

Cameroon, Light Country Assessment of Governance of Tenure, 2022

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Introduction

This light country assessment is based on a review of policy documents and literature on tenure governance in Cameroon as well as inputs from four civil society experts on tenure issues in Cameroon. This assessment is the responsibility of the author and does not necessarily reflect the views of any of those interviewed. The assessment is deliberately brief to make it more readable. It, therefore, while giving some background information, does not cover all details of the land governance of tenure situation in Cameroon. Rather it focuses on what are seen as some of the key issues in terms of progress, compliance with VGGT, and most importantly what still needs to be done to improve the governance of tenure for the benefit of the majority of the Cameroonians and the country. It is hoped this overview and the ideas in it can be a useful contribution to debates and programs on the governance of tenure of land and other natural resources.

Brief Presentation of the Country¹

- Area: 475,440 Km²
- Total population: 25,216,237
- Urban population: 56.4%
- GDP/inhabitant: 3,358.6 USD
- Land area: 47,271,000 ha
- Area agricultural: 9,750,000 ha
- Area forestry: 203,960 ha

Brief overview of land and resource governance²

Cameroon is a country rich in natural resources, with a preponderance of forests. It belongs in particular to the part of Africa sheltering the second largest forest in the world after the Amazon, which it shares with the Democratic Republic of Congo, the Republic of Congo and Gabon. The country's economy is largely based on agriculture and the exploitation of natural resources. The agricultural population is estimated at two-thirds of the population, despite the rapid urbanization of the country. Thus, access to land and resources is a major issue in the governance of the country.

The agro-sylvo-pastoral sector contributes about 15% to Cameroon's GDP. The country has 10 million hectares of arable land, including 2 million hectares of permanent pastures and 1.8 million hectares of permanent crops. Cameroon has a good reserve of mineral resources, such as bauxite, cobalt, nickel, iron ore and uranium. In addition, the country has deposits of rutile and tantalite as well as significant offshore oil reserves.

The governance of lands and resources is based on two coexisting systems which have not yet managed to interpenetrate in a coherent way. This is the system of state law inherited from colonization, and that of customs, oriented towards community management of resources. State law is heavily influenced by French law as well as British law in the North and South West provinces. The current legal framework for land and natural resource governance was adopted in 1974.³ This legal framework contains a great deal of inconsistency and is outdated, even obsolete

with regard to the socio-cultural realities of the country as well as the socio-economic evolution and international best practices.

Customary law is still practiced in most rural areas in Cameroon. The populations refer to it, despite its non-recognition, as a right at the official level. Customary systems govern land access and use, inheritance issues, local forest management, including the regulation of gathering, hunting and farming activities. The existing framework based on the two systems does not sufficiently take into account the land rights of women, migrants, refugees and indigenous populations.

Cameroonian lands and forests are subject to strong pressures linked to several factors, namely: the impact of climate change and soil degradation, the evolution of demography, massive migrations, the evolution of modes of use of land in favour of commercial interests and ineffective land governance. Deforestation is a major challenge in Cameroon. The country lost 97% of its primary rainforest between 2001 and 2019. Other land-related issues relate to the non-recognition of customary land tenure systems, women's rights, management of communal forests and conflicts between pastoralists and farmers.

The context of land and resource governance is also marked by conflicts related to different uses, particularly agriculture and itinerant livestock farming. To resolve these conflicts, a plan for the use and sustainable management of land in the Western region was drawn up in 2009. Within this framework, land boundaries and livestock passage corridors were delimited taking into account agricultural, pastoral and forestry concerns.

In recent years, the government has made efforts to improve land tenure and natural resource management and has started revising various bills, such as the Forest Law, Land Law, and Minerals Law. The land reform was launched in 2011 and has not yet delivered its first results. Some projects and programs are contributing to shape land governance in Cameroun in the bigger framework of the reform, among which:

- Land Cam. Securing land and resource rights and improving governance in Cameroon⁴: Support for the reform of the legal framework for land and resource governance through grassroots approaches and the promotion of citizen participation in the reform process.
- Project to support the modernization of the cadastre and the business climate (PAMOCCA)⁵: The general objective is to develop the land capital of Cameroon in order to improve growth in a sustainable manner and reduce poverty. The mission consists in the implementation of the activities of valuation of the cadastral and state system for the improvement of the business climate and the living environment of the populations.

Compliance with the Principles of Implementation of the Guidelines

The compliance of the land and resource governance framework in Cameroon with the Voluntary Guidelines is quite mixed due to the obsolete nature of the legislation in force which has not

changed for more than 40 years. For the positive aspects, one can identify a relative conformity, in particular at the level of the texts, with certain principles like those (principles 1, 2 and 4) related to human dignity to non-discrimination and equality of the sexes. The Constitution⁶, as revised in 2008, guarantees human rights and prohibits any discrimination based on sex, ethnicity or religion. The law is also non-discriminatory in principle and treats all citizens equally, except that some of the conditions of access to land ownership prove to be quite difficult for the average citizen to meet, including rural communities and indigenous populations and certain vulnerable groups such as women and young people.

Also, in practice, the principle of equality between all Cameroonians is not really respected according to the actors interviewed as part of this evaluation. Indeed, the actors point the finger at customary and cultural constraints, poor governance, ignorance of the laws and policies, and the illiteracy of some people as factors that hamper the implementation of the legislation. Women constitute the social category that suffers the most from customary and traditional practices due to the dominant patriarchal system, and their low purchasing power does not help them to be able to access land according to the procedures provided for by the legislation in force. According to the actors, this situation also applies to young people.

The compliance of the framework with the rest of the principles is quite weak. For equity and justice (principle 3), in practice there is difficult or even impossible access for rural communities, women and low-income citizens, which creates a situation of injustice in terms of land for which no positive discrimination measure is provided. Compliance with the principles relating to good governance receives a fairly negative rating from stakeholders and observers. For consultation and participation (principle 6), though the actors note progress due to the involvement of the different social strata in decision-making with a view to inclusive land governance, they nevertheless denounce the superficial consultations related to land classification or allocation processes. These consultations are rather *"for informational purposes and sometimes in the presence of the administrative authorities (sub-prefects) and men in uniforms, to ensure the acceptance and approval of the process by the stakeholders. There is very often the trafficking of influence"*, confides a civil society actor interviewed.

With regard to transparency (principle 8), the actors note that there is no obligation to publish land contracts in the land law. Dissemination of laws in national languages in order to generalize access to them is still not appropriate. As for the principle relating to the rule of law, the procedures exist and are quite clear in the law, but very difficult to access by the majority of citizens due to administrative red tape, socio-cultural barriers (prevalence of customs and less use of statutes) and economic inequality. As a result, the laws and policy provisions in force are seen as only accessible to those who have the means. This is not inaccurate because these provisions are not in tune with the realities on the ground. This is illustrated by the comments below (made by a member of civil society during the interviews): *"Indeed, whether formal procedures for access to land/land tenure security or procedures for settling land disputes, many structural obstacles, linked to the high concentration of processes at central and departmental levels are observed."*

In addition, the obsolescence of the land legislation dating from 1974 as well as the institutional organization of the land sector and natural resources do not take into account the integrated and sustainable approach as recommended in principle 5 of the Voluntary Guidelines. Indeed, while

Cameroonian land law has not undergone any substantial change in the last forty years, apart from the ongoing reform initiative, the legal framework aimed at sustainability and the rational use of resources has improved in the light of the major international declarations and treaties to which the country has acceded or ratified. But this influence and improvement on the framework is limited. Also, the lack of synergy of the institutions in charge of the implementation and monitoring of this legislation does not allow for good intersectoral coordination. It should be noted, however, that the National Development Strategy (SND30)⁷ commits the government to strengthening actions for the sustainable management of natural resources (soil, flora, fauna, water); and to take adequate measures to adapt to and mitigate the effects of climate change ⁸. This should be taken into account in the context of the ongoing land reform.

Principle 9 of the Voluntary Guidelines advocates the responsibility of the various actors for their actions, including the agents of the central and decentralized land administration, in accordance with the rule of law. If this is provided for in certain laws forming part of the land tenure system in general, the actors rather deplore the absence of sanctions in practice. According to an actor interviewed, “*corruptions, abuse of power, insider trading are common in land governance in Cameroon. The land law and the government are favorable to land speculation games. There is a clear will of the State [to stem them], but in practice the sanctions do not always follow.*”⁹

Finally, Principle 10 of the Voluntary Guidelines encourages continuous improvement in land and resource governance at the national level. As already noted, the Cameroonian government has launched a land reform since 2011 which has not yet led to the improvement of the framework in place. Admittedly, dialogue is taking place on land issues and natural resources, but it has not yet resulted in the adoption of a land policy or a new law that marks the start of the reform. In the meantime, such a general change, the government intervenes by means of circulars and memos to settle problems on an ad hoc basis and often outside the legislation, which creates discrimination against those that do not have access to the central authority and its personnel that manages access to land and resources.

Compliance with guidance areas of the Voluntary Guidelines

The land and resource governance framework in Cameroon is quite far removed from the guidance areas contained in the voluntary guidelines. According to the actors interviewed and the literature consulted, the fundamental problem in the management of land and resources lies in the inadequacy of the legislative provisions in the light of the socio-cultural realities of the country, which in turn is due to the obsolescence of the said provision. More specifically, the non-recognition of customary land tenure systems, which govern almost 90% of land, creates a situation of generalized insecurity for the rights of rural people, local communities and indigenous populations despite the constitutional obligation of the State to protect these rights.

At the level of legal recognition and attribution of rights and duties on lands, forests and fisheries as formulated in part 3 of the Voluntary Guidelines, it should first be recalled that the existing legislation (under revision) places Cameroonian lands in three categories, namely: lands in the domain of the State, private lands belonging to individuals and registered in their names, as well as lands in the national domain which cover the lands held by the majority of Cameroonians in virtues of customs. The lands of the national domain are insusceptible to private appropriation

and their management entrusted to the State. Their occupants, the rural communities, including the indigenous populations, hold only usufruct rights which can be transmitted by patrilineal inheritance or attributed by the families owning the land. The possibility that the State has of integrating the lands of the national domain into its domain weakens customary, individual or collective rights, despite their legitimacy and the social and historical recognition that characterize them. For example, communities whose customary lands are taken away as part of a registration process or a state-approved project do not receive compensation.¹⁰

The conditions of access to property are well specified in the texts in force but some have a discriminatory character. For example, registration is only possible for land in which an investment is visible, materializing a real control by the right holder, known as '*mise en valeur*' in French (literally translated as 'enhancement'), and carried out before the adoption of the land law, that is to say, July 6, 1974. This condition excludes indigenous peoples and non-sedentary breeders, whose way of life does not generally leave lasting traces on the natural environment.¹¹ It also excludes young people, who cannot justify the existence of development prior to July 1974¹². Beyond this situation, the usefulness of the land title does not appear in local land tenure logic and "[the title] is not sought where the customary authority manages the land."¹³ It is ultimately a weapon used by the "elites" to conquer land, or a defence against these grabbing tactics.¹⁴ This clearly demonstrates the inadequacy of this system to the socio-cultural realities of the country.

The weakness of the legal framework in terms of the recognition of rights has an important impact on **the administration of land tenure and the effective delivery of services (Section 5 and Part 6 of the Guidelines)**. The first influence of the legal framework on the institutional framework is the centralized nature of land management and the absence of real decentralization in terms of land and resource governance. The direct consequences of this centralized management are the complexity of the procedures, their rather long duration as well as the high costs for registration and obtaining land titles. This administration is quite remote from users and holders of land rights and its procedures are only accessible to the elite, thus contributing to the aggravation of inequalities in access to land as already explained above.

The actors also denounce administrative practices on the fringes of the laws in land management. Also mentioned are the evils that plague land administration such as corruption, despite efforts to fight against this scourge. The majority of actors interviewed base their hopes on the success of the land reform for the establishment of a decentralized land administration close to the citizens and applying reformed legislation taking into account customary rights. In addition, land use planning could well accompany land administration, but the plans expected at this level are not yet available.

Within the framework of the management of lands in the national domain, provision is made for the creation of consultative commissions which are chaired by the administrative authorities and must include representatives of the traditional authorities (article 16 of the ordinance of July 6, 1974). These advisory commissions are deemed to no longer play their role, particularly in the settlement of land disputes and the inspection of the '*mise en valeur*' for the issuance of titles. The obstacles to the proper functioning of the said commissions lie in a failure of the state to finance their operations. The cost of the procedure is therefore often borne by the petitioners

themselves, which affects the public cause the commissions are supposed to promote. "Rendered servile, these commissions are transformed into services reserved for notables," as noted by Teyssier¹⁵.

With regard to **transfers and other modifications of rights and duties linked to tenure** (Part 4 of the Voluntary Guidelines), they are limited by the texts in force. Indeed, property rights are indeed transferable and are the subject of transactions in accordance with the common law of obligations and the legislation on land ownership. But the lands belonging to the national domain which constitute the major part of the lands cannot normally be sold. They are considered unsalable according to the law. But in reality, land sales are made in the field and are very often endorsed by traditional chiefs and stamped by a state technical service, or even by the head of administration in the area where the land is located.¹⁶ We are thus witnessing a commodification of land and the emergence of a land market observed since the beginning of the 2000s,¹⁷ and which takes place outside the legislation in force. This bears witness to the ineffectiveness of imposed state legal frameworks and the resurgence, even the resistance, of customs and community land management. It is important that this phenomenon be properly regulated within the framework of the ongoing land reform.

The regulations have also provided for the modalities of expropriation for public utility and compensation, but the compensations are not always prior and fair according to the actors. Just as a facilitation mechanism is provided for the promotion and protection of investments, "*but in practice, the implementation of all these elements is marred by certain shortcomings, in particular, the insufficient modernization of services and products, corruption and ignorance of the texts in force*," according to an actor interviewed. In addition, the scales used by the State remain weak in comparison to those applied by other players such as the World Bank, according to some players.

Another important aspect of the guidelines is for States to ensure that legitimate tenure rights that may be affected are respected and protected by law and by policies, strategies and actions taken under the prevention and mitigation of the effects of climate change (Part 6). For the alignment of a land law with climate challenges, zoning, participatory and inclusive land development and the clarification of user rights are prerequisites, which is not the case in most of the territory in the current stage.

The Voluntary Guidelines encourage the monitoring and evaluation of land governance measures (part 7) in place in the country. The main framework of land governance has remained unchanged for more than forty years, but there is a political will to change with the land reform launched since 2012. The actors therefore seize this opportunity to bring this framework into line with the current realities of the country but also with international good practices as recommended in the various position papers of civil society actors.

However, for the current state of affairs, the actors noted that the planned implementation, monitoring and evaluation structures could not function well because of the limited means, human, financial and material. It is necessary to build the capacity of personnel in these areas, allocate the necessary resources and above all proceed with the modernization/computerization of services.

Challenges and areas for improvement

The main challenge of land and resource governance is to bring about a significant change in the system of said governance. This system refers to all the institutions, procedures, political and legal framework, including habits and customs through which access to and use of land and resources are organized. The change to be made should prioritize land rights, including customary rights, of the most vulnerable, including peasants, rural communities, women, youth and indigenous peoples. These rights guarantee these different actors to peacefully and sustainably carry out their subsistence activities, in particular the collection of non-timber forest products, family farming, pastoralism, hunting, etc.

The change desired by the actors is linked to the outcome of the reform. It depends above all on the way in which this reform is carried out. The actors interviewed for this evaluation are quite positive about the inclusive and open nature of the reform process, but they deplore certain lethargy in the process. This situation is illustrated by the words of an actor interviewed: “*Civil society is listened to by the government, decision-makers, and parliamentarians; however the law does not change. »*

Another problem identified by the actors is the poor implementation of texts and the prevalence of customary practices with many aspects that contradict human rights and individual freedoms and which exclude certain categories, such as women and young people, from land management. The reform should emphasize the establishment of local institutions, in line with decentralization, capable of reconciling local practices and statutory law inherited from colonization. This would facilitate the implementation of the laws; bring the land administration closer to the citizens while improving the land service. This would accompany the reform of land administration at the central level, as well as the simplification and digitization of procedures. This means that the State should allocate a substantial budget to it by relying less on external support, land being a fairly strategic sector both for economic development and for social peace.

The distribution of texts in local languages and the awareness of actors also remain challenges to be met. Civil society is quite active in organizing discussion sessions and dialogue on land issues, including involving the government. But the communication and dissemination of land information in general, and laws in particular, is a fairly recurrent issue in the criticisms against land governance in Cameroon. The government on the other hand says it is making efforts to raise awareness and popularize the texts. Interventions between civil society and government should therefore be harmonized within the framework of a national multi-stakeholder platform which could well coordinate dialogue as well as interventions on the ground.

The actors also point out the inconsistency in governance, created by the contradictions observed between the 1974 ordinances and other sectoral laws, in particular the Mining Code of 2016. It would be advisable to take advantage of the ongoing reform for the overall consistency of the global legal framework as well as the institutions responsible for its implementation.

Finally, it is necessary to take specific measures to facilitate the access of women and other vulnerable groups to land.

Changes over the Last Ten Years and Influence of the Voluntary Guidelines

Land governance has undergone a number of changes in recent years. These changes are observable at several levels. First, at the political level, there is a clear will on the part of the government to reform the governance of lands and resources. This is materialized by the launch of the land reform since 2011. The reform has not yet been completed, but it has made it possible to establish a dialogue between the actors through an open and inclusive process. This has enabled civil society actors to mobilize and better contribute to improving the results of the said process.

The openness shown by the government in carrying out the reform is highly appreciated by the actors. They claim that the resulting dialogue has enabled a good understanding by the government, since 2019, of the issue of recognition of customary land rights. It has therefore planned to include this aspect in the new state and land law, the draft of which is already available. The authors of this report did not have access to this preliminary draft.

A particular mention is made for the *LanCam Project* which produces a lot of analyzes and studies, contributing to a large extent to the good understanding of the issues, and coordinating and refining the proposals of civil society. An important aspect pointed out by the actors in the initiatives supported by this project is the organization of the “Land Week”. The 2022 edition brought together more than 150 participants from various backgrounds, including public administration officials, parliamentarians, representatives of decentralized local authorities, members of the diplomatic corps, development partners, traditional authorities, representatives of the private sector, academics, civil society organizations, indigenous peoples and local communities, etc.¹⁸ In addition, the *LandCam project* has documented and analyzed the various proposals consolidating them in a harmonized and refined manner in a policy note on the new law and its implementation, to guide land reform in Cameroon¹⁹.

The emergence of dialogue frameworks in the context of land reform is also a positive aspect that should be sustained. Consultations are regularly organized at the initiative of civil society organizations, in particular the National Land Coalition, the national engagement strategy of the international land coalition in Cameroon (NES/Cameroun), the LandCam project as well as NELGA. This dialogue enabled civil society actors to produce several position papers to influence the reform process. At least 20 civil society position papers have been submitted to the government of Cameroon since 2012, according to the NES-Cameroun coordinator interviewed. In addition, a series of communication and awareness-raising activities are organized on a regular basis, including press conferences and workshops with the government, publications of analytical documents, etc.

An important element of the dialogue is the extensive use of the Voluntary Guidelines to strengthen the case for responsible inclusive and sustainable land governance. Indeed, the advocacy notes and documents, as well as the topics of discussion during the workshops, are directly fed by the content of the voluntary guidelines. Other international references and good practices should also be added, such as the 2009 Declaration of African Heads of State on land governance, the capitalization meetings of the European Union program on land governance in Africa organized at the African Land Policy Center Initiative (formerly Africa Land Policy Initiative – IPF/LPI) and FAO.

In addition, the Minister in charge of land in Cameroon adopts the *Global Land Governance Index (LANDex)* as a tool to be used to establish the reference situation in land matters. At the end of a workshop organized on January 26, 2022 during the land week in Yaoundé, LANDex was officially adopted among the legal, regulatory and technical tools, made available to land actors, with a view to better land management and land disputes. Developed by the Coalition and its partners, the LANDex is a set of 33 indicators organized around the ILC's 10 Commitments to People-Centered Land Governance. Strongly aligned with the indicators already promoted by other existing tools for monitoring land governance such as the Sustainable Development Goals (SDGs), the Voluntary Guidelines, Prindex, etc. these indicators cover three levels namely the legal framework, the implementation of the legislation, and the impact or perception. It is also a tool that promotes democracy by going beyond public data with the integration of alternative data or data produced by citizens.²⁰

Finally, it should be noted that Cameroon has adopted a National Development Strategy Document 2020-2030 (SND20-30) in which the Government undertakes to bring the land reform process to a successful conclusion. However, it is important to draw the government's attention to the rather private property tendency of the section relating to access to land, which is placed in the context of "facilitating agricultural and industrial investments and the legal certainty necessary to a return of investment. In ²¹ the same vein, the Government intends to draw up the rural code, the pastoral code and the orientation law on agriculture, forestry and fisheries in order to better regulate activities in the said sector. It is important that all this be done in a context of transparency and exclusivity allowing participation and taking into account the concerns of the various actors.

Challenges and areas for improving tenure governance

It is up to the actors to identify, within the framework of a specific consultation, the priorities. The national dialogue scheduled for November 17 will help meet this need. But already, those who participated in this evaluation insist on the completion of the land and state reform initiated since 2011. It should all the same be recognized that this does not depend on non-state actors who do not ensure the leadership of the reform. It is then a question of entering into the advocacy approaches to be taken in order to influence the process and bring it to a successful conclusion.

What is happening within civil society is already very remarkable, with the pivotal role played by the national platforms in place and the good coordination of initiatives. It is important to continue this momentum and to strengthen the pooling of efforts. Finally, the multi-stakeholder dialogue involving the State makes it possible to facilitate the harmonization of views and the ironing out of differences on major issues.

The law being drafted should recognize individual and collective customary land rights and put in place appropriate sustainable and equitable protection measures for each type of right. This proposal is already recorded in the technical note prepared by the LandCam project (cited above) which lists and makes consistent all the proposals of civil society in the context of land reform. This report could not go beyond these proposals which are more than relevant and which come up in the interviews carried out as part of its preparation. It is therefore preferable that the actors themselves identify the priorities according to the evolution of the process in the country.

Conclusion and Key Lessons

The legal and institutional framework organizing the governance of land and resources in Cameroon has remained quite fixed for a long time. It has become obsolete over the years and has not been able to keep up with the changing realities in the country to align with the real needs of the moment. However, the actors did not remain static and observant of the government's inaction towards change. Academics, NGOs, development partners have all taken an interest in the issue, producing analyzes and organizing debates in order to bring decision-makers to understand the urgency and the need for reform to adapt national references to the realities and legitimate practices of the actors.

With the launch of the reform in 2011, we can say that this call has been heard. The open nature of the process is well received by the actors. It is advisable to continue in this direction and to speed up the pace to complete the first results which are long overdue, in particular the new state and land law. Some actors also propose the adoption of a land policy to properly frame the land reform. This proposal is more than relevant because the coherence of land interventions in the context of a reform is linked to the adoption initially of a land policy which consecrates the consensus around the major questions and issues which, for them, come out of a preliminary participatory diagnosis identifying the problems to which the policy proposes solutions. If the law is a legal solution resulting from the policy, it should be noted that there are others types of measures that are needed; these are of institutional, administrative and operational nature.

It is possible for such a proposal to be supported by the actors so that the Government can take charge of it and make the land reform even more coherent.

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²This part is adapted from two main sources: the Cameroon country sheet on the Land Portal:

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³ Ordinances No. 74-1 (governing land tenure), No. 72-2 (governing state land) and No. 74-3 (on expropriation for public utility) in 1974.

⁴ <https://www.landcam.org/en>

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⁶Law No. 96/06 of January 18, 1996 revising the Constitution of June 2, 1972, amended and supplemented by Law No. 2008/001 of April 14, 2008. https://www.assnat.cm/images/La_Constitution.pdf

⁷SND20-30, page 57. Available here:

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⁹ Interview with a civil society actor.

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¹³André TEYSSIER, Land regulation in Cameroon, between community regimes and citizen aspirations. In Dugue P. Jouve Ph.. (eds .). 2003. Organ nisa spatial planning and management of resources and rural territories . Proceedings of the international colloquium. February 25-27, 2003, Montpellier. France.

¹⁴Ibid.

¹⁵ Ibid.

¹⁶Ibid.

¹⁷Ibid.

¹⁸ <https://landportal.org/node/96905>

¹⁹ <https://www.landcam.org/fr/les-propositions-de-la-societe-civile-pour-la-reforme-fonciere-au-cameroun-evaluation-du-cadre-0>

²⁰ <https://landportal.org/node/96905>

²¹SND20-30, page 57.