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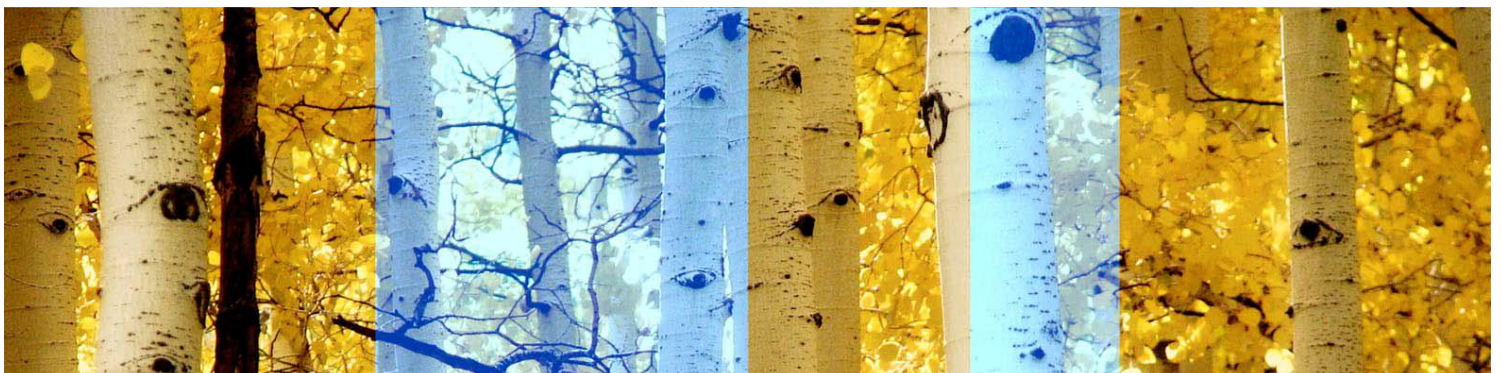
The Rights and Resources Initiative

**International Land and Forest Tenure Facility National  
Assessment: Cameroon**

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## ABBREVIATIONS

Aka	also known as
ANAFOR	National Forestry Development Agency
BBBB or 4B	Baka, Bagyeli, Bedzang and Bakota peoples (indigenous peoples)
CBFP	Congo Basin Forest Partnership
CCPM	Consultation Circle of Partners of MINFOF/ MINEPDED
CED	Centre for Environment and Development
CEFDHAC	<i>Conférence sur les Ecosystèmes des Forêts Denses et Humides d'Afrique Centrale</i>
CF	Community forestry
CIFOR	Center for International Forestry Research
CNTC	<i>Conseil National des Chefs Traditionnels du Cameroun</i>
COMIFAC	Central African Forests Commission
DFID	Department of International Development Cooperation (UK)
DFNP	Non-permanent forest domain/estate ( <i>Domain forestier non-permanent</i> )
DFP	Permanent forest domain/estate ( <i>Domain forestier permanent</i> )
EUR	Euro
FMP	Forest management plan
FSC	Forest Stewardship Council
GFBC	<i>Groupeement de la Filière Bois du Cameroun</i>
ha	hectare
ICRAF	World Agroforestry Center
KfW	<i>Kreditanstalt für Wiederaufbau</i>
MINADER	Ministry of Agriculture and Rural Development ( <i>Ministère de l'Agriculture et du Développement Rural</i> )
MINDCAF	Ministry of Property and Land Affairs ( <i>Ministère des Domaines, du Cadastre et des Affaires Foncières, previously MINCAF</i> )
MINEPAT	Ministry of Economy, Planning and Regional Development ( <i>Ministère de l'Economie, du Plan et de l'Aménagement du Territoire</i> )
MINEPDED	Ministry of Environment, Nature Protection and Sustainable Development ( <i>Ministère de l'Environnement, de la Protection de la Nature et du Développement Durable</i> )
MINFOF	Ministry of Forestry and Wildlife ( <i>Ministère des Forêts et de la Faune</i> )
MINMIDT	Ministry of Mines, Industry and Technological Development ( <i>Ministère des Mines, de l'Industrie et du Développement Technologique</i> )
MINPROF	Ministry of the Promotion of the Women and Family ( <i>Ministère de la Promotion de la Femme et de la Famille</i> )
p.a.	per annum
PSFE	Forest & Environment Sector Program ( <i>Programme Sectoriel Forêt-Environnement</i> )
RACOPY	Concerted Action on Pygmies' Network
REFACOF	African Women's Network for Community. Management of Forests ( <i>Réseau des Femmes Africaines pour la Gestion Communautaire des Forêts</i> )
REPAR	Cameroon Network of parliamentarians for sustainable management of forest ecosystems in Central Africa ( <i>Réseau des parlementaires pour la gestion durable des écosystèmes forestiers d'Afrique centrale – section du Cameroun</i> )
SGSOC	SG Sustainable Oils Cameroon PLC
SIGIF	<i>Système informatique sur la gestion de l'information forestière</i>
SNPADB	National Strategy and Action Plan on Biodiversity ( <i>Stratégie Nationale et Plan d'Action sur la Diversité Biologique</i> )



## PREFACE

Forests and drylands are home to over 3 billion of the world's poorest people and constitute over 40% of the earth's surface, and store 70% of terrestrial carbon. The tenure over much of this land is contested, with various stakeholders, such as local people, private sector companies and governments claiming use or/and ownership rights. It is now widely recognized that insecure forest and land tenure, and the limited recognition of customary land rights, are severe constraints to achieving the global goals on equitable development, climate change, and conservation. The pervasive and growing land and resource conflicts demonstrate that existing instruments and the currently available funding are inadequate to successfully address the rural tenure crisis and that a large-scale and more coherent response is required.

The Rights and Resources Initiative (RRI) has established a process with the aim to target the global gap in addressing communal land tenure in the identified niche areas of strategic importance. This process has resulted with a draft design of an International Land and Forest Tenure Facility (ILFTF). To allow further development of the Facility concept, the RRI has requested Indufor to carry out a Country Assessment in four countries (Indonesia, Cameroon, Columbia and the Philippines). The aim of the assessment is to test the validity of the Facility concept at the country level and gain a better understanding of local demand and potential value added for the services the Facility proposes to offer.

This report and the other three Country Assessment Reports will feed into a Synthesis Report which aims to identify and validate the demand for, and value added of, the Facility and detailed scope of its services.

Various stakeholders provided invaluable insights and contributions to the National Assessment. The Indufor team, composing of the National Expert, Guy Patrice Dkamela, and the Mission Team Leader, Anni Blåsten, wishes to thank the national host *Centre pour l'Environnement et Développement* (CED), the RRI, especially Private Sector Analyst Bryson Ogden, and several NGOs, Government ministries, research institutions, donor organizations, and all those who contributed to the National Assessment through interviews, focus group discussions, validation workshop, and through online comments and exchange.

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## **EXECUTIVE SUMMARY**

Based on our national assessment, we conclude that there is sufficient demand and added value related to the potential Facility Services in Cameroon.

### **Main demand drivers for the planned Facility services**

The existing legislation in Cameroon is weak in recognizing traditional land use rights and there is conflicting legislation that enables land grabbing. There are considerable discrepancies in securing the access rights of local communities, indigenous peoples and disadvantaged groups.

Government ministries involved in land tenure issues are many, and the coordination between them is weak. The different ministries' responsibilities are as follows: Ministry of Forestry and Wildlife – forests, VPA/FLEGT; Ministry of Environment, Nature Protection and Sustainable Development - REDD+, biodiversity; Ministry of Agriculture and Rural development - agricultural management; Ministry of Property and Land Affairs - land management; Ministry of Mines, Industry and Technological Development - management of mining sites; Ministry of Economy, Planning and Regional Development - land planning and regional development; and finally, Ministry of Finance- management of revenues from processes.

The legislation is old: the Land law dates from 1974, and the Forestry law from 1994. Both are currently being reviewed, but latest drafts are not publicly available. Forestry sector reforms started in the 1990s. The reforms – if carried out properly - could enable Cameroon to create institutions and a legal framework that addresses the tenure issues in an appropriate way. However, these reforms have not emerged, and challenges to securing community land rights remain. These include weak enforcement of land, forest and environmental laws, weak capacities, strong dependence on external partners to implement programs, endemic corruption, conflicts between ministries of forestry, environment, agriculture and mining, as well as conflicting perceptions of land and forest ownership between the state and communities.

### **Gaps are identified in four thematic areas, as well as financial gaps.**

1. Increasing stakeholder participation and overall transparency in normative reforms related to land
2. Shortage of coherent policies on indigenous peoples, and mining and hydrocarbons sectors
3. Absence of common understanding of the potential role of local communities in sustainable management of forest and other land
4. Sporadic mapping efforts and absence of national land use planning and maps.

Financial gaps are linked to the existing donor financing's weaknesses in addressing specifically communities' tenure rights and the speed of mobilizing the funding. An important overarching theme in the potential support is gender equality and the improvement of the status of rural women's land tenure rights. Financing of operational activities of some key organizations may also be considered.

There is a clear demand from various stakeholders to address these key gaps. Two potential projects have been identified in order to strategically address these key gaps together with the public sector stakeholders with the aim to improve the operational environment related to tenure in Cameroon.

## **1. OBJECTIVE AND OVERVIEW OF THE APPROACH**

Limited recognition of the tenure rights of the indigenous peoples and local communities in the legal system, limited capacities and overlapping mandates of the land and forest administration, increasing land use pressures, and corruption have generated numerous challenges to good land governance in Cameroon. There has been an increasing activity in recent years, especially by NGOs representing indigenous and local communities, but also other stakeholders, to request sustainable management of all natural resources and a more coherent and equitable land reform. The allocation of concessions and development rights in the forest landscape, including intense mining explorations, sometimes overlapping with protected areas, without consideration for the claims by indigenous peoples and local communities, has created land and resource conflicts. In order to solve these conflicts a more equitable tenure system in Cameroon, respecting the rights of communities in forest lands, must be developed.

This National Assessment aims to:

Identify and validate the demand for, and value added of, of the planned Facility and its Services from the point of view of the main constituencies of indigenous peoples and local communities, while taking into account the interests and roles of private sector actors, civil society, and government organizations.

The key steps in carrying out the National Assessment included:

1. Desk study analysis of relevant background information and stakeholders to be consulted
2. Field mission to carry out interviews, focus group discussions, and a final validation workshop
3. Additional consultation of the stakeholders through electronic circulation of the key findings and the workshop outcomes.

During the field mission stakeholders from most focus groups were consulted in one-on-one interviews or group discussions, and again in the workshop. The key items discussed were:

1. The main bottlenecks and challenges in advancing the forest tenure reform,
2. Gaps in current support on securing tenure rights of indigenous peoples and local communities
3. Potential strategic and value adding services that would help with bridging the gaps and alleviating the key bottlenecks
4. Potential country level working modalities and national platform of the Facility
5. Potential pilot projects to be supported by the Facility if established
6. Risks related to the Facility and its support and related mitigation strategies.

Prior to the field mission the team contacted representatives of 52 stakeholders (Non-governmental Organizations (NGOs), Civil Society Organizations (CSOs), companies, research and academic institutions, domestic and international development funding agencies, and state agencies) of which 25 were available for a meeting. Ministries, donors, research institutions, and the CSOs were well represented, while the private sector and the community organizations were met only in a meeting or two. Some of the private companies refused to discuss tenure matters. In addition, a total of 23 persons representing different stakeholder groups participated in the workshop at the end of the mission. (See Appendix 1 for a list of the interviewed persons and workshop participants).

## 2. CONTEXT

### 2.1 Land tenure trends

The formal law of Cameroon classifies land in the country as private, public and national land. The private land must be titled and registered, and can be owned by individuals, corporate entities, groups and the state. The public land is held by the state for the benefit of Cameroonian citizens. All land, which is not classified as the private or public land, is classified as the national land. The national land includes all unoccupied land, land held by communities under customary law<sup>1</sup>, a significant share of forest land, informal settlements and grazing land (USAID 2011).

Any Cameroonian occupying or using national land as of 5 August 1974 can apply for formal ownership right to the land, to convert it to a private land property. However, the trend of such conversion has been low over past decades with just 125 000 land titles registered in total (USAID 2011). The common forms of transfer of ownership or rights to land in Cameroon are through purchase, leasing and borrowing, and allocation by traditional leaders. The farmers, particularly migrants, usually cultivate forests, which are either public or national land, to gain rights to the land under customary law (USAID 2011).

Cameroon has 17.5 million hectares of forest land (37.6% of total land area). This is officially known as the National Forest Estate, which is divided into Permanent Forest Estate (PFE) and Non-permanent Forest Estate (nPFE)<sup>2</sup>. These are further divided into a number of sub-categories. In addition, there are about 13.66 million ha of forested lands which are not explicitly classified as a part of PFE or nPFE and fall under the category unclassified state forests (Table 2.1).

**Table 2.1 Distribution and tenure form of National Forest Estate (NFE) in Cameroon**

Category	Area, million ha	% of total land area	Tenure form
<b>Permanent Forest Estate (PFE)</b>	<b>16.33</b>	<b>35.1</b>	
Council forests	0.83	1.8	Public land
Protected areas (State forests)	7.40	15.9	Public land
Forest reserves (State forests)	1.05	2.3	Public land
Forest management units	7.10	15.3	Public land
<b>Non-permanent Forest Estate (nPFE)</b>	<b>1.17</b>	<b>2.5</b>	
Communal forests			
Community forests	1.13	2.4	National land, management and usage rights handed over to communities
Private forests	0.04	<0.1	National land, controlled by individuals, communities and corporate entities
<b>Unclassified state forests</b>	<b>13.66</b>	<b>32</b>	<b>National land</b>

Source: WRI 2012

In Cameroon, like in most sub-Saharan African countries, land tenure is characterized by the coexistence of a traditional or “customary” land tenure system which is in a state of transition, and a “modern” land tenure system, introduced through colonization to promote individual

<sup>1</sup> Under the customary law in Cameroon, individual families receive rights to use land and those rights are usually inheritable through the male line. This law generally prohibits the individuals from selling their land (rights) outside of their community. Traditional local leaders serve as trustees and land administrators.

<sup>2</sup> The PFE consists of lands that are designated to remain as either forests or wildlife habitats, and thus may not be converted into other uses. The nPFE consists of forested lands which may be converted into other uses such as agriculture.

landownership. Cameroon was subjected to German, British and French colonial rule. Accordingly, it has three different land tenure systems introduced by each of these colonial powers. After the independence, a new land policy was instituted by Decree No. 63/2 of 9 January 1963, which established a common national heritage managed by the state. The state withdrew land from traditional authorities into public and private property of the State, excluding land officially registered as community property. The new land policy emphasized land development as a condition for the issuing of the land certificate. Socially, the new land tenure system had the merit of detribalizing access to land as it granted all Cameroonians the right to full ownership of land throughout the country. New reforms were necessary due to the difficulties in the application of the 1963 law. The reunification of the country in 1972 provided an opportunity for the introduction of such reforms and to also harmonize the different land tenure systems of the French speaking and English speaking regions of Cameroon. This was the subject of Ordinances No. 74-1 and 74-2 of 6 July 1974.

As Table 2.2 demonstrates, all forest lands are either public or national land and thus under public ownership. Even the so-called private forests are not under private ownership as they are also the national land. Over last ten years, however, an increasing share of forests has been designated for indigenous peoples and local communities with user rights although in the last five years no progress has really been made.<sup>3</sup> This includes the community forests in which communities are given the management and usage rights, although the ownership of the land remains with the state. This implies the increasing recognition of rights of indigenous and local communities in public and national forests in Cameroon. However, only a very small share of communal lands is currently recognized.

**Table 2.2 Forest land tenure trends in Cameroon**

Tenure type	Category	Tenure share (%)		
		2002	2008	2013
Public ownership	Government Administered	100.00	94.63	94.07
	Designated for indigenous peoples & local communities	0.00	5.37	5.93
Private ownership <sup>4</sup>	Indigenous peoples & local communities	0.00	0.00	0.00
	Individuals & firms	0.00	0.00	0.00

Source: RRI 2014

### 2.1.1 Land use changes and pressures

Cameroon has been suffering from a high rate of deforestation over past two decades (0.94% p.a. in the 1990s, 1.02% between 2000 and 2005, and 1.07% between 2005 and 2010, based on FAO FRA 2010 report). Currently the country is losing its forests at a rate of about 1.1% per annum.<sup>5</sup> The direct drivers of deforestation include shifting slash-and-burn cultivation, fuel wood harvesting, bushmeat trade, illegal or informal logging (i.e. artisanal sawing) and industrial logging, conversion of woodland for large-scale agriculture and cash-crops (cocoa, coffee, rubber, oil palm, and banana). Deforestation imposes high costs especially on Bantu people (about 2.5 million) and other related tribes (traditional farmers), and Pygmy<sup>6</sup>

<sup>3</sup> Government Administered' forests are legally claimed as exclusively belonging to the state (RRI 2014).

<sup>4</sup> Forests are considered to be "owned" by indigenous people and local communities, or individuals and firms when they have full legal rights to secure their claims to forests for an unlimited duration. They have the legal right to exclude outsiders from using their resources, and they are entitled to due process and compensation in the face of potential extinguishment by the state of some or all of their rights (RRI 2014).

<sup>5</sup> Source: <http://www.foresttransparency.info/cameroon/2012>.

<sup>6</sup> The Pygmy communities in Cameroon include Baka, Bagyéli, Bakola and Bedzang tribes, otherwise referred to as the BBBB or 4B peoples.

communities (traditional hunters and gatherers) that live in and depend on forest resources for their livelihood (USAID 2011). These communities hold the forest land under the customary law, but do often not have land title registration. Forest clearing, especially for large-scale agriculture causes land conflicts between communities and agri-business companies. Land conflicts and land tenure insecurity, as well as deforestation are set to continue in coming decades in Cameroon - unless drastic measures are taken.

Relatively high population growth in urban areas (3.7% per year)<sup>7</sup> and in the coastal forest zone places additional pressure on forest resources. Moreover, high poverty in rural areas where about 43% people live, and the low rate of land title registration in the whole country in general and rural areas in particular (just 3%, most of which are by big corporations), along with population growth, contribute to land tenure insecurity and conflicts.

### **2.1.2 Logging development – forest concessions**

The state is the legal manager of the permanent forest estate that covers 35% of the country's land. The main economic activity in this private domain is logging. In Central Africa, any logging concession covers a large area, about 75,000 ha on average in Cameroon, and necessarily overlaps with other land uses, including village territories. In 2008, there were 103 forest concessions in Cameroon covering an area of 6 million ha (ITTO 2009). In 2011 there were a total of 111 forest management units (FMUs) covering 7.1 million ha (about 15% of total national land area). Of these FMUs, 87 (5.5 million ha) were allocated for logging as forest concessions, 72 of them operating under a MINFOF-approved forest management plan (FMP). In 2011, fourteen FMUs were FSC certified, covering an area of just over 1 million ha and operated by five different conglomerates (WRI 2012).

The state gives a company the exclusive right to exploit timber resources in its private domain for a specified period through a long-term logging concession. In return, concessionaires should meet several requirements in terms of taxation or provision of public goods. The agreement between the state and the concessionaire takes the form of a convention for exploitation, accompanied by a FMP. These two documents must ensure the ecological, economic, and socially sustainable management of the forest. Logging companies have to participate in improving the living conditions of local populations by payments to the communities of an amount equivalent to 10% of the annual forestry fee, and the provision of social services to communities, detailed in the FMP specifications.

Local communities and other stakeholders are usually not consulted before granting forest concessions. This often causes conflicts between communities and logging companies. The integration of use rights into the FMPs is heterogeneous but with very low enforcement. In addition, the logging concessions can play a role in opening up rural areas to agriculture, road infrastructure, and other drivers of socioeconomic change and thus indirectly impact the well-being of local people. (Lescuyer et al. 2012)

### **2.1.3 Expansion of mining**

Cameroon has significant reserves of bauxite, cobalt, iron ore, nickel, uranium and oil. Much of these mineral resources are located under the forest cover (WRI 2012). Cameroon's mining code states that all national lands are open to mining except for areas excluded by law (WWF 2012), including forest land. A number of companies have been allocated mining permits, although the procedures seem slow and actual operating permits have not been yet delivered in many cases. (Tchawa 2014)

New mining permits are sometimes granted in protected areas and in areas where logging concessions are already granted to companies. Because of overlapping logging and mining permits, logging concessionaires-especially if they are local councils and communities - risk

<sup>7</sup> Source: <http://www.tradingeconomics.com/cameroon/urban-population-growth-annual-percent-wb-data.html>.

losing their permits. Local and indigenous communities also lose often their user rights, i.e. their rights to occupy and use forests and forest products for livelihood.

In addition, the development of the mining sector requires extensive infrastructure, often within the forests, putting additional pressure on tenure rights of local communities to forest land. For example, the World Bank financed Chad – Cameroon Oil Pipeline Project is believed to have caused excessive abrogation of rural land rights without offering adequate compensation to local communities for the damages they have suffered due to the project (USAID 2011). The mining administration seems to think that sustainable forestry can be practiced in the mining concessions, if the dug areas are reforested after the mining activities. Several NGOs are mapping these overlaps, and hence there is a wealth of material available (at least 33 mining permits overlap with 16 existing or proposed protected areas in the country – WWF 2012).

Campo-Ma'an National Park, covering 264,064 ha in southern Cameroon, has seven exploratory mining permits, and the HEVECAM rubber plantation. Bantu communities and indigenous communities (Pygmies) live in the area and depend on the forest for food, fuel, medicines, and religious purposes, among other essential uses. The lack of legally recognized community land rights and an absence of collaboration between government agencies has resulted in an overlap between mining permits and the Campo-Ma'an National Park (three of these permits cover more than half the park), as well as a conflict between exploitation and conservation activities and the rights of communities. (RRI 2014)

#### **2.1.4 Expansion of agribusiness and related land grabbing**

Any land – be it forested or other type of land – classified as national land in Cameroon can be converted into private land by registering land titles. Big corporations and elites, which have the means to register land titles, have often been granted national land including forests for establishing medium and large-scale plantations with cash crops such as cocoa and oil palm. Such land includes land held by local and indigenous communities under the customary law.

Rulli et al. (2012) have reported that in Cameroon about 2.95 million ha of land (i.e. 4.01% of total cultivated land) is grabbed and much of which is planted with cash-crops such as oil palm.

There are three ways of to convert forestlands into farmlands. The first, and the most common, is based on the user rights of smallholders. The second is via medium-sized plantations, usually controlled by the local elite, with the means to register the land and establish farms. The third way is via the large industrial holdings, usually concessions, granted to corporations by the state in lease. In addition to these standards adopted by the state, communities have their own land management systems. One of these is the “axe or first occupant’s right” (*droit de hache*), which gives the control of a forest area to the first person who clears it. (Dkamela 2010)

The granting of land for cash crops can abolish the access and use rights of local communities to forest land. This not only disrespects common property rights, but also deprives less privileged women and men in local and indigenous communities the security of tenure and rights over their ancestral land. In fact, many large-scale agribusiness projects, particularly oil palm, which have overlapped forested areas are accused of land grabbing and have already sparked resistance from local communities. For example, large-scale oil palm plantation projects by Herakles Farms and SOCAPALM that overlap with protected areas, forests and farmland have been seriously criticized for depriving local communities of their farmland and access to forest products and also for ecological destruction, illegality and socio-environmental injustice (Richards 2013). Like in other producing countries, the human cost of palm oil production in Cameroon has been the alienation of forest peoples such as Pygmies from their land, land conflicts, and pollution of water. As the country plans to double the oil palm production by 2020, these problems are likely to continue (Rainforest Foundation 2013).

## **2.2 Current legislative, policy and institutional frameworks on tenure and related opportunities and challenges**

### **2.2.1 Policy framework**

The most relevant national policies related to tenure issues are the following:

- Cameroon Vision 2035 (economic growth and employment strategy, 2009): encouraging the direct foreign investments in the country
- Growth and Employment Strategic Plan (GESP) 2010–2020 (*Document de Stratégie pour la Croissance et l'Emploi, DSCE, 2009*)
- Forest policy (*Politique Forestière, 1993*), and the following Forest & Environment Sector Program (*Programme Sectoriel Forêt-Environnement, PSFE, 2003 and on-going*)
- Rural Sector Development Strategy; RSDS (*Stratégie de Développement du Secteur Rural, SDSR, 2006, being revised*)
- National Gender Policy (*Document Politique National Genre, 2011-2020, 2010*)
- Manuel of procedures on community forestry management (*Manuel des procédures, d'attribution, et des normes de la gestion des forêts communautaires, 2009*)
- National Strategy and Action Plan on Biodiversity (*Stratégie Nationale et Plan d'Action sur la Diversité Biologique, SNPADB, 1999*)

Cameroon's Vision 2035 contains plans for a wide array of projects including large infrastructure investments (ports, dams, roads, etc.), mines, oil/gas projects, and agro-industrial plantations (WWF 2012). Vision 2035 and the Growth and Employment Strategic Plan (GESP) 2010–2020 set out priorities on steady economic growth and job creation. They do not make specific references to the forests, but emphasize the relative importance of forest preservation. The GESP is ambiguous on whether agro-industrial projects should get the priority over conservation efforts or vice versa, and thus creates a political space in which private interests and the priorities of the most influential ministries prevail rather than establishing clear boundaries. However, it appears that the Government currently sees more potential for sustained economic growth and employment creation through agro-industrial and mining ventures, than its commitment to the forests.

The Rural Sector Development Strategy (RSDS) considers increasing the yields of certain crops and expanding their growing area as priority actions for achieving its objectives. Agricultural production is to be increased by 50% from 2005 to 2015, by increasing cropping areas by 25%.

There is no policy on the indigenous peoples yet, although it has been discussed (Wily 2011). Customary land tenure regimes are not always equitable. Feudal or feudallike practices can exist in the past and even currently. The rights of women and very poor families are generally weak and easy to exclude. There are no policies on mining or hydrocarbons sectors, either. Related public policy documents and legislation are listed in Appendix 2.

#### **International engagements at the policy level**

Cameroon has signed the 2007 United Nations Declaration on the Rights of Indigenous Peoples, but has not yet ratified it. This willingness is probably due to the declaration's non-binding character, given that Cameroon is not a signatory to the legally binding ILO Convention (No 169) which is an international framework for indigenous peoples (Dkamela 2010).

Cameroon ratified the UNFCCC on 19 October 1994 and the Kyoto Protocol on 23 July 2002, but has yet to create a policy document on climate change.

Cameroon is engaged with the EU FLEGT process to combat illegal logging. The Voluntary Partnership Agreement (VPA) between the EU and Cameroon was signed in May 2010 and

ratified into national law soon thereafter. The agreement requires some inputs in the on-going revision of the forestry law and its implementing regulations, mainly concerning social and environmental aspects, inclusion of international engagements and definitions of legality. The agreement recognizes the essential role of indigenous and local communities in environmental management and development and the importance of their participation in the success of forest governance policies. It does not define adequate and clear requirements to actually promote the rights and interests of these communities. The only clear reference to their rights in the legality matrices relates to compliance with social clauses in the logging concessions contracts.

As part of the FLEGT process, the MINFOF has established an anti-corruption unit (*Cellule de Lutte Anti-Corruption, CLAC*) in 2012 that is working mainly on awareness-raising with NGOs. MINFOF is also aiming at a greater transparency in forest issues, and has opened a new website at [www.minfof.cm/apvcameroun](http://www.minfof.cm/apvcameroun).

### **The REDD+ Process**

Cameroon has been engaged in REDD+ since 2005 through the Central African Forest Commission (COMIFAC) and its Working Group on Climate Change. Cameroon is a Forest Carbon Partnership Facility (FCPF) Country Participant since September 2010 when the first grant agreement to develop an R-PP was signed. Cameroon is also a UN-REDD Programme Partner Country but the FCPF plays the main role in the national REDD+ Readiness process.

The country's R-PP was approved by the FCPF in February 2013, which triggered 3.6 million USD for its implementation, signed in November 2013. The R-PP proposes to develop legislation on stakeholder engagement, carbon rights, and distribution of benefits from REDD+ programs. A number of REDD+ pilot projects are currently in operation ranging from Payments for Ecosystem Services (PES) to forest communities to biodiversity conservation. At the national level, the main activities include a range of capacity-building for example in forest monitoring and institutional strengthening. R-PP preparation has also entailed broad stakeholder consultation with national experts and stakeholder workshops.

The emergence of REDD+ brings forward the questions of who owns the carbon rights. Cameroon neither has any regulation on carbon ownership nor does its legal system make any distinction between the rights over trees and the elements such as carbon stored in them. This implies that owner of the forest resources should also be the owner of carbon stored in them. The REDD+ policy in Cameroon should address the land tenure issues for the greater success of any REDD+ interventions in the country.

REFACOF is chairing the PNR/CC platform and has managed to ensure that the women's rights and inputs in the process are recognized. One of REFACOF's positions requires that the REDD projects incorporate mechanisms allowing rural and indigenous women's access to ownership of land.

### **Lack of appropriate laws for right to free, prior and informed consent**

MINPDED has issued a document in January 2014: Operational Guidelines for Obtaining Free, Prior and Informed Consent in REDD+ Initiatives in Cameroon. It includes ten guiding steps and four principles to ensure the equal participation of stakeholders in the REDD+ process in Cameroon.

In the forest law and its associated regulations in Cameroon, the right to free, prior and informed consent (FPIC) of indigenous populations and communities that depend on the forests for their living has not been recognized earlier. Still, there is no law that gives decision-making or veto powers to indigenous communities and populations. Furthermore, the forests, as per present law and practices, belong to the State, and despite some concerted efforts to establish communal and community forests, the notion of ownership of the land and its resources is still strongly entrenched in the administration. Thus it will be difficult for the right to consent to be recognized and applied in practice in Cameroon (Global Witness, 2012).

A summary of opportunities and challenges in the policy framework related to tenure is provided in the following (Table 2.3).

**Table 2.3 Summary of analysis of opportunities and challenges in the policy framework related to tenure**

Policy	Opportunities	Challenges
Vision 2035, Growth and Employment Strategic Plan, Rural Sector Development Strategy	Valuation of land, economic growth and improvement of local communities' livelihoods.  Engaging indigenous people in local and national development while respecting their rights.	Rights of indigenous peoples and local communities not respected.
Sectoral policies: forestry, agriculture, environmental, gender	Greater inter-sectoral cooperation, inclusion of local communities, women and indigenous peoples in the decision-making.  Better recognition of the rights of indigenous people can promote sustainable land management and ensure more fair benefit sharing.	Rights of indigenous peoples and local communities not respected.
VPA/FLEGT, REDD+	Possible good practices required for REDD+ and FLEGT and their contribution to policies in favor of marginalized populations.  Addressing the broader tenure rights issues while clarifying the issue of who is to benefit from REDD and potential carbon revenue.  Opportunities in the REDD+ process may inspire other natural resource extracting industries, such as agro-processing, mining and forestry.	The "conservation" component of a REDD+ project may significantly limit the capacity of communities to enjoy their customary rights.  Unique opportunities of establishing good practices are lost in the processes.
Lack of policies - Mining policy - Hydrocarbons policy - Indigenous peoples	Opportunities to create "good" policies that take into account indigenous peoples and local communities rights.	Missed opportunities?  No policies developed → status quo.

### 2.2.2 Legislative framework on tenure

A number of statutes in Cameroon have implications for customary land rights, including the Constitution and the land, forest, mining, gas, decentralization, local government and natural resource management laws.

#### Constitution and customary land rights

The Constitution of 1996 of Cameroon is the supreme legislation related to land tenure rights in the country. Even though the Constitution provides the Cameroonians with the rights to own property either individually or in association with others, it provides rather a weak protection for the customary land rights - it does not even mention customary land interests. Moreover, the terms, "indigenous people" and "minorities" are neither clearly defined nor any affirmative policy actions are outlined in favor of these groups. This ambiguous contextualization implies

rather narrow responsibility to these groups raising questions as to who is actually included in the land tenure protection provided by the Constitution (Dkamela 2010, Wily 2010).

### **The Land Law**

Cameroon's 1974 land law (Ordinance No. 74/1 and 74/2 of 6 July 1974) is deceptive in its simplicity, endowing the State with extreme dispossessory powers. The core of land legislation in force is found in two simple provisions: first, that "the State shall be guardian of all lands", and second that "only two categories of land tenure exist: private and public lands". From these descend significant but "lawful" misuses of power, resulting in diminishment and even annulment of existing customary property interests. The ultimate legal abuse of customary land interests rests in the ability of the State to set aside National Lands as its own private property even though customary interests clearly exist. A land reform process, officially launched in 2011, is still ongoing. (Wily 2011)

Law No. 85/09 of 4 July 1985 relating to expropriation for "public purposes" and conditions of compensation constitute the regulatory framework for the present cadastral survey and land management in Cameroon. The institutional framework for the implementation of the land legislation in force is based on Decree Nos. 2005/178 of 27 May to organize the Ministry of State Property and Land Tenure (MINDAF) and 2005/481 of 16 December 2005 to amend and supplement some provisions of Decree No. 76/165 of 27 April 1976 to lay down conditions for obtaining land certificates. The implementation of these legal provisions is impeded by jurisdictional disputes within the administration which are yet to be resolved (FAO 2009).

Women are facing increasingly insecure access to land and tenure rights, despite women contributing to 56% of agricultural labor force and being responsible for at least 60% of food production, and despite some progress that has been made in recent years regarding women's rights to land in Cameroon, (USAID 2011). The rate of land title registration for women is very low. For example, in the populated North-West region of Cameroon, just about 3% of all land title certificates are held by women<sup>8</sup> (Javelle 2013). Moreover, as the land scarcity increases, male authorities are increasingly withdrawing rights to land, previously held by women.

### **The Forest Law**

The original forest law dates back to 1973. The law revision began in 1988, largely at the demand of World Bank led structural adjustment programming, resulting in a new Forest Policy of 1993 (revised in 1995), focusing on reduction in forest loss and greater popular participation. The Law No. 94-1 of 20 January 1994, to lay down forestry, wildlife and fisheries regulations, adopted the policy into law. There has been evolutionary development since then, delivered in twenty or more legal decrees, orders and instructing circulars since 1995.

The Forest Law of 1994 only grants some usage rights to local communities and stipulates that: "usufruct (or customary) rights are those recognized to local populations to exploit all forest, wildlife and fish products, with the exception of protected species, for their personal use. They may be temporarily or permanently suspended when the need arises for reasons of public interest". There are no coherent standards or procedures to institute customary law in practice, and the interpretation of the right to use therefore differs from one forest stakeholder to another. This often leads to disputes between communities and titleholders of logging activities (Global Witness, 2012).

Cameroon's Forest Law of 1994 was radical at the time with a formal status for community forests (CF). However, legal limitations for community forests set the size of a CF to less than 5000 ha, terms only for five years, and a renewal possibility on the government's evaluation of community compliance with often-onerous management prescriptions. Communities have the right to receive certain benefits but the intended benefits are not often reaching the communities. The communities, who have managed to register their CFs, risk the takeover by local elites. Elites also use communities to grab forest land for their own purposes, as

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<sup>8</sup> It should be noted here that below 2% of all land in Cameroon is registered (Javelle 2013).

communities rarely have the knowledge or resources to formally establish a CF by themselves. Communities resort to selling wood illegally and/or assisting third parties to obtain annual exploitation certificates against money, instead of going through the complex procedure of preparing a simple management plan. On the brighter side, the community forestry is incrementally enabling the communities to participate in the commercial utilization of forests. Communities can issue logging permits on their areas to outsiders. They also have a “veto” right to prevent external logging in their immediate areas (Wily 2011, USAID 2011).

The forest law revision (since 2008) is carried out in a broad-based participatory process. Sixteen different thematic inputs, on forest resource renewal, forest and protected areas management, research, exploitation and its controls, etc., were requested from different stakeholder groups. Women were not included in the thematic inputs for the revision. This review has abruptly been suspended following months-long heated deliberations with the CSOs, particularly on the proper acknowledgment and protection of people’s rights as well as their active involvement in the drafting of the new law (ACRN 2014). An official reason given in the interviews is the harmonization with the revision of related (agriculture, land reform, fishing, pasture) laws.

### **The Mining Law**

The mining law (Law No. 2001-1 of 2001 to Establish the Mining Code) only protects registered private property from mining, using the terms of the land law to define what constitutes private property. This makes all customary land inclusive of the forest estate vulnerable to mineral exploration and exploitation. Better protection is given to limit damage to forests (Sections 74 (2)). Ministers in charge of forests and wildlife are empowered to limit mining in forests and reserves; a power which does not appear to be widely applied. The fact that the State is so often both the lawful owner and yet regulator of such leases/concessions produces a classic conflict of interest which lends itself to resolution only in the privacy of power politics within the State. (Wily 2011)

When local communities’ access and user rights are denied in protected or mining areas, compensations are considered only in developed areas. “Developed” in this context means that plantations have been established and houses built, there exist a holy site, or the land is subject to title deed. Claims on lost food crops, hunting campsites, community forests, or other “non-developed” assets do not justify requests for compensations or changes to the zoning plan proposal.

As a recent development, a family law (covering gender issues) is being developed in the MINPROF.

A summary of opportunities and challenges in the key legislation related to tenure is provided in the following (Table 2.4).

**Table 2.4 Analysis of opportunities and challenges in key legislation related to tenure**

<b>Legislation</b>	<b>Opportunities</b>	<b>Challenges</b>
2011 law on the land use planning and sustainable development of lands	National and regional land-use plans to make informed political decisions that explicitly address the rights of indigenous people and traditional land rights.	Law is still not applied.
1974 Land Law	Depends on the reforms included in the on-going revision.	Will the communities’ rights be included in the revised law? This revision has not been carried out in a broad participatory manner. Outcome of the law?

1994 Forestry Law	Reforms may include greater participation rights of communities and responses to requirements set by REDD+ and APV/FLEGT processes. Greater recognition of communities' rights to trade timber.	Will the communities' rights be included in the revised law? Outcome of the law?
Family law - draft	Improved women's rights related to land issues (inheritance, divorce, widowhood).	Outcome of the law?

### 2.2.3 Land administration and the institutional framework

The Ministry of Property and Land Affairs (MINDCAF) is the primary public actor in the land sector and has the authority over all land in Cameroon. The MINDCAF has a decentralized structure with provincial and division level offices covering many land-related matters such as land allocations and land-use planning. The decentralization of these responsibilities, however, is not yet been supported by a legal framework, nor has the authority of various levels of government been clearly defined. This, combined with weaknesses in technical capacity, inadequate financial support and the benefits of basic institutional development in local and central offices, with persistent corruption, has resulted in poor performance in MINDCAF both at central and local levels (FAO 2010, USAID 2011).

At the divisional level, the Land Consultation Boards (aka Land Tenure Commissions) have the authority to give recommendations on land use, and review and act on applications for land title registration to national land. However, in the northern regions and western highlands of Cameroon, where customary leadership has historically been strong, traditional leaders usually dominate over the Land Consultation Boards on decisions related to land use and land title registration. In other areas, government officials and representatives of commercial interests may have more powers. As a result, the Land Consultation Boards are not considered as the impartial arbitrators of land rights by the people in many areas of Cameroon (FAO 2010). Many traditional local leaders, who are – by customary law – the trustees and administrators of land hold by their respective communities and custodians of their own people, manipulate the customary rules for their personal benefits (Javelle 2013). This enhances the vulnerability of customary land rights of indigenous and local people in Cameroon.

Corruption is persistent in all levels of land administration in Cameroon. Simo (2011) revealed that the central government and local administrations have played a key role in facilitating large-scale land acquisitions, which sometimes have resulted in the neglect of traditional land and resource rights. On the other hand, traditional and modern elites as important stakeholders and power brokers have facilitated land acquisitions and/or increasing outright sales through the expropriation and appropriation of community lands.

Land title registration is the only legal way to hold land rights in Cameroon. The land title registration process is complicate and cumbersome, and often subject to corrupt procedures. (Sama and Tawah 2010, Javelle 2013). Thus, the costs for land title registration become high and unpredictable, which acts as a hindrance for low-income citizens, including majority of indigenous and local people of Cameroon to register their land title (Javelle 2013). As a result, only a tiny portion of land (less than 2%) is so far registered in the country, most of it in urban areas and by elites, leaving most indigenous and local community people with highly insecure land rights. Even having land title registered has not guaranteed secure land tenure for the "owner". This is because of poor record-keeping and document management in responsible government departments, incomplete geographic information, and the use of different spatial

referencing systems<sup>9</sup>. Overlapping land titles are often challenged in the court, resulting in cancellation of titles (Javelle 2013).

The projects involving the exploitation of forests for logging, mining, large-scale agriculture or infrastructure, are often implemented without agreement between the different administrations that have responsibilities for the management of natural resources. Although EIAs are carried out in the applications, the cumulative impacts in areas where several projects are either being carried out or are planned, are not taken into account.

Cameroon has been active in the work of COMIFAC and the Congo Basin Forest Partnership (CBFP) and this regional sharing has greatly strengthened the institutional capacities of the Cameroonian stakeholders on land tenure and forestry issues.

A summary of opportunities and challenges in key institutional framework related to tenure is provided in the following (Table 2.5).

**Table 2.5 Analysis of opportunities and challenges in key institutional framework related to tenure**

Institution	Opportunities	Challenges
Land and forest tenure concerns several ministries' mandates	Strengthening and institutionalization of the cooperation and arbitration mechanisms.	Weak cooperation and coordination between ministries.
Clarity in land use planning by MINEPAT would strengthen tenure rights	Application of the new law (2011) and a better vision/implementation of national land use planning would reduce overlaps.	Funds, coordination and application of the law? Conflicts of interest with MINDCAF?
Civil society, including communities, leaders, NGOs, to be organized	Ensuring more inclusive participation in the planning and better negotiating capacity of communities	The efficiency and effectiveness of platforms, mechanisms of participation.
Community Forests	CFs have been offered the possibility to access and market timber.	Misuse of possibility by individuals.

### 3. KEY INTERVENTIONS RELATED TO SECURING COMMUNAL LAND TENURE

There is a wealth of both bi- and multilateral development financiers and INGOs, generating development assistance directed to forestry and sustainable forest management in Cameroon and in the Congo Basin (see key development financiers in forestry and tenure rights relevant assistance in Cameroon in Appendix 3). Between 2010 and 2011, Cameroon received USD 24.97 million of forest relevant financing from the development partners (ODA)<sup>10</sup>. Germany has historically been the largest bilateral donor contributing ODA to Cameroon. AFD is the biggest donor in rural and agricultural development. Other major donors include the World Bank, EU, and DFID.

The most important project in the forest sector is the on-going Forest & Environment Sector Program (*Programme Sectoriel Forêt-Environnement*, PSFE). The World Bank funded it during 2006-2011 with USD 10 million to consolidate and scale up the forest sector policy reforms, support capacity-building, and strengthen forest and environment institutions. It was

<sup>9</sup> Following the land title registration reform in 2005, all overlapping titles, including the original ones were cancelled.

<sup>10</sup> World Bank data from Cameroon: Gross ODA Aid Disbursement for Forestry, DAC Donors Total (Current US\$) accessed on 18 June 2014.

the first program based on the Paris Declaration principles. KfW is now funding the program's conservation activities for the period 2012-2015 with EUR 17.5 million together with the EU, GIZ, DFID, and inputs from the government's Special Forestry Development Fund (*Fonds Spécial de Développement Forestier*, FSDF). The World Bank is re-considering funding and KfW may be continuing their support with EUR 20 million after 2015. KfW is also funding the finalization of the new forest information system (SIGIF2).

The timber legality related to the VPA/FLEGT is another important area of donor support, mainly by the EU and FAO. EU has funded the Environment and Sustainable Management of Natural Resources Project (ENRTP; 2009-2011) and several small initiatives under the FLEGT, including awareness raising and capacity building of different actors, and forest sector information dissemination. Some of the projects have been implemented by NGOs, for example, Client Earth has provided training among the civil society on EUTR.

GIZ is planning the support for land-use planning to MINEPAT under the REDD process. They have committed a total of EUR 4 million as of 2015.

There is no large-scale international support addressing the community tenure rights directly, although some of the issues are implicitly included in the REDD+ and VPA/FLEGT processes. Clearly, the community tenure rights are not attractive as such to the donors, due to the delicacy of the subject, corruption, broad geographic and cultural/socioeconomic coverage, links to several sectors and ministries, and consequently increased complications. International and local NGOs have been active (and supported by the donors), and this has led to a number of national initiatives, such as the Dialogue between the Parliament and Government on Land Reform Problematic in Cameroon (2013).

#### **4. STAKEHOLDER PERSPECTIVES**

This chapter will present the stakeholder perspectives on the main bottlenecks and challenges in advancing the forest tenure reform. The list of interviewees and workshop participants is in Appendix 1. Stakeholders from all focus groups were interviewed in one-on-one interviews or focus group discussions and again in the workshop. Key items discussed were the following:

1. Gaps in current support on securing tenure/usage rights of indigenous peoples and local communities,
2. Potential strategic and value adding Facility services that could help with bridging the gaps and alleviating the key bottlenecks,
3. Potential country level working modalities of the Facility,
4. Potential pilot projects to be supported by the facility if established, and
5. Risks related to the Facility and its support and related mitigation strategies

Lengthy discussions ranging various aspects of bottlenecks to the tenure reform were held with the stakeholders. The main issues, based on the discussions with stakeholders and in the literature review, are presented in the following.

Representatives of 52 stakeholders were contacted (NGOs, CSOs, companies, research and academic institutions, domestic and international development funding agencies, and state agencies). Ministries, donors, research institutions, and the CSOs were well represented, while the private sector and the direct community organizations were represented only in a meeting or two. Then on the other hand, it is generally recognized that several NGOs "speak the voice of the communities" in Cameroon due to their own lack of voice, access to processes, and capacities, although this can be questioned. Some of the private companies refused to discuss tenure matters. Their activities are made known by NGOs in their reports, which may be biased. A total of 23 persons, representing different stakeholder groups participated in the validation workshop and contributed further to the ideas presented. We did not manage to discuss with the Concerted Action on Pygmies' Network (RACOPY), nor with the African Women's Network for Community Management of Forests (REFACOF).

In general, perspectives were far away from each other, especially on the State's law-based right to the land ownership over customary rights, and on the capacity of the local communities to preserve the natural forests against international land-grabbers and local elites. There were, however some common concerns (although for different reasons), especially on the general weaknesses of capacities and awareness on the land tenure and registration issues, for example. Perspectives that were raised during the interviews and the validation workshop, are presented in Table 4.1. It is noted that many of the concerns raised by the participants are also consistent with the earlier analysis in Chapter 2.

**Table 4.1 Key stakeholders interviewed and their main concerns**

Organisation	Main concern
<b>Government</b>	
Ministry of Economy, Planning and Regional Development (MINEPAT)	<ul style="list-style-type: none"> <li>– High cost of registration of land (to secure state land ownership)</li> <li>– Risk of increased deforestation in case of registration of land to communities</li> <li>– Lack of community involvement in contract negotiations</li> <li>– Problems in the interministerial coordination</li> <li>– Mineral exploration phase: no records on permits, failure to inform communities on permits, exploration permit used to exploit</li> <li>– Sale of illegal artisanal mining permits to industrial operators</li> <li>– Transfer of concessions with too low prices resulting in huge losses of foreign exchange for Cameroon</li> <li>– Misuse related to small logging permits (<i>petits titres</i>)</li> <li>– Impacts of unsustainable forest activities on the local economy of some areas (by logging companies)</li> </ul>
Ministry of Forests and Wildlife (MINFOF)	
National Forestry Development Agency (ANAFOR)	
Ministry of Mines, Industry and Technological Development (MINMIDT)	
General, Ministry of Property and Land Affairs (MINDCAF)	
Ministry of environment, nature protection and sustainable development (MINEPDED)	
<b>Donors</b>	
World Bank	<ul style="list-style-type: none"> <li>– Deforestation</li> <li>– The ownership insecurity on the national land poses risks to the investment</li> <li>– Weak inter-ministerial coordination</li> <li>– Lack of national cadaster</li> <li>– Some titles are not mapped</li> </ul>
European Union (EU)	
GIZ / KfW	
AFD	
DFID	
<b>Civil Society/NGOs</b>	
Centre pour l'Environnement et Developpement (CED)	<ul style="list-style-type: none"> <li>– Very different views by different stakeholders may block the discussion as the society is built on consensus.</li> <li>– Low level of knowledge of processes and rights by communities, but also by central and local administration</li> <li>– Cameroon's legal system does not facilitate the recognition of customary rights</li> <li>– The protection of land rights of indigenous peoples, women and youth is not promoted</li> <li>– Corruption and conflict of interests undermine the decision-making relating to access to land and resources</li> <li>– Mining activities and related illegalities also risk the SMF certificates and the export of wood from Cameroon to Europe (in view of the EUTR)</li> </ul>
INADES-Formation / Coalition des organisations pour la lutte contre l'accaparement des terres (COLAT)	
REPAR Cameroon	
Fondation du Tri national de la Sangha (TNS)	
Observatoire sur le foncier	
<b>Private Sector</b>	
GEOVIC Cameroon PLC	<ul style="list-style-type: none"> <li>– Very poor coordination between ministries</li> <li>– Overlapping of mining permits, agro-industrial forest concessions, protected areas, etc.</li> <li>– Risk for forest concessions of losing their FSC certificate if forests are transformed to other uses.</li> <li>– Weak capacity of government agencies to regulate land conflicts</li> <li>– A lot of effort is being put to REDD+ process which offers only limited</li> </ul>
GFBC	
ONF Cameroun	

	<p>opportunities</p> <ul style="list-style-type: none"> <li>– APV/FLEGT seen as a tool or venue to advance “everything”</li> <li>– The risk of stopping of timber exports from Cameroon to Europe if EUTR requirements are not met</li> <li>– Lack of community involvement in contract negotiations.</li> </ul>
<b>Research and Think Thanks, Communities</b>	
World Agroforestry Center (ICRAF)	<ul style="list-style-type: none"> <li>– High registration costs for land registration is a barrier to access to land.</li> <li>– Divergence of views on land issues. The government’s reluctance to allocate land titles away from the State (because of power games, ignorance, risks of new owners selling the land, deforestation risks, or corruption) on one hand, the NGOs’ radical views on the other.</li> <li>– Lack of respect of human rights in Cameroon on land related issues.</li> </ul>
Center for international forestry research (CIFOR)	
CIRAD	
Conseil national des chefs traditionnels du Cameroun (CNTC)	

## 5. GAP ANALYSIS AND POTENTIAL DEMAND FOR FACILITY SERVICES

### 5.1 Gaps and potential Facility services

The aim of the planned Facility is to provide strategic and value adding support while avoiding overlaps and doubling of efforts with other supporting institutions. The gaps in activities and support in securing forest tenure for indigenous peoples and local communities were identified through the background analysis and the stakeholder consultations. The gaps were identified considering both the existing bottlenecks and challenges on one hand, and the existing activities and related support currently available to securing tenure rights on the other hand.

There are two partly overlapping and related main issues in Cameroon: one is the land tenure rights (*foncière*; ownership and land registration issues) and one is the land-use planning (*l'aménagement du territoire*). These are closely linked, problems in one are often derived from problems in the other, and clarifying one will help in the other.

Gaps are identified in four thematic areas, as well as financial gaps. The thematic gaps are:

1. Increasing stakeholder participation and overall transparency in normative reforms related to land
2. Shortage of coherent policies on indigenous peoples, and mining and hydrocarbons sectors
3. Absence of common understanding of the potential role of local communities in sustainable management of forest and other land
4. Sporadic mapping efforts and absence of national land use planning and maps.

These gaps are described together with potential Facility support in Table 5.1.

**Table 5.1 Gaps and potential Facility support**

<i>Thematic gaps</i>	
<b>Gaps</b>	<b>Potential Support</b>
<b><i>Increasing stakeholder participation and overall transparency in normative reforms (and their implementation) related to land</i></b>	
<p>Cameroon's legal system does not facilitate the recognition of customary rights, including the Constitution, which does not mention customary land interests. All customary land, inclusive of the permanent forest estate, is vulnerable to mineral exploration and exploitation, as well as other uses that conflict with traditional usage rights. At the moment, the policy formulation processes remain the prerogative of the State and local communities, indigenous peoples and civil society have been little or not consulted. Public, and even different ministries have also limited access to comprehensive land concession data.</p> <p>Local communities and other stakeholders are not requested to participate into normative reforms, and if they were, have limited capacities and means to participate. The forestry law revision has been an exception, and other legal reforms are carried out by the government.</p>	<p>Revisions of all related legislation are on-going at an advanced stage, and little support can be provided there, as the timing will no longer be right. However, support may be needed in developing implementing regulations and guidelines, making key stakeholders aware of the new legislation and related implications, and helping with the enforcement and monitoring.</p> <p>Awareness-raising and capacity-building of government officials in participation of stakeholders in normative reforms, including lessons learnt from other countries in the region.</p> <p>Developing a national land and natural resource concession database available to the public.</p>
<b><i>Absence of common understanding of the potential role of indigenous peoples and local communities in sustainable management of forest and other land</i></b>	
<p>The current thinking in the Government seems to be that only State ownership guarantees the sustainable management and utilization of the country's natural resources. This doctrine leads to deficiencies in the respect of local communities' rights and lost opportunities sustainable management of resources.</p> <p>The problem is partly related to insufficient capacities and lack of legal and institutional mechanisms, for example, the decentralization of land management is not yet supported by a legal framework. There is limited support available to tenure rights related capacity building in the public sector institutions. MINEPAT is lacking land-use planning capacities and there is currently no planning at national level land-use.</p> <p>Women are facing increasingly insecure access to land and tenure rights.</p>	<p>Support to communities directly and through NGOs who are working directly with them to empower the communities, raise their awareness and increase their lobbying power.</p> <p>Support to Government processes to raise awareness on community rights and to strengthen the capacity of indigenous peoples and local communities and facilitate their participation in the (concession and other land allocation) negotiations.</p> <p>Develop awareness training models to the relevant ministries, together with REPAR activities. Supporting an increased understanding of the high-level government officials of the tenure rights.</p> <p>Support to communities in land registration processes and management of registered land.</p>



<b>Shortage of coherent policies</b>	
<p>The identified policy gaps are related to the incoherence of different policies, or lack of policies. For example, GESP is ambiguous on whether agro-industrial projects should get the priority over conservation efforts or vice versa.</p> <p>There is no policy on the indigenous peoples in Cameroon. Their rights are not sufficiently recognized in the national level. In the Constitution, the terms, “indigenous people” and “minorities” are neither clearly defined nor any affirmative policy actions are outlined in favor of these groups. This ambiguous contextualization implies rather narrow responsibility to these groups raising questions as to who is actually included in the land tenure protection provided by the Constitution. A policy is needed to remedy this situation.</p> <p>There are no policies for the mining or the hydrocarbons sectors. Both would be necessary as development in these sectors easily conflict with communal land rights and other land uses.</p>	<p>Assistance in formulation of indigenous peoples, mining and hydrocarbons sector policies.</p> <p>Support to policy formulation in a truly participatory manner, including local communities, indigenous peoples and the civil society.</p>
<b>Sporadic mapping efforts and absence of national land use planning and maps</b>	
<p>There are several on-going or planned initiatives addressing the mapping of resources and land use in Cameroon. These are, however, separate from the formal mapping initiatives and not systematically vetted and incorporated into one single centralized map. Weaknesses in national mapping allow for corruption and lead to conflicts of interests, which undermine the decision-making relating to access to land and resources. Inadequate coordination among government agencies, together with strong centralization and weak communication, cause several land use conflicts, including a number of overlapping permits.</p>	<p>An inventory of multiple mapping initiatives in Cameroon.</p> <p>Support to MINEPAT on critical land use planning policy development capacities.</p> <p>Support Government coordination and capacity to regulate land conflicts by developing training modules based on lessons learnt from other countries (COMIFAC and others)</p> <p>Support to actual land resource conflict resolution.</p> <p>Support to the MINFOF anti-corruption unit to enhance and expand its activities to the whole government.</p>
<b>Financial gaps</b>	
<b>Gaps</b>	<b>Potential Support</b>
<p>Very little and sporadic donor financing specifically directed to tenure rights.</p>	<p>The planned Facility is a delivery mechanism.</p>
<p>Lack of funding sources that are able to mobilize financing fast.</p>	<p>Quick financing possibilities by the planned Facility for strategic inputs.</p>
<p>Limited resources by all stakeholders to address and support the gender issues in context of tenure rights (e.g. in the legislative processes, mapping process, community level decision making, etc.).</p>	<p>Precondition of gender inclusion in all Facility support. Supporting REFACOF to develop activities linking gender and tenure rights, and to create more modern awareness of women’s rights in the communities and villages.</p>
<p>Operational financing for small NGOs, who now depend</p>	<p>Operational financing for few key</p>

project-based financing which results with limited financial sustainability and disproportionate or suboptimal use of resources for securing funding.	organizations to allow retention of key expertise on the issues.
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## 5.2 Potential pilot projects

Several potential project ideas were identified during the interviews. Based on identified gaps and the discussions with stakeholders, we are proposing two project ideas below (Table 5.2). The objectives of these project ideas are shared by several stakeholder groups. The second project idea will, in addition to being shared by several stakeholders, bring about quick, strategic results which may solve one of the bottlenecks quickly and justify the existence of the planned Facility.

**Table 5.2 Two main project ideas**

Project ideas	Risks
<p><b>Increased participation in normative reform and other land-use processes</b></p> <p>Objective: a better position of indigenous peoples and local communities to participate in normative reforms in general, and specifically in the negotiation process of concessions contracts and the actual implementation of specifications.</p> <p>Means: Awareness and capacity-building of all stakeholders on strategic land tenure issues. Educate and activate all stakeholders, including government officials, traditional leaders, private sector, etc. in community land use issues and the importance of transparent participatory processes.</p> <p>Target groups: in the first instance, a cooperation with traditional chiefs (CNTC) and parliamentarians (REPAR) would be the most efficient way forward, as they have a lot of power and an interest in these issues.</p>	<p>Separate land tenure issues from land-use planning issues: otherwise may become too complex of an issue....</p> <p>Potentially a very big project, that needs to be planned carefully and implemented stepwise.</p>
<p><b>The inventory of multiple mapping initiatives in Cameroon</b></p> <p>Objective: Support the development of national land use scheme by providing and inventory of the existing initiatives; the planned mapping projects with technical specifications to ensure their compatibility in the future.</p> <p>Ultimate objective of the Cameroonian NGOs is “the establishment of a single modern cadaster, intended to map all existing rights, a regularly updated cadaster, publicly available and published on a government website. (<i>Pour les réformes...</i>)</p>	<p>The parties do not want to share their information or their maps.</p>

## 5.3 The demand and value added of potential facility services – Key take home messages

The above analysis suggests that there is a clear need in Cameroon for the services of the planned Facility. Demand exists for external support related to communities’ land and forest tenure issues, especially on awareness raising and capacity-building. Support is needed for both the Government key officials in related ministries, and the communities, either directly or through active NGOs, who already work in this field, but do not have sufficient coverage.

One of the lessons learned from the national assessment is that forestry cannot be separated from the overall land tenure question. Although many of the conflicts appear on forest lands, these are often transformed to agricultural land or mines, so the issues are multi-sectoral.

Another observation from Cameroon is that almost all of the main gaps identified are already addressed by one or several actors, who work with some stakeholders or in a certain area. Few are addressing the problems at a national level or dealing directly with the central administration to solve the problem. A holistic, constructive approach to the issues at hand would be needed.

## **6. POTENTIAL COUNTRY LEVEL WORKING MODALITIES**

### **6.1 Relevant lessons learned**

There are several common problems with external support projects, which are well known but to which there are no quick solutions. These include:

- The preparation of terms of reference, organization of calls for tender and bureaucracy take too long and strategic opportunities are lost.
- Strengthening and using local capacities in projects is very important
- Loss of interest by stakeholders (execution times too long, too many activities elsewhere - limited availability of people, etc.).

### **6.2 Potential country level working modalities**

To possibly host the country level Facility in Cameroon, several existing platforms were mentioned in the interviews. None of them completely responds to the requirements of having the required mandate and the sufficiently broad representation of different stakeholders. The platform could be hosted by a well-established existing organization (NGO, for example). The platform's role could be on one hand the national coordinating body for communities' land tenure issues, becoming the focal point for land tenure issues and a library of knowledge. On the other hand, it would manage the projects funded by the Facility, propose new projects, participate in the awareness-raising and capacity-building activities, and feed country-level experiences to the international Facility for international exchange of experiences.

The Government's presentation in the platform needs to be carefully considered. Instead of the usual notion of inviting all related sector ministries, only the strategic ministries responsible for the land use planning and the land tenure issues should be invited to participate in the platform. This would ensure the overall coherence between different sectors at the national level, as planning is a central activity and sectoral ministries are responsible for the implementation of the plans. By this arrangement also some of the possible conflicts of interest between sectors could be avoided.

The Technical Assistance to be provided by the planned Facility should respond to demand and address strategic gaps. National capacities should be used as much as possible, and it should also promote regional cooperation. Fast financing could be provided to strategic actions and interventions, and operational financing would be provided only to key organizations. The Facility could participate in – or even lead - the national exchange of ideas, support existing forums, platforms, and networks, share national and international lessons learned, and generate new project ideas.

Based on the gaps analysis, the following overarching themes in the Facility country level operations the following could be considered:

1. Flexibility and speed: in the stakeholder consultations the need for flexible and fast funding were highlighted as key elements of added value from the potential Facility operations.

2. Gender mainstreaming and consideration of marginalized and potentially vulnerable community members. Mainstreaming these throughout Facility operations would allow an equitable approach and value added by the Facility services, especially when the traditional community rights in Cameroon are not very much in favor of gender equality.
3. In order to provide strategic benefits at national level, analyzing and synthesizing the numerous smaller initiatives addressing indigenous peoples' and local communities land rights and related issues into comprehensive national inventories.

### 6.3 Risks and their mitigation

The key risks for Facility operations were identified during the background analysis and the stakeholder consultations (see Table 6.1).

**Table 6.1 Key risks and their mitigation**

Risks	Potential mitigation strategies
Duplication with other initiatives and loss of comparative advantages	Close communication and cooperation with other donors, continued evaluation of strategic benefits at national level.
Local barriers to flexible and quick response by the planned Facility: bureaucracy in the government approval processes and different views in the government sectors causing delays in project planning and approval.	Close communication with the relevant approving government ministries and facilitation of processes with the help of local experts and by providing “unofficial drafts” for feedback in advance.
The extreme positions by different stakeholders may constitute barriers to build a consensus and hence stop progress.	Promote constructive exchange of ideas and awareness-raising, including information on best practices in other countries.
Land ownership is a politically and financially important subject: potential conflicts with corrupt actors, who would prefer a <i>status quo</i> .	Work closely with the press and the MINFOF anti-corruption unit.
Promotion of land grabbing if registered landowners don't have sufficient negotiation power with interested investors. State is a strong owner, communities have less negotiation power.	Strengthening the negotiation power of communities in awareness-raising project and support to existing
Perception of the Facility as lacking neutrality in its activities.	Avoid being the advocate of one single stakeholder group.

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## Appendix 1

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### **List of interviewees and workshop participants**

### Appendix 1: List of interviewees and workshop participants

Name	Title/Responsibilities	Organisation
Georgette FRUAWAH CHE		Bioresources Development and Conservation Programme - Cameroon (BDCP-C)
Sandrine KAMNA		CAFER
Harold Njoudhang DJOMO		Cameroon Environmental Watch (CEW)
Teodyl NKUINTCHUA	Anthropologist, Programme coordinator	Centre pour l'Environnement et le Développement CED
Guillaume LESCUYER	Socio-economist	Center for international forestry research (CIFOR)
Patrice BIGOMBE Logo		Centre de recherche et d'action pour le développement durable (CERAD)
Philippe KARPE	Chercheur juriste, droit	Centre International de recherché agricole pour le développement (CIRAD)
Samuel NGUIFFO		Centre pour l'environnement et le développement (CED)
Kemajou BAUDELAIRE		Centre Technique de Foresterie communautaire CTFC
Raphael TSANGA		CIFOR
Several		Cercle de Consultation des Partenaires de MINFOF/ MINEPDED (Consultation Circle of Partners of MINFOF/ MINEPDED; CCPM)
Raphael MEIGNO BOKAGNE	Ingénieur Agronome, Socio-Economiste	Coalition des organisations pour la lutte contre l'accaparement des terres (COLAT)
His Majesty Mvondo BRUNO	Traditional Ruler, Nkpwangos Nhome Ngii, Coordinator ReCTrad	Conseil national des chefs traditionnels du Cameroun (CNTC)
Baudelaire KEMAJOU		CTFC - Centre technique de la forêt communale
Carl FROSIO	Chargé programme Dév. rural, Environnement & Soc. civile	European Union (EU)
Stéphane AKOA		Fondation Paul Ango Ela (FPAE)
Roger KOUKAM	Health, Safety, Social and Environmental Manager	GEOVIC Cameroon PLC
Blandine L'or OUOGUIA	Adjoint au Délégué Général	Groupement de la Filière Bois du Cameroun (GFBC)
Aristide CHACGOM		Green Development Advocates (GDA)
Elisabeth FOUDA	Directrice Nationale	INADES-Formation / Coalition des organisations pour la lutte contre l'accaparement des terres (COLAT)
Suzanne Ngo BISSOUA		INADES-Formation / Coalition des organisations pour la lutte contre l'accaparement des terres (COLAT)
Alain Monny MBIA	Environmental Management Expert	Ministère des Marchés Publiques



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Jean Jacques YEPMOU	Director of Regional and Border Area Development	Ministry of Economy, Planning and Regional Development (MINEPAT)
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Angele WADDU	Directeur du Suivi de la conservation et de la promotion des ressources naturelles	Ministry of environment, nature protection and sustainable development (MINEPDED)
Martin NKIE	Sous-Directeur Inventaires et Aménagement Forestier	Ministry of Forests and Wildlife (MINFOF)
Denis KOULAGNA	Secrétaire Général	Ministry of Forests and Wildlife (MINFOF)
Joseph Mbido YADJI		Ministry of Forests and Wildlife (MINFOF)
Jean Marie BENDEGUE	Inspecteur Général	Ministry of Property and Land Affairs (MINDCAF)
Samuel ADEGONO		Ministry of Property and Land Affairs (MINDCAF)
Jean Kisito MVOGO	Director of Mines	Ministry of Mines, Industry and Technical Development (MINMIDT)
Serge Herve BOYOGUENO	Head of the Mining Cartography	Ministry of Mines, Industry and Technical Development (MINMIDT)
Narcisse Lambert MBARGA		National Forestry Development Agency (ANAFOR)
Hon Jean Jacques ZAM	Member of Parliament, President of REPAR, Cameroon	Network of parliamentarians for sustainable management of forest ecosystems in Central Africa - Cameroon section (REPAR Cameroon)
Hon Gaston KOMBA	Member of Parliament	Network of parliamentarians for sustainable management of forest ecosystems in Central Africa - Cameroon section (REPAR Cameroon)
J. M. Jean- Marie MAMA	Senator	Network of parliamentarians for sustainable management of forest ecosystems in Central Africa - Cameroon section (REPAR Cameroon)
Mathurin ESSAMA ESSAMA	Secretary of REPAR, Cameroon	Network of parliamentarians for sustainable management of forest ecosystems in Central Africa - Cameroon section (REPAR Cameroon)
Bertin TCHIKANGWA		ONF - Cameroon
Pascal CUNY	Managing Director	ONF - Cameroon
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Rene OYONO FELLOW		Rights and Resources Initiatives (RRI)
Serge MENANG	Senior Environmental Specialist	The World Bank



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<b>Name</b>	<b>Title/Responsibilities</b>	<b>Organisation</b>
Timothee FOMETE	Director	TNS - Fondation du Tri national de la Sangha
Dieudonne ALEMAGI		World Agroforestry Center (ICRAF)
Divine FOUNDJEM-TITA	Marketing Scientist	World Agroforestry Center (ICRAF)
Peter MBILE	Sr. Associate and Project Manager, Food, Forest & Water Program	World Resources Institute (WRI)



## Appendix 2

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# **Land and resource tenure related legislation and other commitments**



## **Appendix 2: Land and resource tenure related legislation and other commitments**

### **International documents/engagements**

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### **National documents, legislation**

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Cameroon Petroleum Code of 22.12.1999

Circulaire 0001 du 22 Mars 1994 Fixant les Prix Minima de Vente des Terrains Domaniaux

Circulaire No 00000001/MINDAF du 29 Déc. 2005 Relative à L'Exécution des Ventes aux Enchères Publiques

Circulaire No 00000002/MINDAF du 29 Déc. 2005 Relative à la Reforme des Biens Mobiliers de L'Etat

Circulaire No 000180/MINDAF/AO10 du 20 Décembre 2005 Portant Clarifications sur les Attributions du Service Départemental des Affaires Foncières et du Service Départemental des Domaines

Circulaire No 004/CAB/PM du 31 Mai 2007 Relative à la Sauvegarde du Patrimoine Immobilier de L'état, des Etablissements et Entreprises du Secteur Public et Parapublic

Circular No. 370/LC/MINEF/CAB of 22 February 1996 instituting a parafiscal tax of 1000 FCFA per cubic metre of wood leaving the logging site to (be paid to) the riparian communities

Circular No. 677/LC/MINEF of 23 February 2001 to suspend the industrial exploitation of community forests

Decision No. 003/MINEP/CB of 16 January 2006 to create the national CDM committee



Decision No. 09/MINEP of 15 January 2009 on the creation of a Steering Committee for the REDD Cameroon Pilot Project Decision No. 003/MINEP/CB of 16 January 2006 on the creation of the national MDP Committee

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Decree No. 2002/155 of 18 June 2002 to change the name of ONADEF into ANAFOR

Decree No. 2002/156 of 18 June 2002 to approve the statutes of ANAFOR Joint Order No. 00122/MINEFI/MINAT of 29 April 1998 instituting conditions for the disbursement of revenue from forest operations intended for riparian village communities

Decree No. 2005/088 of 29 March 2005 to organize the Ministry of Promotion of the Women and Family

Decree No. 2005/099 of 6 April 2005 to organise the Ministry of Forests and Wildlife

Decree No. 2005/117 of 14 April 2005 to organise the Ministry of Environment and Nature Protection

Decree No. 2005/118 of 15 April 2005 to organise the Ministry of Agriculture and Rural Development

Decree No. 2005/160 of 25 May 2005 to organise the Ministry of Social Affairs

Decree No. 2005/190 of 03 June 2005 to organise the Ministry of Urban Development and Housing.

Decree No. 2005/330 of 06 September 2005 to organise the Ministry of Public Works

Decree No. 2005/5/PM of 6 January 2000 to Set Up the Mbam and Djerem National Park

Order No. 0518JMINEF/CAB of 31 December 2001 to Determine the Conditions for Attributing, in Preference, To Surrounding Village Communities, Any Forest Likely To Acquire Community Forest Status

Decree No. 2005-481 of 16 December 2005 to Amend and Supplement Some Provisions of Decree 76-165 national/state lands law

Decree No. 2008/220 of 4 July 2008 to organise the Ministry of Economic Planning and Regional Development

Decree No. 2009/410 of 10 December 2009 on the creation, organisation and functioning of the National Observatory on Climate Change

Decree No. 2010/0239/PM of 26 February 2010 setting out the terms and conditions for the exercise of certain activities transferred from the State to the Councils concerning drinking water supply in zones not covered by the public water distribution network conceded by the State

Decree No. 2010/0240/PM of 26 February 2010 setting out the terms and conditions for the exercise of certain activities transferred from the State to the Councils concerning the



creation and maintenance of ungazetted rural roads as well as the construction and management of crossing ferryboats

Decree No. 2010/0241/PM of 26 February 2010 setting out the terms and conditions for the exercise of certain activities transferred from the State to the Councils concerning the maintenance and management of centres for the advancement of the woman and the family

Decree No. 2010/0242/PM of 26 February 2010 setting out the terms and conditions for the exercise of certain activities transferred from the State to the Councils concerning the promotion of agricultural production and rural development activities

Decree No. 2010/0243/PM of 26 February 2010 setting out the terms and conditions for the exercise of certain activities transferred from the State to the Councils concerning the allocation of aide and assistance to indigents and needy persons

Decree No. 2010/0244/PM of 26 February 2010 setting out the terms and conditions for the exercise of certain activities transferred from the State to the Councils concerning the promotion of pastoral and piscicultural production activities

Decree No. 2010/0245/PM of 26 February 2010 fixant les modalités d'exercice de certaines compétences transférées par l'Etat aux Communes en matiere de culture

Decree No. 2010/0246/PM of 26 February 2010 setting out the terms and conditions for the exercise of certain activities transferred from the State to the Councils in the field of public health

Decree No. 2010/0247/PM of 26 February 2010 setting out the terms and conditions for the exercise of certain activities transferred from the State to the Councils concerning basic education

Decree No. 76-165 of 27 April 1976 to Establish the Conditions for Obtaining Land Certificates Amended

Decree No. 76-166 of 27 April 1976 to Establish the Terms and Conditions of Management of National Lands

Decree No. 76-167 of 27 April 1976 to Establish the Terms and Conditions of Management of the Private Property of the State

Decree No. 84-311 of 22 May 1984 to Lay Down the Conditions for Implementing Law No. 80-22 of 14 July 1980

Decree No. 87-1872 of 16 December 1987 to Implement Law No. 85-9 of 4 July 1985

Decree No. 95/531/PM of August 23 1995 Decree of Implementation to Lay down the Application Clauses for the Forest Regime (Decree No. 95/466/PM of 20 July 1995)

Decree No. 95/678/PM of 18 December 1995 to institute an indicative land use framework for the southern forested area of Cameroon

Decree No. 95-146 of 4 August 1995 to Amend and Supplement Certain Provisions of Decree No. 76-167

Decree No. 97/283/PM of 30 July 1997 to define the conditions for the implementation of certain provisions of the 1997/1998 Finance Law

Decree No. 97-116 of 1997, The Pipeline Law local government law

Décret No 2005/178 du Mai 2005 Portant Organisation du Ministère des Domaines et des Affaires Foncières

Décret No 2006/0368/PM du 03 Mai 2006 Fixant l'Organisation et les Modalités de Fonctionnement du Bulletin des Avis Domaniaux et Fonciers



Décret No 81-185 du 4 Mai 1981 Règlementant les Conditions de Réalisation de Lotissements Spéciaux par la Mission d'Aménagement et D'Équipement des Terrains Urbains et Ruraux (M.A.E.T.U.R.)

Degré No 2004/320 du 08 Décembre 2004 Portant Organisation du Gouvernement, Modifie et Complete par le Décret No 2007/268 du 07 Septembre 2007

Instruction No 000001/Y.18/MINDAF/D200/ du 02 Déc. 2005 sur la Mise en Place des Conservations Foncières

Instruction No 000002/Y.27.2/MINDAF G3 du 02 Déc. 2005 sur la Mise en Place des Recettes Départementales des Domaines

Instruction No 000003/Y/MINDAF/ du 29 Déc. 2005 Relative au Fonctionnement de la Recette Départementale des Domaines

Instruction No 000004/Y.5.5/MINDAF/D220 du 29 Déc. 2005 Relative à L'Aliénation des Dépendances du Domaine Privé de L'Etat

Instruction No 000006/Y.18/MINDAF/D300 du 29 Déc. 2005 Relative au Fonctionnement de la Commission Consultative

Instruction No 000007/Y.18/MINDAF/D300 du 29 Déc. 2005 Relative au fonctionnement de la Conservation Foncière

Instruction No 000008/Y.18/MINDAF/D310 du 29 Déc. 2005 Relative à la Nouvelle Procédure de Visa des Dossiers de Demande de Titre Foncier par voie D'Immatriculation Directe

Instruction No 000009/Y.18/MINDAF/D310 du 29 Déc. 2005 Relative à L'Instruction des Dossiers de Demande D'Attribution en Concession ou en Bail sur le Domaine National

Instruction No. 005/1/Y.25/MINDAF/D220 of 29 December 2005 to Recall the Basic Rules About the Implementation of the System of Expropriation for a Public Purpose natural resource tenure

Instrution No 11/Y.7/MINDAF/D100 du 25 Juin 2007 Portant Rappel des Dispositions Réglementaires Régissant la Gestion du Domaine National de 2éme Catégorie

Joint Order No. 0520/MINADT/MINFI/MINFOF of 3 June 2010 setting out conditions of employment, monitoring and management of revenue from forest and wildlife operations intended for councils and riparian village communities

Joint Order No. 122/MINEF/MINAT of 29 April 1998 to Lay Down the Utilization Clauses of Forest Exploitation Revenues by Resident Village Communities

Law No. 001 of 16 April 2001 to lay down the mining code

Law No. 19 of 26 November 1983 to Amend the Provision of Article 5 of Ordinance No. 74-1 land registration law (private property law)

Law No. 2002/003 of 19 April 2002 on the General Tax Code

Law No. 2002-13 of 30 December 2002 to Institute the Gas Code

Law No. 2004/018 of 22 July 2004 laying down the rules applicable to councils

Law No. 2004/019 of 22 July 2004 laying down the rules applicable to the regions

Law No. 2004/17 of July 22 2004 on the orientation of decentralisation

Law No. 76/25 of 14 December 1976 to Establish Regulations Governing Cadastral Surveys and Records

Law No. 80-22 of 14 July 1980 to Repress Infringements on Landed Property and State Lands



Law No. 85-09 of 4 July 1985 to Lay Down the Procedure Governing Expropriation for Public Purposes and the Conditions for Compensation

Law No. 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations

Law No. 96/12 of 5 August 1996 relating to environmental protection management

Law No. 96-06 of January 18, 1996 revising the Constitution of June 2, 1972

Law No. 98/005 of 14 April 1998 on water planning

Law No2011/008 of 6.5.to Lay Down Guidelines for Territorial Planning and Sustainable Development in Cameroon.

Lettre Circulaire No 002109/L.10/MINUH/A000 du 10 Aout 2004 Relative à L'Exécution des Décisions de Justice

Note 00000231 du 23 Mars 2006 au Directeur des Domaines au Sujet de la Vente des Terrains Domaniaux par Adjudication Publique

Order No. 29/CAB/PM of 9 June 1999 to set up a Standing Committee to follow up the implementation of the resolution of the Yaoundé Declaration on the conservation and sustainable management of tropical forests

Ordinance No.74-1 of 6 July 1974 to establish rules governing land tenure, including amendment of 1977

Ordinance No. 74-2 of 6 July 1974 to Establish Rules Governing State Lands

Ordinance No. 99-1 of 31 August 1999 to Supplement Certain Provisions of Law No. 94-1 of 20 January 1994

Service Note No. 0144/NS/MINFOF/SG/DFAP/ SDVEF of 6 March 2007 giving instructions on the collection of wildlife taxes and the compilation of statistics on wildlife offtake.



## Appendix 3

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### **International support**



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Source	Intervention	Description
AFD	Creation of an “observation de conversion des terres” 02/2014, 120 000 EUR	Starting with CED
EU REDD Facility	Mapping of potential palm oil plantation sites	Request for proposals phase.
The World Bank (WB)	Conservation and Sustainable Use of the Ngoyla-Mintom Forest Project 2012-2017, USD 3.5 million	Sustainable management of priority areas for conservation and community use within the Ngoyla Mintom forest massif for the benefit of the local and indigenous communities. The establishment of a Protected Area within the massif, albeit through a participatory planning process, could lead to the restriction of certain activities such as hunting and collection of non timber forest products (NTFP) and medicinal plants, restriction of access to cultural sites, in particular of Baka and other vulnerable groups. The envisaged new Protected Area for conservation may potentially prohibit inhabitation by the Baka in the Ngoyla-Mintom forest massif.
WB/IDA	Capacity-building in the Mining Sector (Projet de Renforcement des Capacités dans le Secteur Minier, PRECASEM) 2012-2017, 30 MUSD	Improving of the capacity and transparency in the management of the mining sector, promoting sustainable development within the sector. Establishment of the mining cadaster in the Ministry of Mines.
UK Department for International Development (DFID)	Supporting Forestry Communities to Improve their Land Tenure and Market Access. 2012 Euro 12.3 million	Support to improving tenure security of forest communities. The project was implemented by the Rights and Resources Initiative (RRI). Source: EU 2012.
The World Bank (WB)	Cadre d'analyse de la gouvernance foncière (CAGF) 2013	
The World Bank (WB)	Sustainable Agro-Pastoral and Land Management Promotion Project 2006–2012 USD 6 million	The project aimed to improve the mechanism of land conflict resolution among farmers, foresters, herders, other natural resource users and traditional chiefs.
The World Bank (WB)	Forest and Environmental Policy Development Program Project, 2006–2011 USD 136 million	Policy support, regulatory reform. The key objective of the project was to consolidate and scale up the forest sector policy reforms taken place previously, support capacity-building, and strengthen forest and environment institutions, by expanding their work programs in the fields of environmental monitoring, policy oversight, law enforcement, forest management, biodiversity conservation, and community-based forest activities.
The World Bank (WB)	Forest & Environment Sector Program (PSFE) 2006-2011 USD 10 million	Support to improving rights to forest land and resources of local and indigenous communities. The key objectives of the project were to: (1) promote the sustainable management of rainforests and savanna lands, (2) increase local community involvement in and benefits from sustainable management of natural resources, (3) improve the institutional and organizational capacity to implement new policies and



**Indufor**

Source	Intervention	Description
		regulations for forest management and timber industry development; and (4) to enhance conservation of biodiversity, and supply environmental services of national & global relevance. As a part of this program, the Pygmy Peoples Development Plan (PPDP) was established to meet World Bank Operational Policies on indigenous peoples. This plan aims to facilitate access to community forests of the Pygmy people.
The World Bank (WB)	Community development program support project (PAPNDP), Phase I, 2004-2009 USD 82.82 million, Phase II 2009-2013 (AFD will fund the third phase until 2017)	Land conflict resolution, legal support. The project was designed to promote sustainable rural development by improving the legal, regulatory and governance frameworks and building the required capacities for local development. It included components focusing on evaluation and revision to the legal framework governing land rights and support for land dispute resolution mechanisms and institutions. The evaluations of the project report a reduction in land conflicts between the Baka (pygmies) and the Bantu people, but no progress regarding land legislation.
The Coalition of Non-Governmental and Community Based Organizations Working in Human Settlements in Cameroon (CONGEH)	Land consultation clinics	Support to securing tenure right. The clinics work in informal settlements in urban and peri-urban areas, and help residents gather documents to support claims to their plots and apply for formalization of rights. Sources: USAID 2011.
International Development Research Centre, Canada	Rights and Resources 2007–2009	Policy support, legal and policy review It is a research project led by the International Center for Forestry Research (CIFOR). It examined issues related to conflicts between local customary and formal legal systems of tenure, LIFE indicators (Livelihoods, Income, Forest Quality, and Equity), and various changes in land tenure policies.
The African Development Bank	Climate Change and Forests in the Congo Basin: Synergies between Adaptation and Mitigation (COBAM) 2010-2014	Policy support. A research project led by the International Center for Forestry Research (CIFOR). It aimed to ensure that policy makers, practitioners and local communities in the Congo Basin have the tools and information necessary to design policies and projects in order to adapt to a changing climate. This includes a focus on poverty reduction, enhancement of non-carbon ecosystem services, and the protection of local livelihoods and rights. <a href="http://www.cifor.org/?id=428#4960">http://www.cifor.org/?id=428#4960</a>
Global Green Carbon and Center for Tropical Research, University of California, Los Angeles	Dja Biosphere Regional REDD+ Project 2011 – 2061	Support to maintain/protect the rights of indigenous communities to forests The project strengthens the protection of the Dja Biosphere Reserve in eastern Cameroon from outsiders, develops sustainable agroforestry practices and alternatives to deforestation and poaching, and reforests the deforested land in the buffer zone. Through these efforts, the project not only conserves biodiversity and fights deforestation and forest degradation, but also preserves the traditional way of life and rights of Baka communities that have lived within the reserve for thousands of years. Source: <a href="http://thereddesk.org/countries/initiatives/dja-biosphere-regional-redd-project">http://thereddesk.org/countries/initiatives/dja-biosphere-regional-redd-project</a>
German Development	The Sangha Tri - National (TNS)	Support to maintain/protect the rights of indigenous communities. The Sangha Trinational (TNS) forest



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Source	Intervention	Description
Bank (KfW)	Landscape: Multi-sector Cooperation and Sustainable Financing for Trans-boundary Conservation in the Congo Basin (timing open) USD 2.02 million, Congo Basin Forest Fund	area is located in Cameroon, Congo and the Central African Republic. This project aims to support the efforts to conserve this forest area which may include initiatives related to REDD+. The project is still in the planning stage.
The World Bank	Forest Carbon Partnership Facility (FCPF) in Cameroon, R-PP in 2008 REDD+ Readiness 2013-2016 USD 3.6 million	FCPF focuses on reducing emissions from deforestation and forest degradation, forest carbon stock conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+). It provides funding to partner countries through Readiness and Carbon Funds <sup>11</sup> . Cameroon has received funding through the Readiness Fund. The FCPF grant activities aim to build on and work with existing networks and institutions to support ongoing processes for strengthening the inclusion of local communities in development of policies related to, inter alia, land tenure.
EU	Reducing Emissions from Deforestation and Degradation through Alternative Land-uses in Rainforests of the Tropics 7 <sup>th</sup> Framework FP 2009–2012	A research project led by the International Center for Forestry Research (CIFOR). The project's objective was to slow deforestation rates in tropical areas by contributing to the development and evaluation of market and non-market mechanisms and the institutions needed to change stakeholder behavior. The project provided support to international policy-makers by providing information about the relevant assumptions and external factors which shape these institutions. Source: <a href="http://www.cifor.org/?id=430#972">http://www.cifor.org/?id=430#972</a>
Facilité de Gouvernance Forestiere (FGF)	DFID funding, SNV execution, 2003-2007	FGF was a facility that complemented the PSFE in the promotion of a public debate on the formulation and implementation of forest policies. Its objective was to promote the participation of non-governmental actors to the PSFE. Main activities were: the creation of a public arena for issues related to environment and forests; monitoring and evaluation of outputs and outcomes; and support to stakeholders.
European Commission	The Forest Law Enforcement, Governance and Trade Support Programme for African, Caribbean and Pacific countries (ACP-FLEGT Support Programme)	The key task of the program was to provide assistance to ACP country stakeholder groups including government institutions, civil society and private sector organizations in putting EU FLEGT Action Plan into practice. More specifically, the program supported stakeholder groups to improve forest governance by providing technical assistance for reviewing and, if necessary, modifying national forest policy, legislative or regulatory systems.

<sup>11</sup> The **Readiness Fund** supports the participating countries for preparing for REDD+. The supports are meant for developing the necessary policies and systems, including adopting national REDD+ strategies; developing reference emission levels (RELs); designing measurement, reporting, and verification (MRV) systems; and setting up REDD+ national management arrangements, including proper environmental and social safeguards. The **Carbon Fund** aims to provide performance-based payments to those FCPF countries that have made significant progress in their REDD+ readiness endeavors. These payments are likely to play an essential part in valuing forests more while they are standing than when they are cut. Source: <https://www.forestcarbonpartnership.org/fcpf>



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Source	Intervention	Description
		<p>A total of 12 small projects were implemented under this program in Cameroon, which addressed, <i>inter alia</i>, the community rights and land tenure issues.</p> <p>Source: <a href="http://www.fao.org/forestry/eu-flegt/78173/en/">http://www.fao.org/forestry/eu-flegt/78173/en/</a>, EU 2012.</p>
European Commission	EU FAO FLEGT Program	<p>This is a scaling up program of ACP-FLEGT Support Programme. It provides support to timber producing countries to implement projects that target aspects of the EU FLEGT Action Plan.</p> <p>Under this program, three small projects involving Cameroon are currently being implemented; supporting the private sector and the relevant ministries in fulfilling the legality requirements of VPA/FLEGT. These projects address, <i>inter alia</i>, the community rights and land tenure issues and thus contribute to the protection and strengthening of rights of communities to forests.</p> <p>Source: <a href="http://www.fao.org/forestry/eu-flegt/en/">http://www.fao.org/forestry/eu-flegt/en/</a>.</p>
European Commission	<p>Projects under the 10<sup>th</sup> European Development Fund (EDF)</p> <p>EU 2014-17 CARFAD: Soutien pour les communautés forestières 1 million EUR</p>	<p>Under the 10th EDF, three projects supporting the FLEGT VPA in Cameroon were implemented. Like other FLEGT support projects described above in the table, these projects address, <i>inter alia</i>, the community rights and land tenure issues and thus contribute to the protection and strengthening of rights of communities to forests.</p> <p>Observateur Indépendant au contrôle et au suivi des infractions forestières au Cameroun Auditeur Indépendant du système FLEGT au Cameroun Mise en place d'un système de traçabilité des produits forestiers au Cameroun</p>
European Union	Projects under EU Environment and Sustainable Management of Natural Resources (ENRTP ; 2009-2011)	<p>Under the EU ENRTP program, a total of nine projects were implemented in Cameroon. The broad aim of these projects was to support the FLEGT VPA process in the country. Some of these projects were related to communities and their rights to forests.</p> <p>ENRTP 2009: Promotion de la production et de l'exportation légales des bois issus des forêts communautaires A Strong Seat at the Table: Effective Participation of Forest-Dependent Communities and Civil Society Organisations in FLEGT (projet régional) Strengthening African forest governance - through high level national 'Illegal logging' meetings and mid level awareness raising and training (projet régional) ENRTP 2010: Observation externe et communautaire des forêts dans la mise en oeuvre de l'APV-FLEGT au Cameroun Mise en place et expérimentation d'un système local de suivi de l'activité forestière dans l'arrondissement de Ngambé Tikar Participatory FLEGT in Cameroon Mieux informer sur le FLEGT et la législation forestière Appui à la mise en oeuvre du FLEGT dans les forêts communautaires 2011: REDD+ Governance and Finance Integrity for Africa</p>



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Source	Intervention	Description
		<p>Accompagnement de la fédération des forêts communautaires de la Kadey dans le processus d'obtention des certificats de légalité et de commercialisation du bois</p> <p>Congo Basin VPA Implementation – championing forest peoples' rights and participation</p> <p>2012: Evaluation participative des impacts de l'APV FLEGT au Cameroun (EPI - FLEGT Cameroun)</p> <p>Observatoire National des Conversions des forêts" sur l'objectif 2 concernant la problématique liée au changement d'usage des terres</p> <p>Renforcement des Petites et Moyennes Entreprises (PME) camerounaises en vue de la mise en œuvre des exigences du RBUE et du SVL</p>
DFID	Civil Society Engagement in Governance Reforms in African High Forests	Source: EU 2013.
DFID	Promoting Good Governance in the Forest Sector	Source: EU 2013.
DFID	Capacity Strengthening and Empowerment to Improve Forest Governance	Source: EU 2013.
DFID	Making the forest sector transparent	<p>The project aims to strengthen civil society engagement in the forest sector by increasing access to information on forest sector activities for improving government accountability.</p> <p>Source: <a href="http://thereddesk.org/countries/initiatives/making-forest-sector-transparent-cameroon">http://thereddesk.org/countries/initiatives/making-forest-sector-transparent-cameroon</a></p>
WRI	The Governance of Forests Initiative	<p>The initiative seeks to improve the participation, transparency, and responsiveness of government practices that impact forest land allocation and use in Cameroon, Brazil and Indonesia. More precisely, it contributes towards strengthening land use laws and practices that impact forests to reduce deforestation and forest degradation and increase communities' rights to natural resources in the partner countries.</p> <p>Source: <a href="http://www.wri.org/our-work/project/governance-forests-initiative">http://www.wri.org/our-work/project/governance-forests-initiative</a></p>
<p>The World Bank (WB)</p> <p>European Union (EU)</p> <p>United Nations Development Program (UNDP)</p> <p>The African Development Bank (AfDB),</p> <p>The Governments of France and Canada</p> <p>German Organization for</p>	National Governance Program (NGP) 2006-2010	<p>The main goal of NGP was to help transform the Cameroonian State into an effective instrument of administration and regulation adapted to the requirements of a modern democratic society. The program had six main thrusts: i) reform of the justice system, ii) economic and financial improvement; iii) administrative reform; iv) decentralization and improved provision of essential services; v) combating corruption; and vi) participation of citizens, the private sector and civil society in public affairs management.</p> <p>The networking of the central departments of the Ministry of Economy, Planning and Land Development (MINEPAT), that would contribute to better inter-departmental cooperation on issues related to land tenure, was not carried out even though planned in the program.</p> <p>Source: <a href="http://www.afdb.org/en/documents/document/cameroon-national-governance-programme-">http://www.afdb.org/en/documents/document/cameroon-national-governance-programme-</a></p>



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Source	Intervention	Description
Technical Cooperation (GTZ)		support-project-project-completion-report-pcr-22534/
The World Bank (WB)	Community development program support project (PAPNDP), Phase II, 2006-2010	The project aimed to improve the delivery of priority basic services in communes, and extend the ongoing process of decentralization to new regions. The main beneficiaries will be the communes and communities supported during PAPNDP Phase I (155) plus 167 non covered communes. Sources: USAID 2011 <a href="http://www.worldbank.org/projects/P113027/cm-community-development-program-support-project-phase-ii?lang=en">http://www.worldbank.org/projects/P113027/cm-community-development-program-support-project-phase-ii?lang=en</a>



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