

OVERVIEW

IIED Natural Resources Group

Project name:

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

Project leader:

Amaelle Seigneret

Time frame:

February 2017–January 2023

Budget:

EUR 4,507,985

Objective:

Cameroon's land laws do not yet explicitly recognise or protect Indigenous land rights. Until land reforms are completed, an interim solution is the legal recognition of Indigenous territories as villages or chieftaincies – local-level administrative units recognised by the state – to help secure tenure and safeguard rights.

This publication was authored by former CED staff Romuald Ngonon and Armelle Olinga, both natural resources governance and Indigenous rights experts.

PROJECT SUMMARY

LandCam focused on defending the rights of marginalised social groups such as Indigenous Peoples and provided recommendations for land law reform in Cameroon based on research, dialogue, mobilisation and advocacy. It involved extensive engagement with land rightsholders, government, traditional authorities, the private sector, media and the public. LandCam was carried out by the Centre for Environment and Development (CED) and the Network for the Fight Against Hunger in Cameroon (RELUGA) with technical support from IIED.

CHANGE IN ACTION

Cameroon's land laws do not recognise collective and customary land rights, making Indigenous Peoples particularly vulnerable to expropriation, displacement and human rights violations. A solution to safeguard their territories is essential and urgent. Pressures on land continue to grow

Strengthening Indigenous land rights in Cameroon

Recognising Indigenous territories as 'chieftaincies' could be an interim solution ahead of law reform

Between 2017 and 2022, LandCam explored creative strategies to enable Indigenous communities in rural areas of Cameroon to exercise their rights to their historical and legitimate territories. The project worked with key stakeholders across Cameroon to improve land and resource governance by formulating evidence-based proposals for legal reform and by supporting citizens participate in the reform process.

Cameroon's current legal framework denies the rights of Indigenous peoples, including fundamental rights such as over land and natural resources, and the rights to a territory and to exercise their cultural traditions and customs. This failure puts the survival of these peoples at risk. Many have been displaced by force or had their territories reduced by large-scale investments and now live on the customary lands claimed by Bantu communities in recognised chieftaincies.

The direction of the land law reform is uncertain. Until it becomes clear, there is an interim solution to help safeguard Indigenous rights. Rural communities are organised in settlements known as 'chieftaincies': units that form the most local level of administrative rule acknowledged in national legislation.

CED has been supporting Indigenous Baka communities to create their own official chieftaincies, so that their sociopolitical systems are recognised as administrative entities and integrated into the existing governance structure. This is particularly important as there is no guarantee that legal mechanisms to

secure Indigenous land rights will materialise in the future.

Key elements of the approach were: understanding intracommunity dynamics, supporting participatory mapping to define Baka territories, supporting dialogue with and between Bantu communities, and engaging with administrative bodies at local, departmental, regional and national levels. It was also important to collectively define the criteria for selecting who should act as chief and represent the community. This was an opportunity for each community to reflect on what 'legitimacy to represent' meant and improve how they organise.

Protecting cultural identity

Without legal protections for their territories, the foundations of Indigenous Peoples' cultural identity are disappearing. In 2019, it was reported that the language of the Bedzang is quickly disappearing and that other forest Indigenous groups in Cameroon are also at risk of losing their languages and associated cultural features. Creating Indigenous traditional chieftaincies will support recognition for and strengthen their political, legal, economic, social and cultural institutions, which are intertwined with their lands.

Participation in decision making

There is almost no representation of Indigenous Peoples in decision-making structures at local, regional or national

and Indigenous territories are being squeezed or completely overtaken by land-intensive commercial projects, hindering their capacity to meet basic needs. Although land law reform began in 2011, there is currently no clear road map and its outcome is unknown. To counter this, CED has piloted an interim solution: recognising Indigenous territories as villages or traditional chieftaincies — an official administrative unit that gives the chieftaincy responsibility for and decision-making power over a given land area. Benefits include protecting Indigenous Peoples' cultural identity, ensuring their participation in decision making, providing better protection of land and resource rights, and better access to customary dispute resolution.

KEY LESSONS LEARNT & INNOVATIONS

- With few legal protections for Indigenous land rights in Cameroon and growing pressures on their territories, creating Indigenous traditional chieftaincies under administrative law provides an interim solution to safeguard Indigenous rights to land and resources. This approach should be incorporated into land law reforms.
- CED's pilots show that the creation of chieftaincies will be relatively easy to implement once agreements are reached with other dominant landholding communities (Bantu). These experiences show that this can require significant dialogue, and that the state (from local to national) must be involved to ensure new Indigenous chieftaincies are legally recognised.
- This approach can be adapted to other contexts. In countries where traditional chieftaincies may not exist, this would mean selecting the administrative unit most suitable for integrating Indigenous territorial recognition into existing governance structures.

PARTNERS' VIEW

The delimitation of a territory for Indigenous Peoples and its recognition as a traditional chieftaincy is the best way to guarantee them intergenerational access to the land and resources on which their material and cultural survival depends. This approach also ensures the good cohabitation with other local communities by finally formalising their presence over a given area.

His Majesty Mvondo, traditional chief and president of the RECTRAD

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Hunting in Cameroon.

levels in Cameroon. Administrative bodies are composed of representatives from 'official', and mainly Bantu, chieftaincies. However, if Indigenous communities' territories are recognised as administrative units, this would improve their representation and participation in decision-making bodies where chiefs have a guaranteed seat. It would also improve access to official information.

Better control over land and resource rights

Recognising Indigenous traditional chieftaincies would allow communities to occupy and manage their lands according to their customary institutions and needs. It would also improve their representation in decision-making bodies like land consultative boards (the local government body in charge of granting land titles, large-scale land leases and ensuring the 'rational' use of lands). In addition, administrative recognition would allow communities to receive royalties from large land concessions, logging and mineral extraction. Finally, studies from numerous countries show that legal recognition of Indigenous land rights also improves forest and biodiversity conservation.

Appropriate dispute resolution

Traditional chieftaincies in Cameroon mediate a wide range of disputes from marital affairs to land tenure conflicts. Without their own chieftaincies, Indigenous Peoples must seek justice from other recognised traditional chieftaincies, according to their own customary laws. In most cases, this results in a bias against Indigenous Peoples' claims, even if the dispute is between members of the same Indigenous community. Creating their own chieftaincies will enable Indigenous communities to resolve disputes by legitimising their sociopolitical institutions and customary practices.

What challenges remain?

Creating new Indigenous chieftaincies will require transferring some lands and customary use rights from existing Bantu chieftaincies, reducing those territories. Negotiations with these chiefs are often difficult. However, if negotiations are successful, the process becomes a standard — and less fraught — administrative procedure.

Next steps

CED, RELUFA and other partners will continue to strengthen Indigenous land rights and facilitate local-level solutions and dialogue for greater land rights clarity and protection. This is part of a larger movement to recognise Indigenous Peoples' legitimate tenure rights. By documenting and sharing evidence from this work, we aim to continue advocating for inclusive land law reform and supporting Indigenous and other marginalised communities to claim their rights to land, vital resources, livelihoods and culturally-appropriate governance.

Given the threats to the identity, culture, and territories of Indigenous Peoples worldwide, a similar approach could be scaled up effectively elsewhere. In countries where there is no concept of traditional chieftaincies, practitioners and rights defenders could identify what types of administrative unit Indigenous communities might use to create legally recognised territories that can integrate into existing governance structures.



Knowledge Products

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