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Review of the legal ownership status of national lands in Cameroon: A more nuanced view

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Review of the legal ownership status of national lands in Cameroon: A more nuanced view

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This paper revisits the legal status of land tenure in Cameroon in response to many publications which claim that 97% of land belongs to the State. In fact, the current Cameroonian land-tenure system is based on the distinction between public/State lands; private lands and national lands. Therefore, the review of the legislation in force and the theory of constitutional law show that a more nuanced interpretation of the legal status of land and forests in Cameroon leads to the conclusion that the State does not have sole and absolute ownership over land and forests, as many studies claim. From this viewpoint, distinction should be made between State ownership of public land and State administration of national lands which really belong to the Cameroonian Nation or People. However, the current legal (vague) status granting sole and absolute powers to the State as custodian of national lands no longer meets local communities' and indigenous people's claims on land inherent in the global REDD+ impetus and land grabbing. Hence, there is need to initiate policy and legal reforms so as to provide for land belonging to local communities and indigenous communities, distinct from the national lands domain.

Keywords: Cameroon; National lands; legal ownership; State; Nation

Introduction

The need to reduce emissions from deforestation and forest degradation (REDD+) and farmland grabbing have once again made the thorny issue of land tenure a topical subject in global debates (Karsenty 2010; Deininger 2011).¹ The underlying assumption of the relationship between land tenure and REDD+ is that clear tenurial rights can prevent or reduce deforestation and forest degradation, thus increasing forest carbon stocks (Sunderlin, Larson, and Cronkleton 2009). Many studies have been carried out to understand these two phenomena and to propose appropriate solutions. One of the many works regularly cited is that of Cotula and Mayers (2009). This study paints a rather gloomy picture and criticizes current land and forest tenure systems in different continents, particularly in the following tropical countries: Brazil, Cameroon, Democratic Republic of Congo, Guyana, Indonesia, Malaysia and Papua New Guinea.

However, there is need to review some aspects of the study carried out by Cotula and Mayers (2009), without downgrading its importance in ongoing public debate. These authors state emphatically that 97% of lands and forests in Cameroon are State owned. This view is shared by White and Khare (personal communication, 2011) who declare that all Central African countries would need

about 250 years to grant forest tenure on 25% of national lands to local and indigenous populations, a view shared by Alden Wily (2011a, 2011b) and Hatcher and Bailey (2011). This flurry of statements, which appear to be fairly exaggerated in view of the reality of legal and land dynamics, provides an opportunity to revisit the issue of land ownership in Cameroon in order to clarify the legal status of national land and to provide necessary nuance in its analysis. This is because the use of general and vague expressions to describe a social reality in relation to a given legal system may distort facts and produce effects that are quite the opposite of the initial objectives. In fact, according to the land legislation in force in Cameroon, land owned by the State, including other legal persons established in the public interest, comprises private and public land of the State. Other types of lands that constitute the subject of debate rather fall under the category, national lands. We argue in this paper that this type of legal ownership should be redefined at this time when the REDD+ mechanism is being designed and farmland grabbing in developing countries is becoming a recurring global paradigm in African countries like Cameroon (Cotula et al. 2009; Molnar et al. 2011). At the same time, *Commission des Forêts d'Afrique Centrale* (COMIFAC) is developing a dynamic new institutional framework calling for the reform of the current policy and legislations in all Congo

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Basin countries. From this perspective, Cameroonian authorities have launched a land legislation revision process.

The main objective of this paper is to re-clarify the legal ownership of national lands in Cameroon. In this sense, the analytical approach used in this paper borrows more from legal and political sciences than from other social and anthropology approaches of land tenure, which have already been amply covered in many studies (Binet 1951; Melone 1972; Diaw 1997; Diaw and Oyono 1998). Most of these anthropologist analysts stress that customary land tenure is a source of social security. Accordingly, we first focus on the legal and theoretical structures of the ownership of national lands in Cameroon. We then attempt some responses to statements about land tenure in Cameroon made in various publications, and conclude by presenting prospects for the evolution of land tenure relative to REDD+, local communities' livelihoods and land use.

Legal and theoretical frameworks of land ownership

Legal framework of proprietary rights on national lands in Cameroon

'National land' is a legal concept created in 1974. Soon after Cameroon achieved independence in 1960 and the reunification of the French-speaking and English-speaking parts in 1961, two tenure systems inherited from colonization were used. The idea of a collective national heritage cropped up during the first attempt to harmonize the two tenure systems on 9 January 1963, by Decree Law to lay down rules governing land tenure in Cameroon (Melone 1972). For Melone (1972) in the quest to build a Nation, it was essential to break the communal basis of land-tenure systems to detribalize them. In reality, the intention of the authorities was to abandon the colonial theory of vacant land without owners or *Terres vacantes et sans maître*² and to replace it with a national land heritage akin to classical public and private land (Pougoue and Bachelet 1982). Thus, it is difficult to define the legal nature of national lands. The difficulty in circumscribing its legal nature partly explains the bad application and mis-interpretation of land tenure in Cameroon (Tientcheu 2005). In the viewpoint of Leonard and Longbottom (2000, 21) national land is

Specific legal categories, distinct from State property and registered property, individual or collective. While the State reserves the right to manage these lands, this national property belongs to the Nation, and farmers can acquire access by obtaining permission from the State and adhering to State restriction.

Therefore, it is recognized that national land belongs to the entire 'Cameroonian Nation' (Pougoue and Bachelet 1982; Le Roy 1987; Tientcheu 2005). According to Niang (1982),

national land is a 'common heritage' of the Nation. Thereby, the national land concept is part of the global 'land-tenure nationalism' trends in Africa during the 1960s and 1970s (Diaw 2010; Karsenty 2010).³

This may appear paradoxical to any layperson, especially as the Nation is an abstract *political and legal* concept. To fill this void, the Cameroonian legislator entrusted the management of national land to a custodian considered as the legal administrator: the State. In fact, according to Article 16 of Ordinance No. 74–1 of 6 July 1974 to establish rules governing land tenure in Cameroon:

National lands shall be administered by the State in such a way as to ensure rational use and development thereof. Consultative boards presided over by the administrative authorities and necessarily comprising representatives of the traditional authorities shall be established for this purpose.

As the collective heritage of the Nation, national land should have a precise definition. However, the law does not propose a clear definition. It merely lists components of national land and, in particular, assigns a role to each of them. Thus, Article 14 of the aforementioned ordinance states that

(1) National lands shall as of right comprise lands which, at the date on which the present Ordinance enters into force, are not classed into the public or private property of the State and other public bodies. (2) National lands shall not include lands covered by private property rights as defined in Article 2 ...

Thus, the State, which is the legal administrator of national lands, has a stranglehold on land and can dispose of it 'as and when necessary' for national economic development purposes, thereby substituting itself for ethnic groups and communities hitherto considered as "the rightful owners of land" (Tjouen 1981; Nyama 2001). By instituting national land, the law regroups all lands in Cameroon into two main categories: land previously registered or owned and State land. In fact, since the Cameroonian Nation, like all other Nations in the world, is not endowed with a legal personality, it could not exercise its ownership rights directly (Nyama 2001; Tientcheu 2005). To overcome this obstacle, the management of national land was entrusted to the State, which therefore became the official representative of the Cameroonian Nation.

National land is considered as all land that is not owned by individuals or a legal person established in the public interest, or that is not part of public or private land belonging to the State (Karsenty 2010). According to Tientcheu (2005), national land represents about 70% of the territory of Cameroon. However, this figure should be moderated because it does not take into account State actions aimed at classifying vast areas of national land (for purposes of public, economic and social utility) as private State land

Table 1. The current land-tenure system in force in Cameroon.

Nature of land domains in Cameroon	Public lands	Private lands	National lands
Nature of Ownership	State property	Private property (individual or family)	Collective property of the Cameroonian Nation

under the pretext of creating protected areas and logging concessions. National lands are distributed according to the provisions of Article 15 of Ordinance No. 74–1 as follows:

- (1) ‘National lands shall be divided into two categories: (1) lands occupied with houses, farms and plantations, and grazing lands, manifesting human presence and development; (2) lands free of any effective occupation’.

The first category of national lands comprises unregistered lands occupied or used by individuals and local and indigenous communities. Occupants of such lands only have user or *sui generis* rights (Tientcheu 2005). They do not legally have ownership rights over such lands. For its part, the second category consists of unoccupied lands. These are lands that can be described as bare, without appurtenances or not subject to development. They are lands known formerly as ‘vacant land without owner’ or ‘free spaces’.

Consequently, national land is legally occupied in two ways: first, as a single occupant, in the case of individuals, and local and indigenous communities who do not have ownership rights over land allocated only to holders of land certificates issued following a registration procedure. However, this type of land occupation is considered legitimate and in compliance with the law, provided that the occupants provide evidence of continued presence and productive use thereof (Tjouen 1981). This is a form of recognition of rights of possession based on historical and traditional antecedents. The second type of occupation of national land is governed by the notion of land concession under which land is granted to socio-economic development project promoters. It should be noted that the trustee of national land, the State, can dispose of a piece of land for the implementation of public interest or socio-economic projects only through gazettelement. It is through this method that portions of national land are incorporated into public or private State land.

In accordance with the land legislation in force in Cameroon, it is not quite correct to state, as some observers have (Cotula and Mayers 2009; Hatcher and Bailey 2011; Alden Wily 2011a, 2011b), that the State owns up to 97% of the land. This is because a distinction should be made between public/State land and national lands, of which the State is only a trustee. In fact, the Cameroonian Nation is the legal owner of national lands (Pougoue and

Bachelet 1982; Tientcheu 2005). There is an important and under-recognized distinction in the relationship between public authorities, represented by the State, and land heritage in Cameroon. Thus, it is necessary to clarify this nuance to enable better understanding of the legal and social realities of land tenure in Cameroon. The opinion of Cotula and Mayers (2009) is based on an article by Egbe (2001) who holds that the rate of registration of urban land in Cameroon is about 3%, inducing the authors to hastily conclude that 97% of the remaining land is owned by the State (Table 1).

Theoretical framework of national land ownership in Cameroon

To understand the distinction that the Cameroonian lawmaker made between the Nation, the actual owner of national land, and the State, the custodian of national land, it is necessary to briefly examine the *politico*-legal constitutional law theories underlying the process of accession to international sovereignty. This is because it seems, in the case of Cameroon, that the lawmaker does not want to confuse the two basic concepts of the Nation and the State.

A Nation is an ideological construction rather than a concrete reality. That is why it is difficult to clearly define the concept. According to Hauss (2011), the concept relates more to a psychological feeling than to a set of political institutions. From this standpoint, a Nation refers to the cultural, linguistic and historical identities of various populations in a given territory. For Connor (1994, 104), the essence of Nation is a matter of self-awareness or self-consciousness. In this perspective, a Nation stems from the need to live together, the community of interest resulting from co-existence in the same territory (Ruf 2000). It is a sense of common belonging. Some objective facts, such as territory, ethnicity, language, religion, culture and government, help to define a Nation. However, the idea of Nation is not reducible to these aspects. There are Nations without a specific territory and others located in several States (Owona 2010). Furthermore, a Nation is first of all a political construction whose function is to ensure social cohesion and enforce State authority (Ottmann 2008; Owona 2010). Accordingly, a Nation is linked to the history of each country. The Nation has sometimes been imposed by existing State institutions or has helped to enhance the construction of States, regrouping the populations of several previously

divided territories. For example, the German Nation can be an illustration of a nation that has been divided into two separated States after the Second World War and reunited after the end of the Cold war.

The Nation, which is a historical and political reality and the subject of reflection and theoretical debates, has, since the French Revolution, become a full legal concept (Carré de Malberg 1921). In keeping with this principle, the Nation has become the source of various powers, replacing divine law, which legitimated the monarchy (Owona 2010). The designation of those in positions of authority through election and the principle of equality before the law and public duties stem from this notion of the Nation, which can be defined as the people who make up a body politic, whose will is implemented by elected officials, without an opposing body. The organization of a people into a body politic, a sovereign Nation, modifies the notion of State by subjecting it to democratic principles. Thus, the Nation relates the State to society by giving it democratic legitimacy. Accordingly, the State and the Nation are very often associated such that to some any Nation has the right to have a State and any State should be based on the existence of a Nation. The existence of Nation-states therefore seems to be the logical outcome of the right of people to self-determination, a principle that emerged in the twentieth century in the conduct of international relations (Wilets 1999).

The State is considered here as a rather general concept that includes all the political institutions in a country (Hauss 2011). It is also a social organization endowed with a legal personality and sovereignty (Carré de Malberg 1921). From this viewpoint, the State is both a historical reality and a theoretical construction. It may therefore have a legal activity that is specific, autonomous and independent of the government. It can legally commit itself in its own name. The logical consequences of the recognition of legal personality are many, namely the permanence of the State, the ownership of its own patrimony, the ability to take legal action and to appear in judicial proceedings, and the equality of States before the law. The State, a legal personality, is endowed with political authority to ensure the unity of the population and territory.

State institutions perform regal functions; they enact rules (laws and regulations) and penalize those who do not comply with such rules (justice, police) within the territory, conduct diplomacy and ensure protection (Ray 2009; Bellina et al. 2010). The performance of these functions necessitates own resources derived from the national community through the collection of taxes. However, in contemporary societies, State action is not limited only to functions related to the exercise of sovereignty. Its scope of action includes many areas where there is general interest that cannot easily be satisfied only by private actions. Similarly, the function of redistribution became vital (Sørensen 2001; Ray 2009). The emergence of the

'welfare State' marks a genuine transformation of the State: from an institutional framework for the exercise of power to an element of social cohesion and a guarantor of equality among the people who compose it. Nowadays, State has been faced with the phenomenon of globalization, with the development of multinational or transnational companies, new social communications media, and the emergence of modes of political actions outside States (NGOs), the role of religion and international organizations, which raise many questions about the future of the State. Thus, it is not certain whether it will continue to be closely linked to the national framework (Krause and Juter-sonke 2007). Whatever the case, for Allen (2008), Nation-Building involves the development of all aspects of the political, social and economic systems of the whole society. Therefore, Nation is a large concept that has been abused in the literature because it is so vast (Allen 2008, 3):

It must be broken down into its major components in order to be understood more clearly. State-Building is but one component of Nation-Building, albeit an integral component ... The two terms, Nation-Building and State-Building are not interchangeable.

The Constitution in force in Cameroon more or less establishes a clear boundary between the Nation and the State. In fact, the Cameroonian territory seems to liken the Cameroonian people to the Nation. In this regard, the preamble clearly states that

The people of Cameroon ... solemnly declare that we constitute one and the same Nation, bound by the same destiny, and assert our firm determination to build the Cameroonian Fatherland on the basis of the ideals of fraternity, justice and progress... Resolved to harness [their] natural resources ... with due respect for our sovereignty and the independence of the Cameroonian State.

In other words, the Cameroonian people are at the forefront of the creation of the State. Thus, the Nation compels the State to promote the development and well-being of the Cameroonian people by guaranteeing their freedom. Furthermore, Article 2 of the Constitution provides that national sovereignty shall be vested in the Cameroonian people/Nation. Accordingly, the authorities responsible for the management of the State shall derive their powers from the people through election. However, the provisions of Article 4 specify the authorities empowered to exercise State power, namely the President of the Republic and Parliament. Finally, it is clearly stated that justice shall be administered in the territory of Cameroon on behalf of the people of Cameroon or the Nation, and not on behalf of the State. The constitutional authority seems to have placed the Nation of Cameroon above the State through a subtle legal writing technique. This idea presupposes that the State and the Nation are closely linked, though

remaining separated from each other. In effect, the State should be present in the life of the Cameroonian people at all levels through its institutions, while respecting a fundamental principle of public, private and common domains (deduced from *res communis* or *universitas res*, of Roman law), with the latter (common) looking more or less like the property of the Nation.

Obviously, in the letter and spirit of those who drafted the Constitution of Cameroon, the concepts of Nation and State seem to differ (Sindjoun 1996a). The Nation is the owner of sovereignty while the State is the institutional apparatus endowed with legal personality at the service of the people and not above them. The Cameroonian Nation appears to be a blueprint for the construction of a State (Sindjoun 1996a). However, as Courade and Sindjoun (1996) have observed, the emerging Nation-State has been in throes, one of which is the recurrent problem of the disgruntlement of Cameroon's English-speaking minority (Konings 1996). Relations between the People and the State in Cameroon are complex, such that the single theories on the vulnerability of the State cannot describe all realities (Sindjoun 1996b). The distinctive notions of the two concepts (Nation and State) seem to have been inspired and transposed in the land legislation in force in Cameroon, inducing a re-reading of previous studies.

Toward a more nuanced view of land tenure in Cameroon

Legal and patrimonial management of national lands by the State

In Cameroon, the State is the custodian of national land. Accordingly, it may dispose of it as and when necessary according to prescribed procedures. This constitutes dominant power because it acts as judge and defendant (Tchapmegni 2008). In other words, it does not simply administer the land on behalf of the Nation; it can also dispose of national land 'as and when necessary' on its own account. To understand this privileged position, it is necessary to turn to the theory of the patrimonial State (Medard 1990; Bratton and Van de Walle 1994).⁴ The main responsibility assigned to newly independent States by liberal or socialist ideologies is the promotion of development (Bratton and Van de Walle 1994), given the absence of a genuine endogenous entrepreneur likely to promote national development. The emerging State was expected by the founders to be responsible for everything. In the specific case of Cameroon, the priority of the *post*-colonial State was the establishment of *agro*-industrial complexes, which turned out to be to the detriment of peasant production (Konings 1986). Political leaders put forward the myth of development and Nation-building as a cause or reason to legitimize their power (Pigeaud 2011). Certainly, it is this conception of the State that led to the development

of the land law in force in Cameroon. The *patrimonialism* of the State of Cameroon in matters of land is based on 'legalized' practices and administrative behaviors which consist of ignoring the distinction between public and national lands, although the legal provisions themselves make a distinction between the two main types of ownership.

The advent of Structural Adjustment, consisting in the implementation of State reforms based on the liberal theories of the Bretton Woods institutions, did not automatically lead to the promised and expected economic development (Campbell 1996; Fritz and Rocha Menocal 2006). Paradoxically, the State continues to consider national lands as a means to attract foreign investments. Although the management of national land by the State is legal, it induces assumptions like the ones examined in this paper. While national land refers to land that is occupied, it has no real owner in severalty because, as pointed out earlier, the Nation is a political or ideological construction shared by the population in a given territory. The State, which exercises supervisory authority over national land, has enormous power in terms of control, which may lead to abuse. This situation poses a threat to the rights of indigenous and local communities, which also make up the Nation. The State, which is the legal custodian of national land, should manage this asset as a prudent administrator (*bonus pater familias*), that is, judiciously and diligently as if it were its own. Its management, which is rather contrary to *bonus pater familias*, is decried by both local and indigenous communities (Meek 1957; Oyono 2005; Kofele-Kale 2007). The lack of congruence between government management policies and realities on the ground has led to the broader tendency to conflict public and national lands. The patrimonial management of land by the State of Cameroon should henceforth address a dual constraint. On the one hand, citizens and local communities aspire to have access to land ownership (Oyono 2005; Kofele-Kale 2007; Gerber 2008) and, on the other, external stakeholders comprising donors, investors and international NGOs exert pressure on the State to liberalize and privatize land (Deininger 2003; Liversage 2010). Thus, public authorities play an ambivalent role in Cameroon. On the one hand, they seek to mobilize the population, which constitutes their electoral base, by meeting their demands in a *vote-catching logic* and, on the other hand, they want to maintain good relationships of trust with external donors in order to obtain financial assistance needed for the implementation of planned investments and, thus, probably reduce domestic social unrest (Onoma 2008).

The capacity of the Cameroonian People to confront the State is relatively limited. First, the People who make the sovereign Nation can theoretically use the constitutional right of a *referendum* vote to challenge the State and its harmful practices. However, in the Constitution of Cameroon, this option presupposes that those authorized to act on

behalf of the State accept such a *referendum* Agenda. Thus, taking corrective measures against the State through a *referendum* seems to be impossible because State authorities would not accept any challenge to the institutions they run. Then, the Nation could resort to natural law or revolt to confront the State and its autocratic practices. These means have already been used to stop the greedy practices of the State and political authorities elsewhere (Little 1990; Cronkleton et al. 2008). This is confirmed to some extent by popular movements worldwide or the social contestations and claims observed in Cameroon in the early 1990s (Bigombé and Menthong 1996; Sindjoun 1996b; Yenshu Vubo 2006;⁵ Hibou 2011).

Debatable statistical data on the situation of State lands

As earlier presented in this paper, Cotula and Mayers (2009), and to some extent Hatcher and Bailey, basing their analysis on statistics presented by Egbe (2001) and Sunderlin et al. (2008), affirm that the State of Cameroon owns 97% of the land. This statistic seems inaccurate on several counts. First, from the standpoint of positive law, as presented in the first section, national land does not belong to the State. The State is only the custodian of national land and supposes to manage it on behalf of the Cameroonian Nation. Obviously, the State has tremendous management powers making it judge and defendant (Tchapmegni 2008). This dually dominant position leads to the patrimonial and authoritarian management of land by the State elites.

In this respect, Article 1 (2) of the 1974 Ordinance defines the role of the State as follows:

The State shall be the guardian of all lands. It may in this capacity intervene to ensure rational use of land or in the imperative interest of defence or the economic policies of the Nation.

In fact, the legal status of national lands in Cameroon can rightly be described as vague and ambiguous because it does not have a genuine owner that is a legal person likely to act. According to Karsenty and Assembe-Mvondo (2011, 114), the logic of national land is, in theory, that of the management of a common heritage:

Legal experts agree that it is difficult to talk about the right of State ownership over national lands. There is a paradox: national land has all the features of an original statutory form between State ownership and private ownership. Thus, this status seems to be a source of insecurity rather than protection as the population remains subject to the arbitrary decisions of the administration or civil servants craving land.

The same observation has been rightly made before by Fisiy (1992) who concluded that the persons who have

taken advantage of the current national land regime in Cameroon are those who purchase land, primarily government officials and economic operators.

For his part, Tientcheu (2005) argues that national lands represent 70% of the entire Cameroonian territory, excluding land considered as the public or private property of the State. These statistics therefore imply that land considered the public or private property of the State of Cameroon is 30% of the total (in contrast to the previously accepted figure of 97%). Before that, Verdier (1971) had already underlined that National Lands are 98% of the total areas in Cameroon. Even Tientcheu's 70% should be also moderated because it does not take into account the gazettelement of vast areas of national forest land as private and State lands. Forests on national lands are incorporated into the permanent national forest estate in the form of concessions and protected areas which cover about 12.8 million ha (Mertens et al. 2008). It should be noted that some local councils already own some 517 160 ha of forest in Cameroon (CTFC 2011).

Another multidisciplinary study by Touna Mama et al. (2004), some of whose authors are Cameroonian (academics), casts additional doubt on the previously discussed 97% figure. The authors of this multidisciplinary study state that in 2003 land owners with a certificate accounted for 49.3% in Douala and 47.5% in Yaoundé, the two main towns. These statistics therefore put in perspective the observation made by Egbe (2001) and on which Cotula and Mayers (2009) based their claims that individuals in Cameroon own only 3% of the land (mainly medium- to large-scale investment). Obviously, one should be careful when dealing with statistics in a *socio-administrative* context where public services do not regularly update figures (Assembe-Mvondo 2009). Even when public services update their statistics, administrative authorities do not grant access to such public information. Another study increases this confusion (AFDB 2009). According to African Development Bank experts (2009) only 2% of land is registered, that is, 150,000 land certificates in the entire country, 43,000 of which are for the city of Yaoundé. In reality, the use of figures to describe the current land management situation is risky and unreliable. It is therefore necessary to exercise caution when making analyses in such a context.

Status of application of customary land tenure in Cameroon

Admittedly, the land-tenure system in force in Cameroon since 1974 does not provide for customary land ownership (Nyama 2001; Nguiffo, Kenfack, and Mballa 2009). This trend was contrary to the option adopted in the 1963 legislation, which explicitly recognized the customary ownership rights of indigenous and local communities (Melone 1972). This is the main reason advanced by Alden Wily

(2011a, 2011b) and Hatcher and Bailey (2011) to conclude that the State is the absolute owner of land in Cameroon. We cannot deny the obvious; that is the existence of explicit suppression of rights to customary ownership of land in Cameroon in the 1974 law. However, these authors (FAO 2011a) ignored the spirit of the Cameroonian legal system. Indeed, a thorough reading of the laws, regulations and legalized social practices would identify legal opportunities that can strengthen customary land tenure in Cameroon.

First, the adoption of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972 provides a constitutional basis for the application of customary norms. In fact, Article 1 (2) stipulates that

The Republic of Cameroon shall be a decentralized unitary State. It shall be one and indivisible, secular, democratic and dedicated to social service. It shall recognize and protect traditional values that conform to democratic principles, human rights and the law.

Customary norms have gained recognition as superior basic norms through the recognition and protection of traditional values in the Constitution of Cameroon (Olinga 1996; Sietchoua Djutchoko 2000). Certainly, customs are considered as ancient practices that should be continually perpetuated if we do not want to be alienated from intangible values governing communities. They are henceforth clearly recognized as a constitutional legal principle in Cameroon. *De jure*, it would be difficult to continuously refuse to apply the principle of customary ownership of land and forests in Cameroon because the hierarchy of legal norms (Ray 2009; Owona 2010) considers norms enshrined in the Constitution as superior to the simple rule of laws like that governing land in Cameroon. Furthermore, the recognition of customary norms in the Constitution of Cameroon has been hailed as a welcome break with the historical marginalization of the practices of indigenous and local communities (Olinga 1996; Sietchoua Djutchoko 2000). From this perspective, the outmoded situation of land legislation in comparison to the spirit of the current Constitution can be hastily concluded.

Second, the right to exercise local customary practices in environmental management in Cameroon stems from the subsidiary principle provided by the 1996 Framework Law on Environmental Management in Cameroon. In fact, the provisions of Section 9 (f) are clear in that regard:

The principle of substitution according to which in the absence of a written general or specific rule of law on environmental protection, the identified customary norm of given land, accepted as more efficient for environmental protection, shall apply.

This is tantamount to the rehabilitation and explicit recognition by the 1996 lawmaker of the positive role of

customary norms and local knowledge in environmental management in general. Nevertheless, the exercise of customary norms is subject to compliance with written norms relating to human rights and public order. This could be seen as a positive contribution of the Cameroonian legal system to improving land forest tenure globally.

Third, it is necessary to highlight the land practices legalized and tolerated by Cameroonian authorities. There is tacit acceptance of the practice of ‘abandonment of customary rights’ in real estate transactions between private individuals. In reality, transactions concerning an appurtenance of national land in the first category generally lead to the signing of the Document by the seller, known as ‘Certificate of Abandonment of Customary Rights’. This document, which is certified by administrative authorities, is recognized by the Consultative Committee which is in charge of tracing developments on a given plot of national land. As Tientcheu (2005) points out, this practice, which is not provided for by law, is a form of implied recognition by administrative authorities of the existence of customary ownership of lands in Cameroon. In addition, the State accepts the registration of land in the name of a community that so requests. From this viewpoint, the community and/or its representatives should show proof of *Mise en Valeur* or productive use on the basis of the traditions and customs shared by the social group. This legalization or administrative tolerance of ‘informal and customary practices’ related to land management induces one to conclude that there is a *dual legal* system regarding land management in Cameroon where customary and informal practices are legalized or accepted by State authorities (Teyssier 2003). Le Roy (1987) qualified this phenomenon as a ‘hybrid land tenure regime’, which mixes informal and legal practices. Tonye, Meke-Me-Ze, and Titi-Nwel (1993) have already observed the identical phenomenon in some rural areas in Cameroon. Furthermore, similar remarks have been made by Marfo et al. (2010) in the Ghana case. This assumption is corroborated to some extent by Cameroon’s Supreme Court Judges (CS 2002). In this case, the Judges concluded that a petition based on claim to ownership on the basis of absence of a land certificate by a ‘customary owner’ is unfounded. In other words, the Cameroonian Judges have explicitly recognized the customary ownership on land based in historical facts in this case. This position complies with legal anthropology theory which considers that law is not limited to official acts, legislations, regulations, administrative orders and court decisions enacted by various State organs (Meinzen-Dick and Pradhan 2002). Therefore, land law should be understood very broadly in the context of Cameroon. As Bruce (1998) observed, customary practices remained the daily *de facto* dominant tenure type, especially in rural areas.

Fourth, recent literature on land tenure in Cameroon (Hatcher and Bailey 2011; Alden Wily 2011a, 2011b; FAO 2011a) does not wholly reflect the State’s dynamic

actions in the framework of COMIFAC Member States. In fact, the Conference of Ministers in charge of Forests in the Central Africa sub-region, held in November 2010 in Kinshasa, adopted the *Sub-regional Guidelines on the Participation of Local and Indigenous Communities and NGOs in Sustainable Forest Management in Central Africa* (COMIFAC 2010). Guideline 2 of this legal instrument focuses on the 'recognition of customary approaches of ownership of forest resources'.

This sub-regional instrument is at odds with most land legislation adopted by *post*-colonial States. It reconstructs the situation of land and forest tenure systems in Central Africa (Assembe-Mvondo 2013). It should be noted that the COMIFAC guidelines instruments are not binding on signatory States. However, States have a moral duty to transpose them into their national legislations within a reasonable time frame. These guidelines will soon be applied directly, as is the case in European Union countries, considering their binding nature and effectiveness (Combacau and Sur 2006). However, the possibility of applying the guidelines directly does not absolve Member States of their obligation to transpose them into their national laws (Romi 1999). *De jure* and *de facto*, it is no longer possible to continue to maintain the discourse that customary land and forest rights are not recognized in Cameroon. This is because, as a COMIFAC Member State, Cameroon is a signatory and ostensibly adheres to the legal instruments of this sub-regional organization, whether binding or not.

Fifth, it is well known that in Cameroon, inside village areas, land-tenure conflicts and related issues are managed/resolved daily according to local customs by the chieftaincy authorities. Such a trend can be considered as horizontal implementation of customary land tenure recognized by the Cameroonian administration, notably by the fact that the chieftaincy is legally recognized as first-degree jurisdiction on land-tenure conflicts. Whereas, within the vertical axis between administrative authorities and local communities and indigenous people, land tenure is dominantly governed by State law. Therefore, there is separate cohabitation between these two normative systems.

In the light of the foregoing, although there remains confusion about customary norms of land and forest ownership in Cameroon, such norms are still applicable in the area of land and forest tenure. They clearly exist and are provided for in the Constitution and in related legislations and practices. Future analyses of this issue should therefore be moderated because the aim of law is to influence human behavior. In this light, the formal and informal, customary or modern practices in a given society serve as the law in force. Land management in Cameroon is no exception to this human reality which lies between legal and regulatory requirements and customary and informal practices tolerated by State authorities. Such coexistence, interactions and competing of multiple legal practices within a social

setting can rightly be considered as legal pluralism (Diaw 2010).

Status of forest lands in Cameroon

Most officials of Cameroon's Ministry in charge of forestry used to claim that forest land belonged to the State, and such declarations now appear to be relayed and upheld by several publications without any consideration of nuance (Sunderlin et al. 2008; Cotula and Mayers 2009; Hatcher and Bailey 2011; Alden Wily 2011a, 2011b; FAO 2011a). On the other hand, the provisions in force in the forestry sector do not always attest such claims of absolute State ownership on forest land in Cameroon. Therefore, the forest legislation in force does not create new forest land tenure. Rather, the instruments that govern land tenure and determine the status of forest land are the 1974 ordinances on the land-tenure regime. Land law in Cameroon distinguishes three major categories of land according to their legal framework: individual (private) land; land under the ownership of the State and other public bodies; and national land. These different categories serve as a land base for the types of forests established by the 1994 Forestry Law.

According to Kamto (2011), the distinction between permanent forests and non-permanent forests does not refer to a category of land. It is possible to establish categories of forest equivalent to the legal status of land lodging them (Pénelon, Mendouga, and Karsenty 1998; Bigombé and Dabire Atama 2002). From this viewpoint, the land base of private forests is private land; the land base of State forests composed of permanent forest estates (forest concessions and protected areas) is the private land of the State, representing about 12.8 million hectares out of 199,916 million ha (Blaser et al. 2011; FAO 2011b); the base of council forests (part of the permanent forest estate) is the private land of local councils, representing nearly 517,160 ha (CTFC 2011); the land base of forests on national land (6 million ha of community forests and other forests allocated or not) is national land (Karsenty 2010; Robiglio et al. 2011).⁶ *De jure* and *de facto*, in Cameroon, the State owns only public forests. Council forests belong to local councils. The remaining forest resources and areas of national lands, like the case of community forests and other unallocated forest areas, do not belong to the State, which is only the legal custodian or exercises supervisory authority thereof; they belong to the Nation of Cameroon.

Implications for local people's livelihoods, REDD+ and land-use competition

Some observers have underlined that the REDD+ policy design is less advanced in Cameroon than Democratic Republic of Congo (Dkamela 2010; Kengoum 2011).⁷

However, as one of the tropical rich humid forest countries, Cameroon still needs to be on board with global concerns in the environmental domain. In relation to reducing emissions from deforestation and forest degradation and enhancing forest carbon (REDD+) and the phenomenon of land grabbing (Deininger 2011), the current legal status of national lands may increase the real or perceived tenure insecurity of indigenous people and local communities. From this perspective, the current land-tenure legislation has already impacted negatively on the livelihood status of local actors, notably where there is competition between local communities and agro-industries (Oyono 2005; Gerber 2008; Hoyle and Levang 2012; Nguiffo and Schwartz 2012). This negative trend will increase with the current population growth in Cameroon. Furthermore, according to Schwartz, Hoyle, and Nguiffo (2012) such legal ambiguity of land tenure has already contributed to land-use conflicts and their related negative impacts. Aware of this fragile situation, a traditional rulers association has submitted its claims and suggestions on land-tenure reform with the following six key points (CED 2013): (i) Heighten and locate the village at a level (bottom) in Cameroon's administrative organization; (ii) Recognize the right of a village to ownership of land where it has settled; (iii) Recognize the validity of customary law in the management of rural lands; (iv) Do not link community property rights with the demands of its productive use, but recognize proprietary rights based on customary practices; (v) Clearly define the place and role of traditional rulers in the management of lands and related resources; (vi) Recognize women's right to land ownership.

Therefore, two hypotheses should be considered for the current land-tenure reform process. First, Cameroonian political authorities continue to maintain the *status quo* by refusing to initiate land-tenure reforms (Karsenty and Ongolo 2011). In this case, Article 17 of Decree No. 76–166 of 27 April 1976 to establish the Terms and Conditions of Management of National Lands provides minimum safeguards to enable local and indigenous communities to have access to incomes/revenues from land concessions, and eventually REDD+ revenues:

The income received from the allocation of national lands, whether held by grant or lease, shall be apportioned as follows: 40% to the State, 40% to the council in whose area the land is situated, and 20% for use in the public interest to the village community concerned.

The 20% of the total land fees allocated to the neighboring villages can be logically considered as a type of compensation given to local communities. Therefore the REDD+ benefit sharing scheme can really learn from and build on the land fees mechanism (Assembe-Mvondo, Brockhaus, and Lescuyer 2013), even if the good implementation process of such regulation on REDD+ benefit sharing

should be harmed and hijacked by elite capture logic and related governmental practice like the current situation of the Annual Forest fees (Bigombé 2010; Cerutti et al. 2010).

The second assumption is a more optimistic one, built on the adaptation of land tenure to the joint requirements of COMIFAC Guidelines, the need for REDD+ and the concerns about the increase of land-use competition (Nguiffo and Schwartz 2012), the Declaration of the African Union and social demand by the grassroots population. In this case, it is necessary to maintain the national lands category, but not in its current context. It should logically be redesigned into two parts, to give rise to a new national land domain distinct from the local community and indigenous community land domains. Cameroon would thus have four categories of lands: State/public lands; Private lands; Local and Indigenous community lands (half of the current national domain); and National lands, this latter serving as a national lands stock lodging major national development investment projects.

Conclusion

This paper sets out to show the need for a more nuanced understanding of the legal status of land and forest ownership in Cameroon, and helps to show that the State does not have absolute ownership over land as many publications indicate. Accordingly, a clear distinction should be made between the State as the owner of public land and the State as the custodian of national lands whose real owner is the entire Cameroon Nation. As many observers indicate, the national land regime is an original category found in the African continent only in Togo, Senegal and Cameroon (Pougoue and Bachelet 1982; Tientcheu 2005). It should not be confused with the usual distinction between public land and private land, or to the simplistic 'Black or White boxes distinction'. It is necessary to identify the basis of the creation of national land notions in the political and legal theories of constitutional law that distinguish between the concepts of Nation and State. However, such a current legal status of land tenure has obviously generated ambiguity in public opinion, and consequently has negatively affected local communities' livelihood status and contributed to increased land-use conflicts in the whole country.

As Hobbs (1998) has rightly observed, Cameroon has a complex land-tenure legacy as a result of colonial occupation by three different colonizers (Germany, France and England), each of which contributed distinct characteristics to future land legislation initiatives. The national land domain can be perceived in such a context as a kind of *provisional political compromise* to manage land stock after the political independence of this country. Therefore, this *temporary political compromise* on land tenure is an opportunity which can be updated in conformity with the new trends of land claims by local people, REDD+ and land

grabbing movements. Otherwise, the fairly accurate interpretation by some politicians, civil servants and other observers (Stamm 2009), on the current land-tenure regime and the related social inequalities, will be considerably increased in Cameroon. However, Schlager and Ostrom's (1992, 260) remarks are appropriate for the Cameroonian land-tenure model:

Instead of blind faith in private ownership, common-property institutions or government intervention, scholars need a better understanding of: (1) the conditions that enhance or detract from the emergence of more efficient property rights regimes; (2) the stability or instability of these systems when challenged by various types of exogenous or endogenous changes; (3) and the costs of enforcing regulations that are not agreed upon by those involved.

Notes

1. Both authors agree that REDD+ is part of the large-scale acquisition of land in developing countries and consequently increases pressure on local communities' and indigenous people's farming activities.
2. According to Leonard and Longbottom (2000) this category of land was used by the French colonial administration as a means to acquire land, either for colonial purposes or for private development. This was antithetical to the local custom.
3. For Karsenty (2010):

around a decade after independence, a handful of French-Speaking African countries (Togo, Senegal and Cameroon) introduced a new land category, the 'national domain', alongside the traditional categories of public and private domains. The idea was to designate a legal category outside the public domain not gazetted and not privately owned by individual.

4. According to Bratton and Van de Walle (1994) in neopatrimonial regimes, the chief executive maintains authority through personal patronage, rather than through ideology or law. From this perspective, relationships of loyalty and dependence pervade a formal political and administrative system and leaders occupy bureaucratic office less to perform public service than acquire personal wealth and status.
5. The argument of this particular author is that the 1990s saw a new type of crisis management in which a political regime fed on ethnic tensions and made political capital out of the grievances of local people in metropolitan areas.
6. Community forests are designated only as national domain.
7. The Cameroon REDD+ Readiness Preparation Proposal (R-PP) was approved in March 2013.

References

AFDB. 2009. *Cameroon: Etude diagnostique pour la modernisation des secteurs du cadastre et des domaines, unpublished report of AFDB*. <http://www.afdb.org>

- Alden Wily, L. 2011a. *Whose Land is It? The Status of Customary Land Tenure in Cameroon*. Yaoundé, Cameroon: CED/FERN/Rainforest Foundation. 189 p.
- Alden Wily, L. 2011b. "The Law is to Blame: The vulnerable Status of Common Property Rights in Sub-Saharan Africa." *Development and Change* 42 (3): 733–757.
- Allen, D. R. 2008. "Compliance and Imposition: Adding Depth to Institutional Theories of Nation-Building." Working paper presented at the International Studies Association Convention, San Francisco, USA, March 29, 2008.
- Assembe-Mvondo, S. 2009. "State Failure and Governance in Vulnerable States: An Assessment of Forest Law Compliance and Enforcement in Cameroon." *Africa Today* 55 (3): 85–102.
- Assembe-Mvondo, S. 2013. "Local Communities and Indigenous Rights to Forest in Central Africa: From Hope to Challenges." *Africa Spectrum* 48 (1): 25–48.
- Assembe-Mvondo, S., M. Brockhaus, and G. Lescuyer. 2013. "Assessment of the Effectiveness, Efficiency and Equity of Benefit Sharing Schemes under Large-Scale Agriculture: Lessons from Land Fees in Cameroon." *European Journal of Development Research*. doi:10.1057/ejdr.2013.27
- Bellina, S., D. Darbon, S. Sundstøl Eriksen, and J. O. Sending. 2010. *L'Etat en quête de légitimité: sortir collectivement des situations de fragilité*. Paris: Editions Charles Léopold Mayer.
- Bigombé, L. P. 2010. "Governance of Decentralized Forest Revenue in Central Africa: For Better or for Worse?" In *Governing Africa's Forests in a Globalized World*, edited by Laura A. German, Alain Karsenty and Anne-Marie Tiani, 174–186. London: Earthscan.
- Bigombé, L. P., and B. Dabire Atama. 2002. *Gérer autrement les conflits forestiers au Cameroun*. Yaoundé, Cameroon: Presses Universitaires de l'Université Catholique.
- Bigombé, L. P., and H-L. Menthong. 1996. "Crise de légitimité et évidence de la continuité politique." *Politique Africaine* 62 (1): 15–29.
- Binet, J. 1951. "Droit foncier coutumier au Cameroun." *Monde non Chrétien*, no. 18: 1–25.
- Blaser, J., A. Sarre, D. Poore, and S. Johnson. 2011. *Status of Tropical Forest Management 2011*. ITTO Technical Series No. 38. Yokohama: ITTO. 420 p.
- Bratton, M., and N. Van de Walle. 1994. "Neopatrimonial Regimes and Political Transitions in Africa." *World Politics* 46 (4): 453–489.
- Bruce, John W. ed. 1998. *Country Profiles of Land Tenure: Africa, 1996*. Land Tenure Center Research Paper No. 130. Madison, WI: Land Tenure Center.
- Campbell, B. 1996. "Débats Actuels sur la Reconceptualisation de l'Etat par les Organismes de Financements Multilatéraux et l'USAID." *Politique Africaine* 61 (1): 18–28.
- Carré de Malberg, R. 1921. *Contribution à la théorie générale de l'Etat*. Paris: Sirey.
- CED. 2013. *A Proposal by traditional Rulers on Land Tenure Reforms in the Rural Areas of Cameroon*. Yaoundé, Cameroon: CED.
- Cerutti, P. O., G. Lescuyer, S. Assembe-Mvondo, and L. Tacconi. 2010. "The Challenges of Redistributing Forest-Related Monetary Benefits to Local Governments: A Decade of Logging Area Fees in Cameroon." *International Forestry Review* 12 (2): 130–137.
- Combacau, J., and S. Sur. 2006. *Droit International Public*. Paris: Montchrestien.
- COMIFAC. 2010. "Directives Sous-régionales sur la Participation des Populations Locales et Autochtones et des ONG à la

- Gestion Durable des Forêts d'Afrique Centrale." <http://www.comifac.org>
- Connor, W. 1994. *Ethnonationalism: the Quest for Understanding*. Princeton: Princeton University Press.
- Cotula, L., and J. Mayers. 2009. *Tenure in REDD – Start-Point or Afterthought?* Natural Resource Issues No. 15. London: IIED. 67 p.
- Cotula, L., S. Vermeulen, R. Leonard, and J. Keeley. 2009. *Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa*. London: IIED/FAO. 130 p.
- Courade, G., and L. Sindjoun. 1996. "Introduction au Thème: Le Cameroun dans l'entre-deux." *Politique Africaine* 62 (2): 3–14.
- Cronkleton, P., P. L. Taylor, D. Barry, S. Stone-Jovich, and M. Schmink. 2008. *Environmental Governance and the Emergence of Forest – Based Social Movements*. CIFOR Occasional Paper No. 49. Bogor, Indonesia: CIFOR. 36 p.
- CS (Cour Suprême du Cameroun). 2002. Arrêt No 99/CC du 04 avril 2002, Affaire JIMS André c/Madame Effa Faustine. *Juridis Périodique* No 52: 29–45.
- CTFC infos No 05. mai 2011. *Forêts Communales: Un Progrès Pour Penser L'avenir*. Yaoundé, Cameroon.
- Deininger, K. 2003. *Land Policy for Growth and Policy Reduction*. Washington, DC: WB/Oxford University Press. 15 p.
- Deininger, K. 2011. "The Challenges Posed by the New Wave of Farmland Investment." *The Journal of Peasant Studies* 38 (2): 217–247.
- Diaw, M. C. 1997. *Si, Nda Bot and Ayong: Shifting Cultivation, Land Use and Property Rights in Southern Cameroon*. Rural Development Forestry Network Paper 21e. London: ODI, 36 p.
- Diaw, M. C. 2010. "Elusive Meanings: Decentralization, Conservation and Local Democracy." In *Governing Africa's Forests in a Globalized World*, edited by Laura A. German, Alain Karsenty and Anne-Marie Tiani, 56–71. London: Earthscan.
- Diaw, M. C., and P. R. Oyono. 1998. "Dynamiques et Représentations des Espaces Forestiers au Sud Cameroun: Pour une Relecture Sociale des Paysages." *Bulletin Arbres, Forêts et Communautés Rurales* 15/16: 36–43.
- Dkamela, G. P. 2010. "The Context of REDD + in Cameroon: Drivers, Agents, and Institutions." Occasional Paper No. 57. Bogor, Indonesia: CIFOR. 80 p.
- Egbe, S. E. 2001. "The Concept of Community Forestry under Cameroonian Law." *Journal of African Law* 45 (1): 25–50.
- FAO. 2011a. *Reforming Forest Tenure: Issues, Principles and Process*. FAO Forestry Paper No. 165. Rome: FAO. 116 p.
- FAO. 2011b. *State of the World's Forests 2011*. Rome: FAO. 179 p.
- Fisiy, C. 1992. *Power and Privilege in the Administration of Law: Land Law Reforms and Social Differentiation in Cameroon*. Leiden: African Studies Center. 311 p.
- Fritz, V., and A. Rocha Menocal. 2006. (Re)building Developmental States: From Theory to Practice'. Working Paper No. 274. London: ODI. 41 p.
- Gerber, J-F. 2008. *Resistances Contre deux Géants Industriels en Forêts Tropicales: Populations Locales Versus Plantations Commerciales d'hévéas et de Palmiers à Huile dans le sud-Cameroun*. Montevideo, Uruguay: Mouvement Mondial pour les Forêts Tropicales/Oxfam. 44 p.
- Hatcher, J., and L. Bailey. 2011. *Tropical Forest Tenure Assessment: Trends, Challenges and Opportunities*. Technical Series No. 37. Yokohama: ITTO. 48 p.
- Haus, C. 2011. *Comparative Politics: Domestic Responses to Global Challenges*. 7th ed. Boston, MA: Cengage Learning. 305 p.
- Hibou, B. 2011. "Introduction au thème Tunisie: Economie Politique et Morale d'un Mouvement Social." *Politique Africaine* 121: 5–22.
- Hobbs, M. 1998. "Cameroon Country Profile." In *Country Profiles of Land Tenure: Africa, 1996*, edited by John W. Bruce, 31–37. Land Tenure Center Research Paper No. 130. Madison, WI: Land Tenure Center.
- Hoyle, D., and P. Levang. 2012. *Oil Palm Development in Cameroon*. Yaoundé, Cameroon: WWF.
- Kamto, M. 2001. "Un Statut foncier pour les terrains forestiers." In *Gestion durable des forêts au Cameroun: Vers Une Foresterie Responsable, Contribution du Projet Forêts et Terroirs*, edited by Ph. Collas de Chatelperron, Actes de l'atelier d'échanges, Yaoundé (Cameroun), 4–6 Juillet 2000, 7–12, Montpellier, France: CIRAD, 7–12 p.
- Karsenty, A. 2010. *Large-Scale Acquisition of Rights on Forest Lands in Africa*. Washington, DC: Resource and Rights Initiative.
- Karsenty, A., and S. Assembe-Mvondo. 2011. "Les régimes fonciers et la mise en œuvre de la REDD+ en Afrique centrale." *Land Tenure Journal* 2 (1): 105–129.
- Karsenty, A., and S. Ongolo. 2011. "Can 'Fragile States Decide to Reduce their Deforestation? The Inappropriate Use of the Theory of Incentives with Respect to the REDD Mechanism." *Forest Policy and Economics*. <http://www.sciencedirect.com/forpol>
- Kengoum, D. F. 2011. "REDD+ Politics in Media: A Case Study from Cameroon." Working Paper No. 51. Bogor, Indonesia: CIFOR. 40 p.
- Kofele-Kale, N. 2007. "Asserting Permanent Sovereignty over Ancestral Lands: The Bakweri Land Litigations against Cameroon." *Annual Survey of International & Comparative Law* 13 (1): 103–156.
- Konings, P. 1986. "L'Etat, l'agro-industrie et la Paysannerie au Cameroun." *Politique Africaine* 22 (2): 120–137.
- Konings, P. 1996. "Le "problème Anglophone" au Cameroun dans les années 1990." *Politique Africaine* 62 (2): 25–33.
- Krause, K., and O. Jutersonke. 2007. "Seeking Out the State: Fragile States and International Governance." *Politica – The Fragile States Debate – Considering Ways and Means to Achieve Stronger Statehood* 42 (1): 5–12.
- Leonard, R., and J. Longbottom. 2000. *Land Tenure Lexicon: A Glossary of Terms from English and French Speaking West Africa*. London: IIED. 74 p.
- Le Roy, E. 1987. *La Réforme du Droit de la terre Dans Certains Pays d'Afrique Francophone*. Etude législative. Rome: FAO. 115 p.
- Little, D. 1990. "Local Politics and Class Conflict: Theories of Peasant Rebellion in Nineteenth-Century in China." Paper Presented for the Bellagio Conference on Peasant Culture and Consciousness (January 1990), Bellagio, Italy.
- Liversage, H. 2010. *Réagir à L'accaparement des terres et Favoriser les Investissements Agricoles Responsables*. Rome: FIDA. 18 p.
- Marfo, E., C. J. P. Colfer, B. Kante, and S. Elias. 2010. "From Discourse to Policy: The Practical Interface of Statutory and Customary Land and Forest Rights." In *Forests for People: Community Rights and Forest Tenure Reform*, edited by A. M. Larson, D. Barry, G. R. Dahal, and C. J. P. Colfer, 69–89. London: Earthscan.

- Medard, J-F. 1990. "L'Etat patrimonialisé." *Politique Africaine* 39 (3): 25–36.
- Meek, C. K. 1957. *Land Tenure and Land Administration in Nigeria and the Cameroons*. Colonial Research Studies No. 22. London: Her Majesty's Stationery Office. 115 p.
- Meinzen-Dick, R., and R. Pradhan. 2002. Legal Pluralism and Dynamic Property Rights. CAPRI Working Paper No. 22. Washington, DC: IFPRI. 41 p.
- Melone, S. 1972. *La Parenté et la terre dans la Stratégie de Développement*. Paris: Edition Klincksieck. 201 p.
- Mertens, B., M. Steil, A. L. Nsoyuni, N. G. Shu, and S. Minnemeyer. 2008. *Interactive Forestry Atlas of Cameroon Version 2.0: An Overview*. Washington, DC: World Resource Institute, 55 p.
- Molnar, A., K. Barney, M. DeVito, A. Karsenty, D. Elson, M. Benavides, P. Tipula, C. Soria, P. Shearman, and M. France. 2011. *Large Acquisition of Rights on Forests Land for Tropical Timber Concessions and Commercial Wood Plantations*. Washington, DC: RRI/ILC. 67p.
- Nguiffo, S., P. E. Kenfack, and N. Mballa. 2009. *L'incidence des lois Foncières Historiques et Modernes sur les Droits Fonciers des Communautés Locales et Autochtones du Cameroun*. Londres: FPP. 32 p.
- Nguiffo, S., and B. Schwartz. 2012. *Heracles 13th Labour? A Study of SGSOC's Land Concession in South- West Cameroon*. Yaoundé, Cameroun: CED. 13 p.
- Niang, M. 1982. "Réflexions sur la réforme foncière de 1964." In *Enjeux fonciers en Afrique Noire*, edited by E. Le Bris, E. Le Roy et, and F. Leimodorfer, 219–227. Paris, Cameroun: Khartala.
- Nyama, J. M. 2001. *Régime foncier et domanialité publique au Cameroun*. Yaoundé, Cameroun: Presses Universitaires de l'Université Catholique. 484 p.
- Olinga, A. D. 1996. "L'aménagement des droits et libertés dans la Constitution Camerounaise Révisée." *Revue Universelle des Droits de l'homme* 8 (4–7): 116–123.
- Onoma, A. K. 2008. "The Use of Land to Generate Political Support." *Africa Development* XXXIII (3): 147–155.
- Ottmann, J. 2008. "The Concept of Solidarity in National and European Law: The Welfare State and the European Social Model." *International Constitutional Law Journal* 1, 1/2008: 36–48.
- Owona, J. 2010. *Droits Constitutionnels et Institutions Politiques du Monde Contemporain: Etude Comparée*. Paris: L'Harmattan. 730 p.
- Oyono, P. R. 2005. "The Foundations of the *Conflit de Langage* Over Land and Forests in Southern Cameroon." *African Study Monographs* 26 (3): 115–144.
- Pénelon, A., L. Mendouga, and A. Karsenty. 1998. 'L'identification des finages villageois en zone forestière au Cameroun: justification, analyse et guide méthodologique'. Document No. 8. Série FORAFRI .Montpellier, France: CIRAD. 29 p.
- Pigeaud, F. 2011. *Au Cameroun de Paul Biya*. Karthala, France: Paris. 266 p.
- Pougoue, P. G., and M. Bachelet. 1982. "Les Nouveaux Régimes Fonciers." In *Encyclopédie Juridique de l'Afrique*. Tome 5. Abidjan/Lomé/Dakar, Côte d'Ivoire, Togo, Senegal: NEA, 247–269 p.
- Ray, S. N. 2009. *Modern Comparative Politics: Approaches, Methods and Issues*. New Delhi: PHI Learning. 268 p.
- Robiglio, V., S. Ngendakumana, J. Gockowski, M. Jemefack, M. Tchienkoua, P. Mbile, P. Tchawa, Z. Tchoundjeu, and M. Bolognesi. 2011. *Reducing Emission from all Land Uses in Cameroon*. Final Report of ASB. Yaoundé, Cameroon: ICRAF/IITA. 19 p.
- Romi, R. 1999. *Droit et Administration de l'environnement*. Paris: Montchrestien. 531 p.
- Ruf, W. 2000. "La Conception de la nation en France et en Allemagne." *Regards Croisés France-Allemagne* 1223 (1): 12–19.
- Schlager, E., and E. Ostrom. 1992. "Property –Rights Regimes and Natural Resources: A Conceptual Analysis." *Land Economics* 68 (3): 249–262.
- Schwartz, B., D. Hoyle, and S. Nguiffo. 2012. *Emerging Trends in Land Use Conflicts in Cameroon: Overlapping Natural Resource Permits Threaten Protected Areas and Foreign Direct Investments*. Yaoundé, Cameroon: WWF.
- Sietchoua Djuitchoko, C. 2000. "Du Nouveau Pour la Coutume en droit positif Camerounais: La Constitutionnalisation de la Coutume et ses Conséquences." *Revue Juridique Thémis* 131 (34): 130–157.
- Sindjoun, L. 1996a. "L'imagination Constitutionnelle de la Nation." In *La Réforme Constitutionnelle du 18 Janvier 1996 au Cameroun: Aspects Juridiques et Politiques*, edited by S. Melone, A. Minkoa She, and L. Sindjoun, 15–25. Yaoundé, Cameroon: association africaine de science politique/GRAP.
- Sindjoun, L. 1996b. "Le Champ Social Camerounais: Désordre Inventif, Mythe Simplificateur et Stabilité Hégémonique de l'Etat." *Politique Africaine* 62 (2): 57–67.
- Sørensen, G. 2001. *Changes in Statehood: The Transformation of International Relations*. Basingstoke: Palgrave. 240 p.
- Stamm, V. 2009. "Social Research and Development Policy: Two Approaches to West African Land-Tenure Problems." *Africa Spectrum* 44 (2): 29–52.
- Sunderlin, W. D., J. Hatcher, and M. Liddle. 2008. *From Exclusion to Ownership? Challenges and Opportunities in Advancing Forest Tenure Reform*. Washington, DC: RRI. 64 p.
- Sunderlin, W. D., A. M. Larson, and P. Cronkleton. 2009. "Forest Tenure Rights and REDD+: From Inertia to Policy Solutions." In *Realizing REDD+. National Strategy and Policy Options*, edited by A. Angelsen, 139–150. Bogor, Indonesia: CIFOR.
- Tchapmegni, R. 2008. *Le Contentieux de la Propriété Foncière au Cameroun*. Doctoral Dissertation, Université de Nante, France. 532 p.
- Teyssier, A. 2003. "La Régulation Foncière au Cameroun, Entre Régimes Communautaires et Aspirations Citoyennes." In *Organisation Spatiale et Gestion des Ressources et des Territoires Ruraux*, edited by P. Duguée et Ph. Jouve, Actes du colloque international, 25–27 février 2003. Montpellier, France: CIRAD/CNEARC, 1–10 p.
- Tientcheu, N. A. 2005. *Droits Réels et Domaine National au Cameroun*. Yaoundé, Cameroun: Presses Universitaires d'Afrique. 486 p.
- Tjoun, A. D. 1981. *Droits Domaniaux et Techniques Foncières en droit Camerounais: Etude d'une Réforme Législative*. Paris: Economica. 209 p.
- Tonye, J., C. Meke-Me-Ze, and P. Titi-Nwel. 1993. "Implications of National Lands Legislation and Customary Land and Tree Tenure on the Adoption of Alley Farming." *Agroforestry Systems* 22 (2): 153–160.
- Touna Mama, A., T. Tamo Tatietsé, J. Nounyan Ngimbi, V. Nga Ndong, R. Mevougou Nsana, D. Ntamack, A. Nyangou, and F. Nouadje Kaleu. 2004. *De la Planification Urbaine à l'urbanisme des projets de lotissements au Cameroun: Impacts sur les stratégies d'accès à la propriété et aux*

- services urbains au Cameroun*. Yaoundé, Cameroun: GREPA/GEMDEV/ISTED. 122 p.
- Verdier, R. 1971. "L'ancien droit et le nouveau droit foncier de l'Afrique noire face au Développement." In *Le droit de la terre en Afrique (au Sud du Sahara)*, 67–88. Paris: Editions G.P. Maisonneuve et Larose.
- Wilets, J. D. 1999. "The Demise of the Nation-State: Towards a New Theory of the State under International Law." *Berkeley Journal of International Law* 17 (2): 1–37.
- Yenshu Vubo, E. 2006. "Management of Ethnic Diversity in Cameroon against the Backdrop of Social Crises." *Cahiers d'études Africaines* 181 (1): 135–156.