND MATTERS IN RURAL CAMEROON

“Land is life to the rural population in Cameroon”. Land is not just property or an asset to the rural people, but it has cultural, economic, social-economic and even political significance.

- **Cultural significance of land:** In most rural areas of Cameroon land has an enormous cultural significance. For instance, Land is perceived as the resting place for ancestors. For this reason, land on which an ancestor is buried is highly valued by the family lineage. Due to this, in some rural areas, though land has emerged to have a commercial value, there are still specific areas with cultural attributes which normally cannot be sold.
- **Political Significance:** Land ownership in many rural areas in Cameroon is a form of security and power. Many rural inter-communal squabbles can be traced to have struggle for land as one of its cause. To these rural people, owning land does not just signify power but secures a future for their descendants in the community.
- **Socio- Economic significance:** The importance of land to rural socio-economic welfare is indisputable. Land to the rural people promotes economic growth and human welfare. Rural land has the following socio-economic relevance to rural communities;
 - Land as a resource for agriculture: Agriculture includes crops, livestock, fishery and forestry. Agriculture is the main economic activity of the rural population in Cameroon. Agriculture is also a source of food to rural communities. Food is one of the most important basic need of humans. The rural people still largely practice subsistence agriculture and produce on small scale usually for family consumption and commercial purposes which brings family income. This income is used to meet other needs such as education, health etc. Many rural communities also depend on the communal forest as a source of food and hunting both for consumption and



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commercial purposes. In a survey carried out by Transparency International Cameroon in 2016 in the rural communities in Cameroon, up to 63% of rural women indicated that agriculture is their main source of income. Failure to have access to land hinders agriculture and drastically cut on rural women income and thus increases rural poverty.

- Land as a source of health: Good health is very important for both human and socio-economic development. The rural people resort more to traditional healing than scientific healing. Different rural communities have different plants/roots which are uniquely cultivated in specific areas which are attributed to be cures for specific health conditions. The land on which such plants grow is life-sustaining and very important for the well-being of these community people. This also accounts for reasons why certain Forests are very important to certain rural communities.
- Land as a source of Shelter: Everyone needs a place to call home. In most areas of rural Cameroon, land is perceived as a perpetual home. The origin of most rural communities in Cameroon could be traced back to a blood relation. In some rural areas, the umbilical cord of a baby is buried in the land of his parents where he is born. Thus, rural land has family ties too. Reasons why people may migrate from their area of origin (villages) but would always return to build their “permanent” home on the land where they have their family ties.

Thus, if land is one of the most important assets to the rural people in Cameroon and is very important in socio-economic well-being, it therefore means it plays a very important role in their socio-economic development. Reasons why it is crucial to look at rural land governance as a pre-requisite for rural development and poverty alleviation.

WHAT IS LAND GOVERNANCE?

DEFINING GOVERNANCE.

Governance advocates for the rule of law and minimizes the risk of corruption, it means a participatory operation based on accountability, transparency, efficiency, responsiveness without exclusion. (TI-C, 2016).

“Land governance involves a procedure, policies, processes and institutions by which land, property and other natural resources are managed. This includes decisions on access to land, land rights, land use, and land development. All countries have evolved a policy on how to deal with the management of land in their society. They have to deal with the four functions of land tenure, land value, land use, and land development in some way or another. In every society,



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sound land governance is the key toward the achievement of sustainable development". (Essien D. Essien, 2015).

WHY LAND GOVERNANCE MATTERS IN RURAL CAMEROON

With the recent march towards emergence by 2035, there have been numerous development projects witnessed in Cameroon. This situation, has massively affected land administration in the rural areas as it has brought in many stakeholders with varying interest over land resources within specific jurisdictions. These different land interest in rural Cameroon has been made evident through different land disputes which have probed up in the rural areas in recent times.

Figure 1: Example of land disputes in rural areas.

Pastoralists VS Farmers (Farmer- grazer problem)	<ul style="list-style-type: none"> Over use of the same land for grazing or farming
Land boundary disputes	<ul style="list-style-type: none"> Adjacent land owners dispute over land borders
Commercial VS Industrial VS Residential land users	<ul style="list-style-type: none"> Dispute over use of the same land for commercial or industrial or residential purposes
Government VS Private Interest	<ul style="list-style-type: none"> Government prioritized projects may require privately owned land
Extending Urban areas	<ul style="list-style-type: none"> Urbanization brings pressure on urban land and in a bit to solve this problem, urban industrial activities are extended to rural areas bringing pressure and dispute on same land to be used either for subsistence purposes or for Industrial/Urban purposes
Small scale VS Large Scale Farming	<ul style="list-style-type: none"> Extension of large scale farming (mostly for export) on land used for small scale farming by rural communities.
Family land ownership disputes	<ul style="list-style-type: none"> Heritage disputes on family land ownership between family members of the same



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Unfortunately, in the land disputes, the powerful always emerge victors over the weak who are usually the rural poor. This usually is a result of weak land governance. The ultimate way to own and govern land in Cameroon is through acquiring land titles. Notwithstanding, the land governance problem in the rural areas is usually ushered in through the lengthy/costly procedures of acquiring land titles or the corruption culture in acquiring these land titles. This has made it possible for the powerful societal rich people and elites to dominate the rural poor in the competition over land rights.

In rural communities in Cameroon, land is the main resource for agriculture which is the main source of income and subsistence to the rural population. Regrettably, focusing on the poverty line of 256 FCFA adult equivalents per Cameroonian per day, only 45.78% of people are perceived as poor in the urban areas contrary to up to 82.28% in the rural areas. Rural poverty is usually connected with land and agriculture. This is contrary to urban areas which seem to have more varied means of income generation. This implies that tackling poverty in rural and urban areas require different strategies.(Aloysius Amin,2001). Thus, in view of the link between rural poverty and land, it is obvious that weak land governance will heighten rural poverty in Cameroon, while good land governance will greatly lessen rural poverty.

In rural Cameroon, weak land governance paves the way to corruption therefore creating situations whereby the powerful rich and local elites make use of their public offices for private gain. On the contrary, good land governance promotes equitable access to land and land tenure security will foster agricultural productivity in the rural areas which will result in socio-economic growth. This explains why land governance in rural Cameroon is very important and matters in rural poverty alleviation

III- POOR LAND GOVERNANCE: MANIFESTATIONS AND IMPACT ON RURAL POVERTY

Poor land governance in rural areas in Cameroon usually manifest in the form of security of land tenure; women's land rights, expropriation and compensation. No matter how it manifest, it usually has a negative impact on the economic viability of the poor rural people thus fostering rural poverty.

POOR LAND GOVERNANCE IN SECURITY OF LAND TENURE:



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According to a new World Bank report “Securing Africa's Land for Shared Prosperity”, more than 90 percent of agricultural rural land in Africa is not registered, which facilitates phenomena such as land grabbing and expropriation without substantial compensation. (World Bank, 2013).

The procedure of acquiring land titles in Cameroon is like “sea-snake” for rural population. Already complex and costly, the procedure is also stained by corrupt practices. Notwithstanding, land titles are the lone legal means of acquiring land rights yet, according to the Ministry of state and Land Tenure(MINDAF), less than 2% of Cameroon land was registered by early 2000s.(Anne-Gaelle, 2013). It is still evident that most land in the rural areas is still informally administered through local tenure systems. This informal land administration is sometimes inconsistent and at times increases land conflicts.

Although the 2005 land reforms updated the land registration, it failed to address other obstacles for acquiring land titles, reasons why the 2005 laws have seemed not to have significantly improved land registration in Cameroon. Thus, there still exist a lot of challenges in acquiring land titles and ownership which hinder land security by rural populations and foster poverty as outlined below;

- **Complex and long registration procedure:** the procedure for acquiring land titles involves multiple intermediaries³ and some of these lack integrity and civic responsibility ethics in relation to public service. The consequence of this on the rural poor includes the fact that some of them become discouraged to acquire land titles. Some who begin the procedure take a longer time than the urban rich because they do not have bribes to offer intermediaries. As a result, the rural poor remain with untitled land. As such, their activities on these said untitled land is limited. For instance they fear to cultivate their untitled land; their land rights are usually encroached by wealthier elites or even traditional ruler themselves etc. This leaves them with limited space for agriculture and other activities, thus limiting the production capacity, lowering their income and increasing poverty.
- **High Cost of registration procedure:** The land registration procedure seems to be expensive for the rural poor. This is due to the fact that registration cost is not only the fee recognized by the laws but includes both the legal cost and other “underground fees” requested by some intermediaries and corrupt officials. A study carried out by TI-C in October 2015 showcased that almost all the sectors involved in land administration require bribes and almost every household

³ Annex 2: Gaining access to or owning a land title in Cameroon entails passing through these different administrative services. The procedure is both time consuming and costly especially for households with low income.



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interviewed revealed to have paid a bribe during the land registration procedure for different reasons.

Figure 2: Local peoples’ perception on why they pay bribes in the land governance procedure.

Reasons for paying a bribe	Frequency (Percentage of local peoples’ response)
To get the information on land tenure and land title acquisition procedure	17.5%
To avoid expulsion	9.1%
To obtain a land loan	10.8%
For legal advice	11.8%
To progress in the waiting list for land arbitration	10.1%
To acquire land title	14.1%
To expedite a land transaction	11.8%
Because it is a common practice	11.4%
Other answers	3.7%
Total	100%

Source: TI-C, Cameroon Survey on “Land and Corruption in Africa”, 2016.

This high cost of land registration procedure is far above the average income of rural communities. Most often, it limits their ability to acquire land titles thus making, insecurity in land ownership a catalyst of poverty in rural areas in Cameroon.

- **Poor communication and mastery of land tenure procedures:** It appears that the failure to adequately publicize and educate rural communities on land acquisition procedures ushers in corruption in the land acquisition procedure. According to TI-Cs 2015 survey on reasons why households give bribes in the land title acquisition procedure, the highest percentage of respondents identified to have given a bribe to acquire information concerning land tenure procedures⁴. The rural populations who are highly illiterate suffer from lack of information on

⁴ The survey revealed that most land owners in the rural areas of Cameroon are not literate. Most documents on land tenure are written so it is difficult for these illiterate once to understand the procedure. The consequence is that is most of the rural people have to pay bribes to acquire knowledge on land tenure procedures.



procedures and its consequence is bribery which in return affects their income and fosters poverty.

RURAL WOMEN'S LAND RIGHTS

The problem of gender and property rights which are embedded in the Cameroonian cultures pose a big problem to land governance. Though Legal reforms have been put in place to address this issue but the present situation of women and rights to land especially in the rural areas shows that there is still much to be done to make these laws practical. For instance, the 1974 land tenure ordinance provides women with equal rights to own land property. Also, Law No. 96/06 of January 18 1996 amending the 1972 constitution, stipulates the right to landed property in its preamble, affirming the commitment of the people of Cameroon “*to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the African Charter on Human and People’s Rights and all duly ratified Conventions relating thereto*”, as well as the equality of all men “*in rights and duties*”. Yet, women in Cameroon who produce 80% of the country’s food needs possess just 2% of the land.(ipsnews, 2012). In rural Cameroon, most of the cultures allow women to only be ‘USERS’ and not ‘Owners’ of land. The inability of women to possess and control the land which is their main resource for agriculture greatly limits their full productive capacity. Rural women become even more vulnerable after the death of their husband. This is due to the fact that inheritance is mostly patriarchal in Cameroonian cultures and most times women are prohibited from property inheritance. In some cultures in Cameroon, women who are not of same village with their husbands are sent back empty to their village of origin after the death of their husbands. The question here is if agriculture is the main source of income for these rural women, and if they do not have access to land which they can cultivate, how then do they take care of their children? Or how do they produce the food which go a long way to address the food needs of the Cameroonian population? From this, we notice application of some customs do not only impoverish the rural women but go a long way to affect the society as a whole.

Many cases concerning unequal land rights of women in rural Cameroon have been recorded with the Advocacy and legal Advice center (ALAC) of TI-C.

Example of case on unequal Gender land rights reported with ALAC services of TI-C



Case No. 1:(Source: ALAC Data base)

In 2014, Mrs X, a teacher from the Centre region of Cameroon went to the Advocacy and Legal Advice Centre (ALAC) of TI-Cameroon, with a complaint to seek intervention in relation to land dispute with her brothers-in-law. Mrs X, a widow in her situation decided to sell a piece of land she bought with her late husband before the latter's death. Doing so, the complaint meets with an opposition from her late spouse's brothers. The case was taken to the Customary court of her late husband's village. Unfortunately, Mrs X is thrown out of the court under the pretext that she did not have the right to sell a parcel of land belonging to her husband; meanwhile this land was bought within the framework of communal property.

A few days after going to ALAC and laying a complaint for legal assistance, Mrs X decided her complaint for fear of customary retaliation and supposed curses on her and her progeny. She therefore decided to leave the land to her in laws.

Source-TI-C, ALAC data base, 2014

EXPROPRIATION AND COMPENSATION

With the recent march towards development, influx of foreign investors and Urbanization, many rural communities in Cameroon have been forced to move away from their land. Notwithstanding, Law No.80 of July 21, 1980 to amend certain provisions of ordinance No. 74-1 of July 1974 to establish rules governing land tenure provides general provisions governing expropriation of land in Cameroon. Section 1(1) stipulates that the state may expropriate land for projects of general interest and public use. Section 3(1) further holds that "*Persons affected by expropriation shall be entitled to compensation in cash or in kind under the conditions defined in this law*". However, there are cases in the rural areas of Cameroon where the rural poor peoples' land are expropriated by the government for public use and promise of compensation which are never received or sometimes just a meager amount in relation to the land expropriate. Land expropriation in the rural areas of Cameroon usually manifest in the following ways;

- **Underestimation of the Value of land:** In most cases where land is expropriated with mutual concern of the parties involved, the amount usually given as compensation to the local people (whose land has been expropriated) is usually below the value of the land expropriated or the below the right amount to be given as compensation.
- **Embezzlement of Compensation funds by corrupt officials:** In some instances, land is expropriated by the government for public purposes. The amount given as compensation for this



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said land is usually handed from the government via decentralized institution to the local original land owners. In many instances, some corrupt officials embezzle these funds either in whole, in which case the local people may never have access to such money; or in part before it reaches the local people who remain unaware of the original amount given as compensation. For example, in a land scandal in kribi (south region of Cameroon), some government officials have been recently sentenced for fraud. In complicity with the commission in charge of the compensation, they manipulated the list of beneficiaries to include close to 8000 fictitious names. The consequence of this of course is that some beneficiaries were left out and those that were retained did not receive a compensation corresponding to the value of their loss

- **Land grabbing local elites:** local elites generally aware of the intention of the government to carry out development projects in their area of origins usually take advantage of that information to deceive and grab land from the poor communities so as to benefit from the compensation.

During a survey conducted by TI-C under the project on “Land and corruption in Africa”, a majority of respondents to survey questions revealed that they had been vulnerable/victims to land expropriation and without appropriate compensation in many cases.

Figure 3: Local population’s vulnerability perception of land expropriation in relation to institutions involved in land expropriation.

Institution	Frequency (Percentage of local peoples’ response)
Local NGOs	0.22%
Private investors and companies	8.57%
Children	3.08%
Religion heads	0.66%
Public Officials or Public Institutions	46.81%
Bank or financial institutions	1.76%
Community or traditional leaders	10.33
Cooperative or farmers’ organizations	0.44%
Other responses	12.97%

Source: TI-C, Cameroon Survey on “Land and Corruption in Africa”, 2016.

When these rural people are forced to move involuntarily without appropriate compensation and in some worst cases where their property is destroyed, the only outcome is loss of property and income (especially



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in instances of expropriation of land being used for agriculture). The consequence of this situation is increase in dependency and poverty rates amongst the rural poor.

RECOMMENDATIONS

The paper presents findings from the implementation of TI-C's project on "Land and corruption in Africa". From the activities carried out and the lessons learnt, the following recommendations are proposed.

- Results from the project activities clearly show that people in rural area are vulnerable and experience corruption related to land administration and land deals beside the fact that they lack accurate information and finances to help them secure their land. It is therefore urgent for the government to strengthen anti-corruption measures that will help reduce corruption in land administration, responsible of aggravating the state of poverty in rural areas.
- The paper also portrays that the only means to secure land is to have a land title. However it is clearly stated and recognized by actor in the land sector that land registration procedures are complex and lengthy and requires enough money. With a high percentage of rural people living below the poverty line and depending on land for their survival, it is urgent for the government to (i) soften the registration processes, (ii) revisit the land legal framework in such a way that it will recognize and defend customary land interests as land rights and not just as rights of occupation, (iii) with the support of the financial partners and civil society, accompany financially rural poor in securing their only source of income and survival (land).
- Access to accurate information is a real challenge for rural communities wishing to secure their land. Keeping them in the "dark" is an opportunity for land speculators, local elites and some government official to grab their land and divert their benefits (compensation). The civil society with the support of financial partners such as the World Bank must strengthen the capacities and sensitize the rural populations and equip them with social accountability tools and innovative technological solutions to enable them to demand and defend their rights.
- Rural communities often do not have the financial means to make use of complaints mechanisms developed by the state. i.e, in case the complaints mechanisms are not difficult to access, they are costly and lengthy. Partners should encourage the efforts of civil society organization providing free and fair legal and judiciary assistance to victims of unjust land expropriation or victims of corruption in land administration.



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CONCLUSION

Cameroonians living in rural areas are struggling every day to ensure that their most basic rights to access to land are recognized and respected. It is important to emphasize that Cameroon's modern land law retains the classical land management instruments as applied in colonial times. As a result, only registered tenures are considered to be properties and, as a result, unregistered land is devoid of ownership and therefore falls under the guardianship or ownership of the State.

Rural people, who for the most part derive their income from agricultural activities, are victims of the shortcomings observed in the governance of land tenure. These local people, in order to enjoy the benefits of land, must face complex registration procedures added to corruption practices developed despite their low incomes. In practice, the procedure is only accessible to elites because it is centrally controlled, requires a large number of formalities, is costly and time-consuming, and requires a level of literacy and emancipation which is lacking in most of citizens in rural areas. Thus the rights of the poor and vulnerable at the socio-institutional level are most adversely affected by the failure of the modern governance procedure to facilitate land tenure security for the rural poor.

However, it is sad to note that despite the already complex and costly land registration procedures, some government officials have developed corrupt practices that increasingly make these procedures more burdensome. Populations in rural areas with considerably low incomes are not yet able to engage in the registration process that, corruption in the land sector discourages them in their efforts to secure their land and thereby improve their living conditions.

It is therefore necessary to ensure that these populations benefit from legal and financial assistance in order to help them to secure their land. *Legally*, it would be important to strengthen anti-corruption measures in the land sector, to review the legal framework that will recognize and defend customary land interests as land rights and not just as rights of occupation. *Financially*, a vast program of land securitization should be set up by the State, its partners and civil society with the objective of accompanying the local populations in obtaining their land titles as the mean of securing their land and thus come out from the situation of poverty where they find themselves.

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LEGAL DOCUMENTS



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The 1996 Constitution of Cameroon

1886 Imperial Decree (Crown Lands Act)

Law of June 17, 1959 on the organization of state property and land ownership

Law No 85/09 of July 4, 1985 concerning expropriation for a public purpose, determines that this can only be applied in the case of registered land

Ordinance No 74/1 of July 6, 1974 to establish rules governing land tenure – registration becomes the sole means of accessing land ownership and all unregistered land comes under state control

Ordinance No 74/2 of July 6, 1974 to establish rules governing state land

Ordinance No 74/3 of July 6, 1974 concerning expropriation for a public purpose

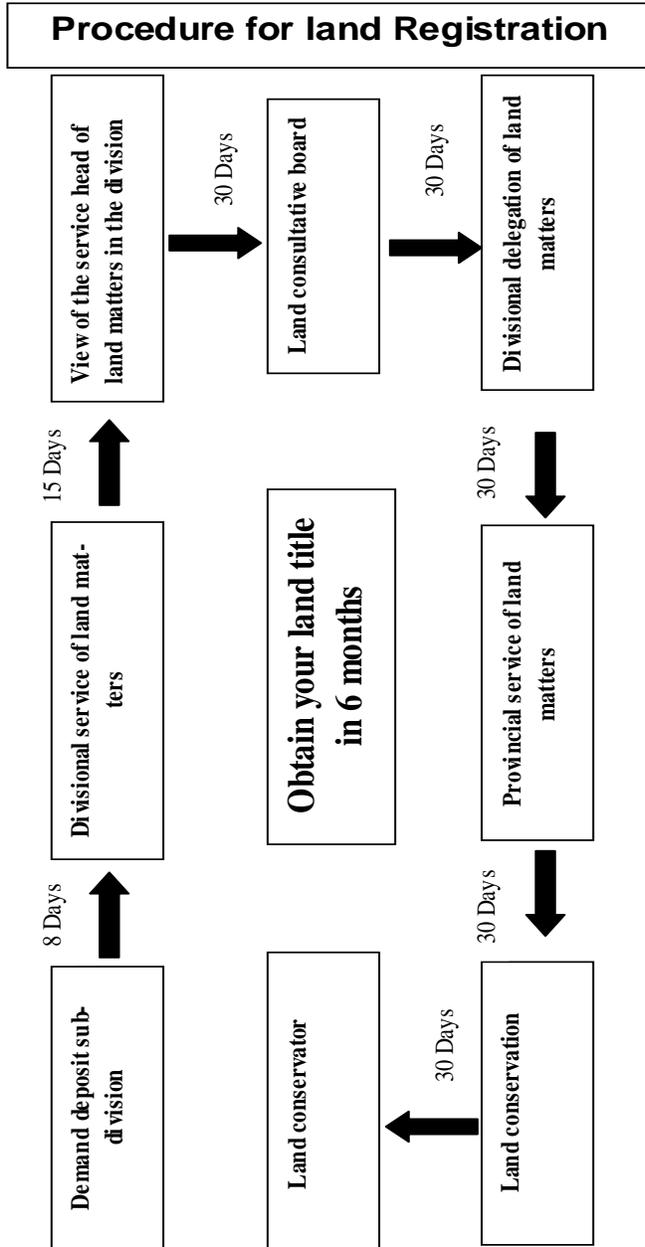
Decree No 76/165 of April 27, 1976 to establish the conditions for obtaining land certificates, and determining the procedure for registering land

Decree No 77/249 of July 15, 1977 ascribing a structure to traditional chiefdoms

Decree No 2005/481 of December 16, 2005 amends the regulations for obtaining land certificates and the procedure for registering land

ANNEXES

Annex 1: Land Registration Procedures in Cameroon





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COST OF LAND PROCEDURES IN RURAL AREAS

PROCEDURES	DATE LIMITE FOR THE FILE ASESSEMENT	COST	PAYMENT POINT	REMARKS
Direct Registration	6 Months	27,500 FCFA/CADASTRIAN + 10-20,000/fiscal stamps Transport fair for the field trip of the land consultative Board agents.	Revenue of Domains	Field trip fee are not prefixed
Boundary of a land found out of the urban perimeter	10 days	27,500 FCFA for portions of lands bigger or equal to 5 hectares		NB: these costs do not take in to consideration the transport fair of the teams on the field? the purchase of usables? Basic field equipments, security equipments and housing fair, the rentals of a chain saw, a faller and a sawyer.
		50,000 FCFA for portions of land between 5 and 20 hectares		
		60,000 FCFA for a portion of land beyond 20 hectares		
Concession, land fragmentation, simple delimitation, ownership transfer	10 days	From 01 m ² -5H -25,000 FCFA + 2,500 FCFA for assignment status; -from 1,500-3,000 FCFA for drawing charges -10,000-20,000 FCFA for FISCAL STAMPS -from 5000-30,000 for designing plans	Revenue of Domains	The furniture, the transport fair and the establishment of boundaries are beared by the applicant who shall dispositions for the cleaning of the site. NB: The registration of an act of sale is done by the Notary who pays part as taxes, amounting beyond 10% of the purchase price of non-build land and 15% for the purchase of a build land.
	15 days	From 5H-20H -50,000 FCFA + 5000 FCFA for assignment status; -from 3,000-10,000 FCFA for drawing charges -from 20,000-30,000 for fiscal stamps -60,000 for designing plans	Revenue of Domains	
	30 days	From 20H- 100H -from 50,000-80,000 FCFA + from 5000-8000 FCFA for assignment status; -from 10,000-100,000 for drawing charges -30,000-50,000 FCFA for fiscal stamps -100,000 FCFA for designing plans	Revenue of Domains	
	Beyond 30 days	Above 100H -80,000 FCFA & 10,000 FCFA per additional hectare + 80,000 FCFA & 1,000 per additional hectare for assignment status; -more than 100,000 FCFA for drawing charges -more than 50,000 FCFA for fiscal stamps -more than 100,000 for designing plans	Revenue of Domains	
Concession, commercial usage, social residence		150 FCFA / m ² in rural areas		
		100 FCFA/m ² 35 FCFA		
Delivrey of certificate of property implies land ownership	48H	3000 FCFA 3000 FCFA 5000 FCFA per land title	Revenue of Domains	



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Annex 2: Summary of different land tenure stakeholders in Cameroon and their roles.

Stakeholder	Role
Assistant Divisional Officer	Receives the application for land registration, issues a receipt, transmits the file to the Departmental service of land affairs, and presides over the work of the advisory committees.
Divisional office of land affairs	Instructs on the file registration, reports the work of the consultative board, ensures the effectiveness of public notice, participates in resolving disputes, and formats the administrative record
Regional Office of land affairs	Controls the legality of documents and visas them in accordance with the law, prepares the publication of demarcation notice in property and real estate regional bulletin, prepares the litigation settlement file for submission to the Governor of the region.
Land Conservator Unit	Registers land rights in the land register, delivers a copy of the land title (duplicate) to the individual applicant or to the head of the applicant's community.
Governor	Examine and determines land disputes arising in connection with the registration procedure.
Minister of state property and land tenure	Examines and determines appeals against the decision of the Governor
Administrative courts	Examines and determines appeals against the decision of the Minister of state property and land tenure.