



Strengthening Land Security for Internally Displaced Persons in Cameroon

POLICY BRIEF



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Foreword

Hon. Jean-Jacques ZAM, REPAR Coordinator.

It is obvious that land issue is one of the most important development issues in Central Africa!

As a matter of fact, in the face of the development dynamics of countries and various other contemporary challenges, the pressure on « land resources » is increasing.



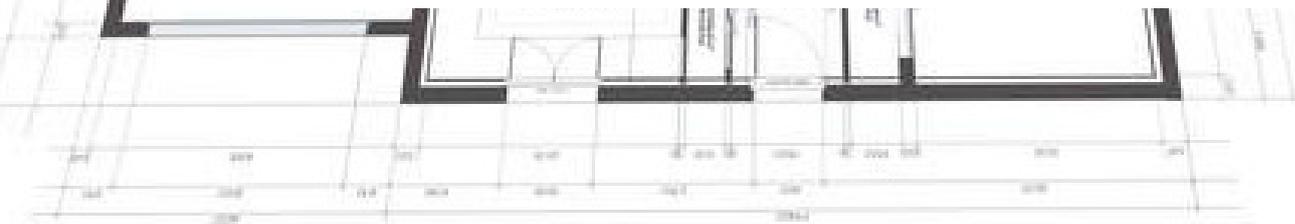
Fortunately, both in its variations and in the development of algorithms to provide an appropriate response, the different components of the society are working together at various levels.

By mobilizing within the framework of sensitizing Parliamentarians on the thorny issue of land security for IDPs in Cameroon, REPAR Cameroon and NELGA Central Africa jointly organized a workshop on December 2, 2019 at the Hotel des Députés in Yaounde.

The workshop whose objective was to produce a working document aimed at supporting a balanced Parliament-Government Dialogue, with a view to obtaining better security of land rights of IDPs resulting from natural disasters,

conflicts and major projects, enabled the close to twenty parliamentarians present to better understand the issues and challenges related to securing land rights of IDPs and to discuss relevant and sustainable strategies to correct the malfunctions that mark these sensitive processes at the social level.

The success of this workshop can be perceived in the realistic recommendations identified by consensus, which were adopted. It equally makes it possible to evaluate the efficiency of the nascent REPAR Cameroon-NELGA partnership.



Introduction

Prof. Paul TCHAWA, NELGA AC Coordinator.

The Policy brief : a tool that can better prepare the people's representatives to carry out a more balanced and symmetrical parliament-government debate on issues of land security for IDPs than in the past
« Who knows better, argues better, raises awareness and convinces ».



This policy document is the result of cooperation between NELGA Central Africa, the Central African Universities Network of Excellence on Land Governance and REPAR, the Network of Central African Parliamentarians committed to facilitating a better inclusion of the issue of natural resource management in national legislations. Since the land issue is closely linked to that of natural resource governance, REPAR has a thematic group working on the theme of land governance.

This convergence of interests has led REPAR and NELGA AC to join forces to envisage a formalized collaboration. To this end, the two parties decided to jointly carry out a first activity aimed at assessing their willingness to collaborate. This resulted in the joint organization of a training and sensitization workshop for parliamentarians on the issue of land security for IDPs in Cameroon. Held at the Hôtel des Députés on 2 December 2019, this meeting brought together about twenty parliamentarians. The specific objectives of this workshop were to :

- 1.** Better sensitize and inform parliamentarians on land issues and challenges of internally displaced persons either for environmental or socio-political reasons.
- 2.** To provide them with tools and arguments for a better consideration of this issue in texts and in practice.
- 3.** Access a reliable source of information on initiatives taken in favour of land security for IDPs.
- 4.** Have a policy brief to further raise awareness on the issue among Parliament and other key actors.

This document is therefore aimed at achieving the latter objective.

The discussions were guided by the scoping presentations of Dr. Samuel Nguiffo (Executive Secretary of the CED) and Prof. Paul Tchawa (NELGA AC Coordinator). The parliamentarians were also enlightened by the presentation of Mr. Guinin Asso who came from Cotonou to share Benin's experience in this area. The Workshop was facilitated by Mr. Essama Essama Mathurin.

This Policy Brief is structured in four sections: the first aim is to show why it is important to secure the land rights of IDPs; the second analyses the issues and challenges of securing land rights for IDPs; the third summarizes recommendations on which to base the discussion prior to a possible

revision of the texts. The last section offers suggestions for parliamentarians and any other actor wishing to know more about the issue. «Who knows better, argues better, raises awareness and convinces».

The hope of the organizers is that this document will meet the expectations of parliamentarians and effectively serve as a working tool likely to prepare them to lead a more balanced and symmetrical Parliament-Government debate than in the past. It is equally constructive and fruitful in the sense that it augurs substantial changes towards better securing the land rights of internally displaced persons resulting from natural disasters, conflicts and the implementation of major projects in Cameroon.

1 - Why is it important to better regulate land security for IDPs ?

1.1 - A prerequisite : *clarifying concepts, refugees, forced/voluntary displaced persons, IDPs*

There seems to be some confusion between refugees, a concept that refers to people who have left, often under duress, their country and have had to cross international borders to find themselves in a third country, and internally displaced persons who are also forcibly displaced but within the same country.

While the former are generally taken into account by United Nations specialised agencies such as the United Nations Refugee Agency and many other NGOs, including the International Red Cross, the category studied here, i.e. internally displaced persons, is primarily the responsibility of States.

Priority must therefore be given to public policies on emergency management and the inclusion of vulnerable persons in the search for solutions. This does not mean that international organisations do not contribute to meeting the challenges of the growing number of IDPs in vulnerable situations.

In the recommendations of the «Guiding Principles on Internal Displacement» adopted by the United Nations in 1998, internally displaced persons are defined as :

« Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border ».

1.2 - The State has primary responsibility, parliamentarians are natural facilitators

These recommendations are broken down into principles, some of which, without being binding, guide the role of States in the supervision and preservation of the rights of IDPs. Principle 28 (1) states that :

« It is the primary duty and responsibility of the national competent authorities to create conditions, or provide the necessary means, for the voluntary, safe and dignified return of internally displaced persons to their homes or places of habitual residence or their voluntary resettlement in another part of the country. The said authorities shall endeavour to facilitate the reintegration of internally displaced persons who have returned to their place of origin or who have been resettled ».

However, it so happens that for many reasons, especially budgetary, suddenness of the outbreak of some of the processes leading to the displacement of the victims, thus giving rise to the lack of budgetary planning, especially in these unforeseen situations, many African countries including Cameroon are faced with problems related to the efficient care of IDPs.

This is particularly the case of internal displacements resulting from conflicts and natural disasters. Beyond their budgetary implications, these issues seem to be strengthened by an inadequate legal and legislative framework.

Consequently, it becomes a priority to spark a constructive and inclusive debate on this issue in order to reconsider the situation of IDPs in Cameroon with greater promptness, equity and efficiency.

1.3 - Cameroon: a favourable ground for involuntary internal displacement ?

Cameroon is visibly quite exposed to natural disasters (toxic gas emissions, earthquakes, volcanic eruptions, landslides, floods, various other extreme climatic phenomena). In recent years, the country has embarked on a vast investment programme giving rise in practically all regions to involuntary population displacements (Lom Pangar Hydroelectric Project, Memve'elé Hydroelectric Project, Kribi Deep Sea Port...).

Finally, the security situation in the country has deteriorated with episodic attacks by fanatics of the Boko Haram terrorist sect in the north of the country, while in the two English-speaking regions, separatists are confronting the defence and security forces in an ongoing conflict.

In Cameroon, as of March 31, 2020, **679,393** internally displaced persons (IDPs) victims of the conflict in the English-speaking regions were living in host communities in the cities or in makeshift sites in neighbouring regions (<https://data2.unhcr.org/fr/country/cmr>).

In the far north of the country, more than **297,380** Cameroonians who have abandoned villages along the Cameroon-Nigeria border are IDPs; (<https://data2.unhcr.org/fr/country/cmr>).

These figures are impressive, they are growing and we do not know the numbers of those who in recent years, in the northern part of the country, forced by the effects of global warming, have been subject to an insidious and silent internal displacement and environmental migration. When they cross international borders, these displaced persons are referred to as climate refugees. Even at the international level, the texts governing their precise identification and inclusion have not yet been permanently adopted.

With regard to **internally displaced persons in the context of development or infrastructure projects, more than 75 per cent** of expropriation decrees are not followed up, with a twofold consequence: (a) A cumulative compensation claim of approximately **CFAF 40 billion** in 2015; (b) The worsening of the precarious state of victims awaiting compensation on sites already expropriated by law.

Internally displaced persons in Cameroon



679 393
internally displaced persons (IDPs) victims of the conflict in the English-speaking regions



297 380
Cameroonians who have abandoned villages along the Cameroon-Nigeria border are IDPs



75%
of expropriation decrees are not followed up



1.4 - Pernicious effects on various sectors of development

Whether they are caused by natural disasters, conflicts or major projects, these internal displacements contribute to keeping the country in a spiral of poverty, they contribute to environmental degradation, to the non-achievement of sustainable development goals, impact social climate because they undermine people's dignity and particularly the rights of vulnerable people (children, women...).

The right to land and housing for various economic, social but also cultural reasons (attachment to place and sense of belonging to a socio-spatial formation), conveys stakes of primary importance.

The links between land governance and development have been highlighted and a synthesis carried out by the African Union, the African Development Bank and the Economic Commission for Africa at the continental level. This resulted in the Framework and Guidelines on Land Policy in Africa (C&D), the Declaration of African Heads of State and Government on Key Land Issues and Challenges in Africa (2009) and the Guidelines on Large-Scale Land Acquisition or Disposal in Africa (2014).

In spite of this strategic framework at the supranational level, substantial changes are slow to take place within Central African countries in this regard. Many challenges still hang on.



2 – Major Challenges Related To Internal Displacement And Typology

2.1 - Varied and pressing challenges...

The synthesis of numerous works on land in Africa shows common challenges among which :

- The inability of current land tenure systems to sustainably eradicate social conflicts;
- The inability of potential reforms to create and maintain an environment of sustainable peace due to lack of participation and inclusiveness;
- Marginalisation of customary land tenure institutions which, although weakened, adapt and resist in the context duality in the face of modern law;
- Discrimination/exclusion in access to property for certain groups (women, foreigners, youth);
- The inability of current tools to secure tenure for rural people to use their occupancy status to access credit;
- The difficulties of current land policies to secure, manage and guarantee the peaceful and equitable transfer of collective and community lands.

In Cameroon, as in many African countries, there is an overlap of land rights that includes both customary/religious and administrative/statutory institutions.

2.2 - ...Calling for the revision of the institutional framework

The State detains, by virtue of the laws in force, the necessary levers for land management, but in reality, it is sometimes a passive spectator of justified or unjustified transactions:

For example, the Bamoun Sultan has offered part of the land of which he is the guarantor of customary management to ICRC, which envisages settling internally displaced persons (IDPs) from the conflicts in English-speaking regions to carry out agriculture.

In the case of the recent disaster in Ngouache in the west of the country, it was again a customary chief who offered land for the settlement of the affected families.

This confirms a disturbing incongruity. The State, which is the owner of all lands, is rivalled by the customary authorities on land that falls within the national domain. In such circumstances, the State must have, as part of the implementation of the SNADDT (Schéma National d'Aménagement et de Développement Durable du Territoire), dedicated land reserves ready to be developed to accommodate families in disinheritance and internally displaced persons, whether or not they are forced to move.

The transfer of rural land in the national domain to private investors, both foreign and domestic, has increased since 2007, provoking demonstrations against land grabbing in some regions. The current quest for food and energy, coupled with globalization and the policy of unrestricted liberalization, is leading to a new scramble for customary land. The room for manoeuvre in terms of settlement possibilities is diminishing, just as, as a result of these large-

scale acquisitions, some families or clans are losing the use of land they have peacefully occupied for decades.

Violations and deprivations of land rights of forcefully displaced populations can be grouped into two categories: challenges that operate independently of the conflict and specific obstacles related to the conflict.

Within host communities, the competencies of institutions governing land rights overlap. This results in great pressure on space and resources. Under these conditions, land chiefs have little room for manoeuvre to facilitate the access of IDPs and women to exercise their land rights.



The Ngouache land slides catastrophe.

2.3 - Typology of IDPs and operational implications

Three types of involuntary displacement can be distinguished :

Internally displaced persons due to the implementation of projects

This is the type which the law mostly regulates. Certainly, the DUP (Declaration of Public Utility) is triggered prior to the start of projects. The CCE (*Commission de Constat et d'Evaluation*) is mobilised to identify the occupants and evaluate the properties involved, but many problems linger on. They range from contesting the value of the property to the time taken to compensate people who have to leave their property permanently as a result of the project. Curiously, the law provides that eviction can take place before the State compensates the victims, but this, regardless of the reason, seems unfair and undoubtedly unpopular.

There have also been cases of DUPs whose execution triggers displacements that have not subsequently resulted in the project being carried out. Sometimes after several decades, the project does not continue. Generally, once compensation has taken place, each involuntary displaced person must find a plot of land on his or her own to rebuild a house. In rural areas, this issue is of great concern because the involuntarily displaced have to find not only housing but also farmlands, hunting grounds or fishing sites.



Flood after heavy rains in Douala (Cameroon).

IDPs due to natural disasters

The land problems of involuntary displaced persons caused by natural disasters (floods, toxic gas emissions, landslides, droughts) are not adequately dealt with by the public authorities.

Decades after the Nyos disaster in north-western Cameroon, some displaced people are still living in precarious conditions. Some have deliberately refused the proposed sites for various socio-cultural reasons, while others, traumatised by the tragedy, have left the region for good without having a safe

alternative. In some cases of displacement caused by natural disasters, return is not an option given the damage suffered and the risks incurred in these areas. It is essential that victims be resettled.

The recent Ngouache disaster due to a mudslide in the western region of Cameroon is a case in point. Houses and other property destroyed must be reconstructed elsewhere, as the affected site has been permanently declared non aedificandi.

DPs caused by wars and conflicts

In the case of involuntary displacement caused by war and armed conflict, the land rights of the victims must be considered at two levels. The problem is not the same depending on whether the rights are in the host sites or in the places of departure.

At the level of host sites :

In host sites, the question is how to get newcomers accepted through arrangements with customary and administrative authorities so that they can temporarily exercise rights of access and use where they have been settled.

In the places of departure :

Here, the question of securing the property of the displaced is crucial. This is a delicate issue, particularly and unfortunately, in the very numerous cases of people occupying land under customary rights and therefore without title deeds. The state must have the legal power to secure the land and other property of absent IDPs, especially if their absence is long term.

3 - Recommendations To Spark The Debate To Better Account For Internally Displaced Persons

Considering that «it is the primary duty and responsibility of the competent authorities to create conditions or provide the necessary means for the voluntary, safe, dignified return of internally displaced

persons to their homes or places of habitual residence or their voluntary resettlement in another part of the country», these recommendations are timely:

3.1 - Elements for a balanced Parliament-Government debate

As representatives of the people, parliamentarians are called upon to encourage a constructive debate on the issue in the National Assembly in order to sensitize the government to formally take into account the rights of IDPs, i.e. through a possible readjustment of texts, rather than through specific actions. In Cameroon, access to land is one of the rights that is at the root of the most glaring situations of precariousness.

The Cameroonian authorities should consider strengthening the capacity of individuals to enjoy IDP rights through information, counselling and social assistance.

From a legal point of view, it is better to use temporary regulations and arrangements, especially in the very frequent cases of temporary internal displacement.

The measures usually taken or that should be considered by the State should not have the same content or scope depending on the cause of the forced or involuntary displacement. The typology adopted above is relevant in this regard :

1. Involuntary displacement caused by wars and conflicts,
2. Involuntary displacement caused by natural disasters,
3. Involuntary Displacement caused by Major Projects.



Internally displaced persons in Cameroon (actucameroun.com).

3.2 - Internal displacement caused by project implementation

Beyond the number of displaced households or persons, the State should consider piloting a genuine displacement and resettlement plan. Effective monitoring tools should be available to identify pretextual displacement and resettlement plans, which remain in the drawers, although they are provided for in the projects' ESMPs but never or rarely implemented in a participatory and inclusive manner.

The initiative recently taken by the State and its financial partners to evaluate and optimise the compensation process for populations within the framework of major development projects should be encouraged and carried to completion point. It must be able to provide solutions to, among other things, the issue of evictions before compensation payments are made, the problem of late payment, the settlement of the compensation debt and possibly the homogenization of the value of the properties in question, which must be readjusted on the best-value grid.

3.3 - Internally displaced persons who are victims of natural disasters

While emergency measures are planned to rescue and shelter the victims, long-term management, particularly in terms of permanent resettlement, is yet to be legally established, as was seen in the case of the displaced persons from Nyos, victims of the gas disaster.

Within the framework of the SNADDT, the State should, under the impetus of parliamentarians, provide for the constitution, by region, of land reserves that are well-chosen in terms of both size and location for the settlement of permanent or temporary IDPs.

Some of these families could also be offered facilities to integrate and rebuild their lives on pioneering fronts.

3.4 - Internally displaced victims of conflicts

The measures to be taken will have to be tailored according to whether one is in the context of a place of departure or a temporary place of host generally.

In the case of host areas, in the absence of a permanent reform of customary land tenure towards greater recognition, the State should provide simple and effective mechanisms to regulate the acceptance and temporary settlement of IDPs by the customary authorities. This acceptance must be based on being able to guarantee access to and use of resources (soil, flora, water, etc.) to the displaced for the duration of their stay. These rights must be guaranteed individually and collectively both in the case of appropriate resources. In return, it warrants that the displaced persons to be settled agree to apply the rules usually observed by the host community in the framework of their management.

In the case of areas of departure of IDPs, particularly if displacement lasts because of a long and ongoing conflict, the State should ensure that the rights of the absent persons are preserved, especially if they occupied the land under customary rights and therefore don't have a land title to it.

In any event, in both cases, the role of the administrative authorities is crucial in facilitating this integration and intervening promptly when disputes and conflicts arise.

The authorities should create an enabling environment for the transfer and transformation of land rights either formally through documented transactions or informally through intra-family or community agreements» (UNECA, 2009). This should help to facilitate the settlement and, where appropriate, the securing of the land rights of IDPs in both departure and arrival sites.

3.5 - REPAR in the role of facilitator of debate

REPAR is, both at the level of Cameroon and the Central African sub-region, the ideal instrument to stimulate and animate constructive debates which are likely, in the long run, to bring about the necessary and urgent changes for a better consideration of the challenges faced by involuntary IDPs.

Although it is not possible to act in the short term on the fundamental causes that lead families to leave their

usual places of residence temporarily or permanently, it is quite possible to better establish the legal and regulatory framework essential to the preservation of their rights, in particular land rights, within the strict framework of respect for human dignity. The preservation of social peace, which is an essential guarantee of harmonious development, is crucial in Cameroon more than elsewhere in the sub-region.



M. Guinin Asso (GIZ Bénin) during his presentation



Dr Samuel Nguiffo (Executive Secretary of CED)



Pr. Paul TCHAWA,

main author of this Policy Brief, on behalf of the whole
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For More Information

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